



**Albany City Council**  
City Hall Council Chambers  
1000 San Pablo Ave., Albany, CA  
Monday, July 17, 2023



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## **AGENDA**

Monday, July 17, 2023, 6:00 PM

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

<https://albanyca.zoom.us/j/87852424530>

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## **PUBLIC MEETING GUIDELINES**

Albany City Council meetings are conducted in person at City Hall Council Chambers. As a courtesy, and technology permitting, members of the public may continue to participate virtually. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

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### **1. CALL TO ORDER / LAND ACKNOWLEDGEMENT**

“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**

**2-1.** Public Employee Performance Evaluation (Gov. Code Section 54957)  
Public Employee: Nicole Almaguer, City Manager

Conference with Labor Negotiators (Gov. Code Section 54957.6)

City Negotiator: Mayor Aaron Tiedemann

Unrepresented Employee: City Manager Nicole Almaguer

### **3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY (7:00 PM)**

No public comment will be taken.

### **4. CEREMONIAL MATTERS**

**5. CITY MANAGER REPORT**

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

Information available on [City website weekly eNews](https://www.albanyca.org/our-city/city-news) – <https://www.albanyca.org/our-city/city-news>.

**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 – June 20, 2023 & June 22, 2023

Staff Recommendation: Approve

**7-2.** Ratification of Payrolls –

- 1. Date Paid 6/16/2023: Net Amount \$376,559.10, Taxes/Benefits/Deductions \$395,520.91, Total Payroll \$772,080.01
- 2. Date Paid 6/30/2023: Net Amount \$413,584.41, Taxes/Benefits/Deductions \$345,783.01, Total Payroll \$759,367.42

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 \$612,799.71 (6/16/2023), \$990,025.93 (6/23/2023), \$298,731.39 (6/30/2023), \$93,942.30 (7/7/2023)

Staff Recommendation: Ratify

**7-4.** Advisory Body Appointment:

- Estrella Sainburg by Vice Mayor Miki to the Parks, Recreation & Open Space Commission

Staff Recommendation: Information only

**7-5.** San Pablo Avenue Pedestrian Improvements Project Phase I - CIP No. 24010

Authorize Call for Bids for Phase I Construction (C23-08)

Staff Recommendation: That the Council adopt Resolution No. 2023-53, authorizing the City Manager to approve a Call for Bids for Contract No. C23-08 for the San Pablo Pedestrian Improvements – Phase I, using funds previously appropriated as part of the City’s current five-year Capital Improvement Plan (CIP No. 24010)

California Environmental Quality Act (CEQA) & National Environmental Policy Act (NEPA):

The project is Categorical Exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing streets, sidewalks, and pedestrian crossings. As part of the federal-aid requirements, Caltrans has determined that this project is also a Categorical Exclusion under NEPA: 23 CFR 771.117(c): activity (c)(3).

**7-6.** Lower Codornices Creek Restoration Phase IV Project (CIP No. 43001) – Award of Construction Contract No. C23-26 and Construction Management Services Contract No. C23-46

Staff Recommendation: That Council adopt Resolution No. 2023-54:

1. Authorizing the City Manager to award Contract No. C23-26 to Bay Co. to construct the Phase IV Project (CIP No. 43001) for the not-to-exceed amount of \$1,360,000;
2. Authorize the City Manager to execute Contract No. C23-46 with Zoon Engineering to provide construction management services for the not-to-exceed amount of \$155,000; and
3. Appropriating funds in the amounts of \$90,000 from Measure B Bicycle & Pedestrian Funds (1102) and \$182,000 in Measure BB Bicycle and Pedestrian Funds (1202), and increasing the project budget for Phase IV of the Lower Codornices Creek Restoration Project (CIP No. 43001) accordingly

California Environmental Quality Act (CEQA):

The project is Categorical Exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines, which exempts the

minor alteration of storm drains, walkways, bicycle facilities, pedestrian crossings, and existing landscaping that will result in a negligible expansion of use. In addition, Section 15304 “Minor Alterations to Land” of the CEQA Guidelines, exempts the minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, and is in an area with a slope of less than 10%, and if new landscaping will be water efficient. Upon Council award of Construction Contract C23-26, a Notice of Exemption will be filed with the Alameda County Clerk-Recorder’s Office.

**7-7.** Annual Street Rehabilitation Program (CIP No. 21000) – 2023 Pavement Maintenance and Repair Project – Award of Construction Contract No. C23-30 and Construction Management Services Contract No. C23-48

Staff Recommendation: That the Council adopt Resoltuion No. 2023-55:

1. Authorizing the City Manager to award Contract No. C23-30 to Dryco to construct the 2023 Pavement Maintenance and Repair Project for the not-to-exceed amount of \$1,120,362.06; and
2. Authorizing the City Manager to execute Contract No. C23-48 with Zoon Engineering to provide construction management services for the not-to-exceed amount of \$93,046.80; and
3. Appropriating \$40,000 from ACTC VRF revenues, \$760,000 from ACTC Measure BB LSR revenues, and \$800,000 from local Measure F Street & Storm Drain Tax revenues to the Annual Street Rehabilitation Program (CIP No. 21000) and adjusting the program budget accordingly

California Environmental Quality Act (CEQA):

The project is Categoricaly Exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing streets and pedestrian crossings.

**7-8.** Kains Avenue/Adams Street Bicycle Boulevard Pilot Project (CIP No. 25010) – Contract No. C22-27 Closeout and Filing of Notice of Completion

Staff Recommendation: That the Council adopt Resolution No. 2023-56, authorizing the City Manager to:

1. Accept the improvements completed in the Kains Avenue/Adams street bicycle boulevard Pilot Project (Contract No. C22-27); and
2. File the Notice of Completion with the County Recorder’s Office

**7-9.** Ordinance No. 2023-04, adding Section 12-15 to the Albany Municipal Code to require seismic retrofit of certain residential buildings – Second

Reading, Pass-to-Print

Staff Recommendation: That the Council adopt Ordinance No. 2023-04, adding Section 12-15 to the Albany Municipal Code to require seismic retrofit of certain residential buildings – Second Reading, Pass to Print

**7-10. Recommendation of Consultant to Conduct Racial Equity Survey**

Staff Recommendation: That the Council:

1. Adopt Resolution No. 2023-57, approving a contract agreement with The Justice Collective; and
2. Authorize an appropriation of funds from the General Fund reserve for this project

**8. PRESENTATION**

**8-1. Status Report Regarding the Albany Five-Year Capital Improvement Plan for Fiscal Years 2019/20 through 2023/24**

Staff Recommendation: That the Council receive a presentation from staff regarding the status of programs and projects designated for implementation as part of the City's current Capital Improvement Plan

**9. PUBLIC HEARING**

**9-1. Public Hearing to Authorize Collection of Delinquent Waste Collection Bills by Placement on the Alameda County Property Tax Roll**

Staff Recommendation: That the Council adopt Resolution No. 2023-58, confirming the special assessment list for delinquent residential garbage bills, and authorizing the delinquent charges be placed on the Alameda County property tax roll

**9-2. Public Hearing for Amendment to the Transportation Element of the General Plan and Amendment to Sections 20.20 and 20.28 of the Albany Municipal Code (Zoning Ordinance) to modify off-street parking requirements, First Reading**

Planning & Zoning Commission and Climate Action Committee Recommendation: That the Council consider the staff presentation, recommendations from boards and commissions, and public comments, and:

- Adopt a resolution amending the Transportation Element of the General Plan; and
- Adopt an ordinance amending Sections 20.20 and 20.28 of the

Albany Municipal Code (Zoning Ordinance) to modify off-street parking requirements

Transportation Commission Recommendation: That the Council adopt the resolution and ordinance recommended by the Planning & Zoning Commission with the following modification: exempt properties located on streets with bicycle facilities from the maximum parking requirement

Staff Recommendation: That the Council:

1. Adopt Resolution No. 2023-59, amending the Transportation Element of the General Plan; and
2. Introduce and waive first reading of Ordinance No. 2023-05, amending Sections 20.20 and 20.28 of the Albany Municipal Code (Zoning Ordinance) to modify off-street parking requirements

## **10. UNFINISHED BUSINESS**

- 10-1.** San Pablo Avenue Multimodal Corridor Program: Safety Enhancement and Parallel Bike Improvements Projects

Transportation Commission & Staff Recommendation: That the Council:

1. Approve the conceptual design for the San Pablo Avenue Multimodal Corridor Program: Safety Enhancement and Parallel Bike Improvements Projects within the City of Albany, and
2. Direct City staff to partner with the Alameda County Transportation Commission on final design and implementation of these projects including coordination of potential future City projects

California Environmental Quality Act (CEQA):  
Alameda County Transportation Commission is the lead agency on this project.

## **11. NEW BUSINESS**

- 11-1.** Adjustment to Council Reorganization Policy

Council Member Jordan Recommendation: That the Council direct staff to prepare a resolution approving an amendment to the Council reorganization policy to preclude a Councilmember who will be termed out in two years from being appointed Vice Mayor for the next year

- 11-2.** Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference

Staff Recommendation: That the Council designate a voting delegate and alternates for the League of California Cities Annual Business Meeting

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

Council Subcommittees report, if they have met, and 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 community members who represent Albany at such meetings to report as well.

A written report of meetings attended provided to staff is encouraged 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	Tiedemann	Miki
Alameda County Transportation Commission	Jordan	Miki
Alameda County Waste Management Authority	Hansen-Romero	Jordan
Association of Bay Area Government	Tiedemann	Jordan
East Bay Community Energy JPA Board	Tiedemann	López
East Bay Sports Field Recreational Authority JPA	Miki	Hansen-Romero
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	Miki	López
Alameda County Mosquito Abatement District	López	N/A
Alameda County Library Advisory Commission	Jordan	Tiedemann
Rausser College of Natural Resources Dean's Advisory Committee on the Gill Tract (DAC)	López	N/A
Police & Fire Pension Fund Board	Tiedemann	Miki
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

**12-1.** Report for Housing Authority of County of Alameda (HACA)

**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 and [City eNews: https://www.albanyca.org/our-city/city-news](https://www.albanyca.org/our-city/city-news). 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. Labor Day – Monday, September 4, 2023 (City Offices Closed)

Upcoming City Meetings

1. Climate Action Committee Meeting, Wednesday, July 19, 7:00 PM, City Hall Council Chambers
2. Policing Commission Meeting, Thursday, July 20, 7:00 PM, City Hall Council Chambers
3. Police and Fire Pension Board Meeting, Tuesday, July 25, 3:00 PM, City Hall Council Chambers
4. Planning & Zoning Commission Meeting, Wednesday, July 26, 7:00 PM, City Hall Council Chambers
5. Transportation Commission Meeting, Thursday, July 27, 7:00 PM, City Hall Council Chambers
6. August Recess – No public meetings will be held in August.
7. City Council Meeting, Tuesday, September 5, 7:00 PM, City Hall Council Chambers

**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.

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

1. Meetings are available to watch, listen, or participate virtually via Zoom webinar. Register for the meeting: <https://albanyca.zoom.us/j/87852424530>. To join by phone via Zoom, please call at the noticed meeting time 1 (669) 900-9128. **Webinar ID 878 5242 4530. Participant ID "#"**.
2. Meetings are also streamed live on City website [www.albanyca.org/meetings](http://www.albanyca.org/meetings) or on YouTube ([www.YouTube.com/AlbanyKALB](http://www.YouTube.com/AlbanyKALB)). Recording of the meetings are usually

available for viewing 24 hours after the meeting.

3. Meetings are broadcast live and rebroadcast on local TV – Albany KALB Channel.

**How to submit Public Comment:**

1. Members of the public may attend City Council meetings in person at City Hall Council Chambers and request to speak during public comment period.
2. 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.
3. To comment by video conference, click the “Raise Your Hand” button to request to speak when public comment is being taken. 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.
4. To comment by phone, you will “Raise Your Hand” by pressing \*9 to request to speak when public comment is being taken. You will be asked to unmute yourself by pressing \*6 when it is your turn to make your comment. You will be re-muted after the allotted time.