



**Albany City Council**  
City Hall Council Chambers  
1000 San Pablo Ave., Albany, CA  
Monday, July 01, 2024



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## **SPECIAL & REGULAR MEETING AGENDA**

Monday, July 01, 2024

5:30 PM – Special Meeting

6:00 PM – Regular Meeting

\*NOTE EARLIER 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. Unless required by the Brown Act, City Council meetings will continue despite technical difficulties for participants using the teleconferencing option.

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### **SPECIAL MEETING - CLOSED SESSION: 5:30 PM**

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

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

- 2-1.** Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation (Gov. Code 54956.9(d)(4)) (1 case)

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

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### **REGULAR MEETING: 6:00 PM**

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

“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 John Miki  
Unrepresented Employee: City Manager Nicole Almaguer

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

No public comment will be taken.

## **4. CEREMONIAL MATTERS**

**4-1.** Proclamation and Certificate of Recognition – Albany High School Ultimate Frisbee Team

## **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 may be 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 17, 2024**

Staff Recommendation: Approve

**7-2. Ratification of Payroll – Date Paid 6/14/2024: Net Amount \$410,295.72, Taxes/Benefits/Deductions \$445,853.69, Total Payroll \$856,149.41**

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 \$337,412.91 (6/14/2024), \$261,113.53 (6/21/2024)**

Staff Recommendation: Ratify

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

- Katharine Bierce appointed by Mayor Miki to the Climate Action Committee

Staff Recommendation: Information item

**7-5. Advisory Body Resignation:**

- Alex Li appointed by Council as a Whole resigned from the Policing Commission

Staff Recommendation: Information item

**7-6. Annual Sidewalk Rehabilitation Program (CIP No. 22000) – Award of Phase 9 Construction Contract No. C24-24**

Staff Recommendation: That Council adopt Resolution No. 2024-57:

1. Authorizing the City Manager to award Contract No. C24-24 to Arias for construction of the Project in the not-to-exceed amount of \$140,750; and
2. Appropriating \$50,000 from the Sidewalk Parcel Tax Fund (1305) and adjusting the budget for the Annual Sidewalk Rehabilitation Program (CIP No. 22000) accordingly

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 “Existing Facilities” of the CEQA Guidelines,

which exempts the repair, maintenance, and minor alteration of streets, sidewalks, pedestrian crossings, and street trees.

**7-7. Updated Salary Schedule for City of Albany Employees**

Staff Recommendation: That the Council adopt Resolution No. 2024-58, approving an updated Salary Schedule for City employees

**8. PRESENTATION**

**8-1. Request for Amendment to the Racial Inclusivity & Social Equity Commission Work Plan**

Racial Inclusivity & Social Equity Commission Recommendation and Staff Recommendation: That the Council review the proposed amendments to the Racial Inclusivity & Social Equity Commission work plan and provide direction to the Racial Inclusivity & Social Equity Commission

**9. PUBLIC HEARING**

**9-1. Public Hearing – Delinquent Solid Waste Collection Accounts**

Staff Recommendation: That the Council adopt Resolution No. 2024-59, confirming the report and special assessment list associated with delinquent solid waste collection accounts and authorizing the delinquent charges be placed on the Alameda County property tax roll

**9-2. Public Hearing for Amendments to Albany Municipal Code Chapter 12 Section 12-11 “Construction And Demolition Debris Recycling” – First Reading**

Staff Recommendation: That the Council introduce and waive first reading of Ordinance No. 2024-03, amending Section 12-11 “Construction And Demolition Debris Recycling” of the Albany Municipal Code to clarify the current diversion requirements mandated by State laws, including Senate Bill (SB) 1383 and CALGreen

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared under the California Environmental Quality Act (CEQA) by CalRecycle. The activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 regulations and its program EIR. No mitigation measures identified in the EIR are applicable to the City’s enactment of this Ordinance.

In addition, the Ordinance is categorically exempt in accordance with

CEQA Guidelines Section 15307 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of natural resources; and in accordance with Section 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

**10. UNFINISHED BUSINESS**

**10-1. Supplemental Business License Special Tax to Fund Tenant and Community Services**

Staff recommendation: That the Council provide direction to staff regarding next steps with the potential ballot measure of a supplemental business license special tax for the November 5, 2024 General Municipal Election

**11. NEW BUSINESS**

**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                   | Miki             | López            |
| 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                                       | Hansen-Romero | Miki      |
| 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   | Miki          | Tiedemann |
| 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.

1. Independence Day - Thursday, July 4, 2024 (City Offices Closed)

Upcoming City Meetings

1. Racial Inclusivity & Social Equity Meeting, Tuesday, July 2, 7:00 PM, City Hall Council Chambers
2. Arts Committee Meeting, Monday, July 8, 7:00 PM, City Hall Council Chambers
3. Planning & Zoning Commission Meeting, Wednesday, July 10, 7:00 PM, City Hall Council Chambers
4. Parks, Recreation & Open Space Commission Meeting, Thursday, July 11, 7:00 PM, City Hall Council Chambers
5. City Council Meeting, Monday, July 15, 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.