



**Albany City Council**  
Virtual Meeting  
Albany, CA 94706  
Monday, June 06, 2022

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## **AGENDA**

Monday, June 06, 2022, **6:00 PM**

\*\*\* NOTE EARLY START TIME \*\*\*

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### **COVID-19 NOTICE – PUBLIC MEETING GUIDELINES**

Consistent with California Assembly Bill 361, given the proclaimed state of emergency and the Alameda County Health Care Services Agency Director’s recommendation for continued social distancing for public meetings, which is also consistent with CalOSHA requirements for social distancing, the City Council will be participating in City Council meetings via phone/video conferencing. The public is invited to participate via the methods below:

#### **How to watch or listen to the meeting:**

1. Meetings are streamed live and recorded for viewing on City website [www.albanyca.org/meetings](http://www.albanyca.org/meetings) or on YouTube ([www.YouTube.com/AlbanyKALB](http://www.YouTube.com/AlbanyKALB))
2. To observe the meeting by video conference, please go to <https://zoom.us/s/97970114482>.
3. To listen to the meeting by phone, please call 1 (669) 900-9128, then enter **Webinar ID 979 7011 4482**, follow by #. When asked for a participant ID, press # again.

#### **How to submit Public Comment:**

1. Members of the public may submit comments in writing by emailing the City Council [citycouncil@albanyca.org](mailto:citycouncil@albanyca.org) with the Agenda item number clearly identified in the subject line of the email. Comments may also be submitted by mail to City of Albany – Meeting Comments, 1000 San Pablo Avenue, Albany, CA 94706. All written comments received by 5 PM on the day of the meeting will be provided to the City Council before the meeting and posted on the website. Other written comments received after 5 PM will still be provided to the City Council and be included as part of the meeting record.
  2. To comment by video conference, click the “Raise Your Hand” button to request to speak during public comment period. You will be asked to unmute yourself when it is your turn to make your comment. After the allotted time, you will then be re-muted.
  3. To comment by phone, you will “Raise Your Hand” by pressing \*9 to request to speak during public comment period. When it is your turn to make your comment, you will be asked to unmute yourself by pressing \*6. You will be re-muted after the allotted time.
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**1. CALL TO ORDER / ROLL CALL**

The following Land Acknowledgement Statement shall be read at the beginning of each City Council meeting and Advisory Body meeting per Albany City Council Minute Action, November 15, 2021.

“The City of Albany recognizes that we occupy the land originally protected by the Confederated Villages of Lisjan. We acknowledge the genocide that took place on these lands and must make strides to repay the moral debt that is owed to this indigenous people, specifically the Ohlone Tribe. We thank them for their contributions which have transformed our community, and will continue to bring forth growth and unity. The City of Albany commits to sustaining ongoing relationships with the Tribe and together build a better future for all that now make this their home.”

**2. CLOSED SESSION**

Opportunity for the public to speak on Closed Session item prior to Council adjourning to Closed Session on the following:

- 2-1.** Conference with Labor Negotiators Pursuant to Government Code Section 54957.6:

City Negotiator: Mayor Preston Jordan

Unrepresented Employee: City Manager Nicole Almaguer

**STARTING NO EARLIER THAN 7:00 PM**

**3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**

No public comment will be taken.

**4. CEREMONIAL MATTERS**

- 4-1.** Proclamation – Elder Abuse Awareness Month

- 4-2.** Proclamation – Juneteenth

**5. CITY MANAGER REPORT**

The City Manager provides verbal and/or written reports regarding matters of interest to the Council.

**6. GOOD OF THE CITY / PUBLIC COMMENT**

For persons desiring to address the City Council on an item that is not on the

agenda. Please note that City policy limits each speaker up to three (3) minutes. The Mayor may reduce the time limit per speaker depending on the number of speakers. The Brown Act limits the Council's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

Comments related to items appearing on the agenda are taken up at the time the City Council deliberates each action item. The Mayor will announce when the period for public comment is open on each agenda item.

## **7. CONSENT CALENDAR**

Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the City Council. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.

- 7-1.** Minutes – May 16, 2022  
Minutes – May 23, 2022

Staff recommendation: Approve

- 7-2.** Ratification of Payroll – Date Paid 05/20/2022: Net Amount \$346,513.58, Taxes/Benefits/Deductions \$370,276.37, Total Payroll \$716,789.95

Staff recommendation: Ratify

- 7-3.** Ratification of Bills, Claims and Demands – Ratification of bills, claims and demands against the City of Albany in the amount of \$129,007.96 (5/13/2022), \$1,135,807.42 (5/20/2022), \$303,425.75 (5/27/2022)

Staff recommendation: Ratify

- 7-4.** Advisory Body Resignation:

- Michael Petrilli appointed by Council Member Gary resigned from the Economic Development Committee

Staff recommendation: information item

- 7-5.** Proclamation – Immigrant Heritage Month

Council Member McQuaid recommendation: that the Council recognize June 2022 as Immigrant Heritage Month

- 7-6.** Proclamation – Loving Day

Council Member McQuaid recommendation: that the Council recognize

June 12, 2022 as Loving Day in the City of Albany

**7-7. Resolution Denouncing Racism, Violence, and Intolerance Against Blacks/African Americans**

Council Member Gary recommendation: that the Council adopt Resolution No. 2022-61, denouncing racism, violence, and intolerance against Blacks/African Americans

**7-8. Resolution Condemning Acts of Violence Against Children**

Council Member Gary recommendation: that the Council adopt Resolution No. 2022-62, condemning acts of violence against children

**7-9. Albany Creative Justice Art Project Panelist Stipend**

Arts Committee recommendation: that the City Council authorize a total of \$1,500 (3 individual payments of \$500 each) for 3 experts to serve on the selection panel for the Albany Creative Justice Art Project. The amount is to be paid from the Art in Public Places fund as specified in the Albany Public Art Master Plan

Staff recommendation: that the Council adopt Resolution No. 2022-52, allocating \$1,500 from the Art in Public Places fund for stipends for 3 panelists with expertise in public art to review submissions received for the Albany Creative Justice Art Project

**7-10. Fire Department Purchases of New Monitor/Defibrillators and Emergency Communications Equipment**

Staff recommendation: that the Council adopt Resolution No. 2022-53:

1. Authorizing the appropriation of \$261,673.74 from the Fire Department Reserve Fund (2205) and \$106,852.43 from the Emergency Medical Services (EMS) Reserve Fund (2204) for the purchase of new monitor/defibrillators and emergency communications equipment; and
2. Authorizing the City Manager to execute an agreement to purchase the following: three LIFEPAK 15 V4 fully equipped monitor/defibrillators from Styker Medical for \$106,852.43; 25 Motorola portable radios from Motorola Solutions for \$ 255,108.08; and two KNG-M150RM mobile radios from Silverado Avionics for \$ 6,565.66 using appropriated reserve funds

**7-11. Annual State SB1/RMRA Project List Submittal for Funding by the Road Repair and Accountability Act of 2017**

1. Staff recommendation: that the Council adopt Resolution No. 2022-

54:

- Authorizing staff to submit the following proposed project to be funded in-part or solely with Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account (RMRA) revenues:
  - Project Title: Marin Avenue Pavement Rehabilitation Project
  - Project Description: The project consists of rehabilitation of a main arterial street, including three-quarters of a mile of paving, curb ramps, bulbouts, drainage improvements, striping and signage improvements, bikeway improvements, and green infrastructure.
  - Project Location: Marin Avenue between Cornell Avenue and Tulare Avenue (City Limits)
  - Estimated Project Schedule: Phase 1: Start 9/2022 – Completion (11/2022); Phase 2: Start 3/2023 – Completion (9/2023)
  - Estimated Project Useful Life: approximately 30 years
2. Appropriating the City’s estimated FY22-Fy23 RMRA allocation of \$410,530 to the Annual Street Rehabilitation Program (CIP No. 21000)

**7-12.** US EPA (United States Environmental Protection Agency) Consent Decree Regulatory Compliance (CIP No. 51010)

Staff recommendation: that the Council adopt Resolution No. 2022-55, appropriating \$50,000 from the Buildings Reserve Fund (2007) to the City Buildings Upper Sewer Lateral Project (CIP No. 51010) for investigation and as-needed repairs or rehabilitation of City-Owned upper sewer laterals

**7-13.** Kains Avenue/Adams Street Bicycle Boulevard Pilot Project (CIP No. 25010) – Award of Construction Contract No. C22-27

Staff recommendation: that the Council adopt Resolution No. 2022-56, authorizing the City Manager to award Contract No. C22-27 to Bayside Stripe & Seal, Inc. to construct the Project for the not-to-exceed amount of \$138,058 from previously appropriated funds under CIP Project No. 25010

**7-14.** Annual Pavement Rehabilitation Program (CIP No. 21000)  
Contract No. C21-10: Contract Amendment #3 for Marin Pavement Rehabilitation Project Phase 1 – Drainage Improvement Design

Staff recommendation: that the Council adopt Resolution No. 2022-57, authorizing the City Manager to execute Contract Amendment #3 to Contract #C21-10 to CSG Consultants, Inc in the amount of \$79,880 for drainage improvement design services using funds previously appropriated for the Annual Street Rehabilitation Program (CIP No.

21000)

- 7-15.** Initiating Proceedings, Approval of Annual Reports, and Intention to Levy and Collect Assessments in Assessment District No. 1988-1 for Fiscal Year 2022/23, and Setting a Public Hearing for June 21, 2022

Staff recommendation: that the Council:

1. Adopt Resolution No. 2022-58, Initiating Proceedings for the Levy and Collection of assessments for the Landscaping and Lighting Assessment District 1988-1 for Fiscal Year 2022/23.
2. Adopt Resolution No. 2022-59, Approving the Annual Report for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2022/23.
3. Adopt Resolution No. 2022-60, A Resolution of Intention to Levy and Collect Assessments for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2022/23. Pursuant to the Landscaping & Lighting Act of 1972, set a public hearing for June 21, 2022 on the proposed assessment

**8. PRESENTATION**

**9. PUBLIC HEARING**

**10. UNFINISHED BUSINESS**

- 10-1.** Potential Revision to Rate for Business License Tax and Technical Changes to Sections 5-1 and 5-2 of Chapter V of the Albany Municipal Code Relating to the Business License Tax

Staff recommendation: that the Council provide direction on the Resolution calling for a potential tax measure to change to a graduated rate for the Business License Tax and to make technical changes to Sections 5-1 and 5-2 of Chapter V of the Albany Municipal Code relating to the Business License Tax so that the tax measure may be submitted to voters at the November 8, 2022 election

- 10-2.** Potential New Commercial and Residential Vacancy Tax

Staff recommendation: that the Council provide policy direction on a potential new commercial vacancy tax for voter consideration at the November 8, 2022 election and consider the Resolution calling for the special tax to be placed on the ballot

- 10-3.** Potential New Emergency Medical Services, Advanced Life Support, and

Fire Protection Tax

Staff recommendation: that the Council provide direction on the Resolution calling for a potential new Emergency Medical Services, Advanced Life Support, and Fire Protection Tax for voter consideration at the November 8, 2022 election

**11. NEW BUSINESS**

**11-1. Gas to Electric Permit Fees Waiver with Measure DD Revenue**

Mayor Jordan recommendation: that the Council direct staff to prepare an amendment to the Master Fee Schedule waiving permit fees for replacing a gas-fired appliance with an electric appliance, an electric vehicle charger and any associated panel upgrades

**12. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS**

Council Subcommittees report, if they have met, and Council Members provide reports on any local, state or regional government meetings at which they have represented the City of Albany. Council members may provide reports on any meetings and/or community events and activities they have attended or plan to attend that they believe may be of interest to the Council, staff, or public. The Mayor may invite citizens who represent Albany at such meetings to report as well.

Council Members are encouraged to provide staff with links and/or a written report of meetings attended in advance of the posting of the Council agenda to include with the agenda materials. The Council shall have the authority to take action regarding any agendaized written recommendations provided under this agenda category as needed.

<b>City Council Appointed Representation Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
Alameda County Mayors' Conference	Jordan	Tiedemann
Alameda County Transportation Commission	Nason	Jordan
Alameda County Waste Management Authority	Jordan	Nason
Association of Bay Area Government	Gary	Tiedemann
East Bay Community Energy JPA Board	Tiedemann	Jordan

East Bay Sports Field Recreational Authority JPA	Nason	Gary
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Tiedemann
Alameda County Mosquito Abatement District	Jordan	N/A
Alameda County Library Advisory Commission	Gary	(vacant)
Alta Bates Hospital Task Force	McQuaid/Nason	N/A
Rausser College of Natural Resources Dean's Advisory Committee on the Gill Tract (DAC)	Gary	N/A
City/AUSD/UC - 2X2X2	Jordan/Tiedemann	N/A
Police & Fire Pension Fund Board	Jordan	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

**13. FUTURE AGENDA ITEMS**

Council Members and City Manager note upcoming agenda items that may be of interest to the Council, staff, or public. Council Members may request that items be placed on a future agenda.

**14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS**

Information available on City website <https://www.albanyca.org/our-city/city-calendar> City Calendar web page. No public comment will be taken.

Upcoming City Events – please check on City website [www.albanyca.org](http://www.albanyca.org) under City Calendar web page for up-to-date information

1. Juneteenth – Observed on Monday, June 20, 2022 (City Offices Closed)

Upcoming City Meetings

1. Social & Economic Justice Commission Meeting, Tuesday, June 7, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Parks, Recreation & Open Space Commission Meeting, Thursday, June 9, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Arts Committee Meeting, Monday, June 13, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Climate Action Committee Meeting, Wednesday, June 15, 7:00 PM, Virtual Meeting via phone/video conferencing
4. City Council Meeting, Tuesday, June 21, 7:00 PM, Virtual Meeting via



phone/video conferencing (due to Juneteenth on Monday)

## 15. ADJOURNMENT

Per City Council Resolution No. 2021-13, no Council meeting shall continue past 10:30 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 10:30 p.m. shall include a list of specific agenda items to be covered. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular meeting or by a two-thirds majority vote of the Council to an adjourned regular meeting.

The Council agenda is posted for public inspection in advance of meetings at the City Hall, the Albany Community Center, and the Albany Senior Center. Agendas and supporting documents can also be found online at: [www.albanyca.org](http://www.albanyca.org). Supporting documents and any public comments received will be made available for public inspection online or via email request. If you have any questions pertaining to any agenda item or meeting procedure, please contact the City Clerk's Office at 1 (510) 528-5710 or [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org).

Please note that if you provide your name and address when speaking before the City Council or submitted as part of your written public comment, the information will become part of the official public record, which will be posted online and subject to disclosure under the Public Records Act.

## NOTICE

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedure Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure 1094.6.

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 1 (510) 528-5710. Notification 48 hours prior to the meeting where possible will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address,

phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting where possible. Request should be sent to: [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org) or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.