



**Albany City Council**  
City Hall Council Chambers  
1000 San Pablo Ave., Albany, CA  
Monday, December 18, 2023



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## **SPECIAL & REGULAR MEETING AGENDA (AMENDED)**

Monday, December 18, 2023

6:00 PM – Special Meeting

7:00 PM – Regular Meeting

<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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### **SPECIAL MEETING - CLOSED SESSION: 6:00 PM**

#### **1. CALL TO ORDER / ROLL CALL**

#### **2. CLOSED SESSION**

- 2-1.** Conference with Labor Negotiators pursuant to Government Code Section 59457.6

Agency Representatives: City Manager Nicole Almaguer, Human Resources Director Penny Ha, and Charles Sakai of Sloan Sakai Yeung & Wong LLP

Employee Organization: SEIU (Service Employees International Union)

- 2-2.** Conference with Labor Negotiators pursuant to Government Code Section 59457.6

Agency Representatives: City Manager Nicole Almaguer, Human Resources Director Penny Ha, and Charles Sakai of Sloan Sakai Yeung & Wong LLP

Employee Organization: AFFA (Albany Fire Fighters' Association)

- 2-3.** Public Employee Appointment or Employment Pursuant to Government Code Section 54957

**3. ADJOURNMENT OF SPECIAL MEETING - CLOSED SESSION**

**REGULAR MEETING: 7:00 PM**

**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. ROLL CALL**

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

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 – December 4, 2023**

Staff Recommendation: Approve

**7-2. Ratification of Payroll – Date Paid 12/1/2023: Net Amount \$435,624.98, Taxes/Benefits/Deductions \$442,438.87, Total Payroll \$878,063.85**

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 \$612,256.98 (12/1/2023), \$199,942.18 (12/8/2023)**

Staff Recommendation: Ratify

**7-4. Animal Control Services Contract**

Staff Recommendation: That Council adopt Resolution No. 2023-80, approving an amendment to renew the animal control services contract with the City of Berkeley for a period of 3 years - FY 2024 to FY 2026 (July 1, 2023 – June 30, 2026) in an amount not-to-exceed \$291,019

**7-5. Albany Creative Justice Art Project**

Arts Committee Recommendation: That the Council approve Path to Belonging by Susan Moffat for the implementation of the Albany Creative Justice Art Project

Staff Recommendation: That the Council adopt Resolution No. 2023-81, affirming the Arts Committee’s selection, Path to Belonging by Susan Moffat, for the implementation of the Albany Creative Justice Art Project in an amount not to exceed \$30,000

**8. PRESENTATION**

**8-1. City Council Strategic Plan 2023 – 2025 – Status Update**

Staff Recommendation: That the Council receive a presentation providing a status update regarding progress towards implementing the 2023-2025 City Council Strategic Plan

## **9. PUBLIC HEARING**

### **9-1. Amendments to the Zoning Ordinance to Update Accessory Dwelling Unit Regulations – First Reading**

Planning & Zoning Commission and Staff Recommendation: That the Council introduce and waive the first reading of Ordinance No. 2023-07, repealing and replacing Section 20.20.080 “Accessory Dwelling Units” of the Albany Municipal Code and amending Sections 20.08, 20.12, 20.16, 20.24, 20.28, 20.40, 20.56, and 20.100 of the Zoning Ordinance to update Accessory Dwelling Unit Regulations

#### California Environmental Quality Act (CEQA):

Consideration of the ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21080.17 and CEQA Guidelines Section 15282(h), which provide that CEQA does not apply to the adoption of an ordinance implementing the provisions of Section 65852.1 (Accessory Dwelling Units) or Section 65852.2 (Junior Accessory Dwelling Units) of the California State Government Code.

## **10. UNFINISHED BUSINESS**

## **11. NEW BUSINESS**

### **11-1. City Council Appointment of Mayor and Vice Mayor**

Staff Recommendation: That the Council appoint members of the City Council to the positions of Mayor and Vice Mayor for a one-year term per the process in the adopted City Council Procedures & Policies

### **11-2. City Council Appointments to County/Regional Bodies**

Staff Recommendation: That the Council review and update the appointments to County/Regional Bodies

## **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
Ava 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.

Holiday City Offices Closure: Monday, December 25, 2023 – Monday, January 1, 2024

City Offices will resume normal office hours on Tuesday, January 2, 2023

#### Upcoming City Meetings

1. Climate Action Committee Meeting, Wednesday, December 20, 7:00 PM, City Hall Council Chambers
2. Policing Commission Meeting, Thursday, December 21, 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.