

**City Council Agenda
October 16, 2006
8:00PM
Council Chambers, City Hall
1000 San Pablo Avenue**

SPECIAL MEETING

1. **CALL TO TO ORDER**
2. **ROLL CALL**
3. **EXECUTIVE SESSION**

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON EXECUTIVE SESSION ITEMS

At its meeting of October 16, 2006, the City Council directed staff to agendize as soon as possible to meet in Executive Session to receive an evaluation on the merits of the complaint of Mr. Maass from the City Attorney and for the City Council to give direction to the City Attorney how to proceed or if the Council wishes him to proceed.

The City Council will convene in the Council Chamber in open session to receive public comment on Executive Session items, and then adjourn to Executive Session pursuant to Government Code Section 54956.9(c), anticipated litigation.

Letter From Peter Maass to Attorney Robert Zweben

4. **ANNOUNCEMENT OF EXECUTIVE SESSION ACTION**
5. **OTHER BUSINESS/ANNOUNCEMENT OF EVENTS**
6. **ADJOURNMENT**

(The Council meeting packet is available for public inspection at the Albany Library (526-3720), the Fire Department and the City Clerk's Office. If you have any questions pertaining to any agenda item or Council meeting procedure, please contact the City Clerk's Office at 528-5720.) *The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of the Community and providing a safe, healthy environment now and in the future.*

Please note that if you provide your name and address when speaking before the City Council it will become part of the official public record and the official minutes will be published on the Internet.

NOTICE - Please Read

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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), if you need special assistance to participate in this meeting, please contact the City Administration Office 510-528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)">

7:00 p.m. - 7:45 p.m.

WORK SESSION

A Work Session conducted by the City Attorney on the Brown Act with the City Council and various Board/Commission/Committee Members: 1) Presentation by the City Attorney. 2) Questions and Answers segment. 3) Public comment.

Brown Act

7:55 p.m.

Albany Municipal Services JPA (see separate agenda)

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **GOOD OF THE CITY/PUBLIC FORUM**
4. **CONSENT CALENDAR**

3-1. City Council minutes, October 3, 2006.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$178,925.15; taxes, benefits & withholdings in the amount of \$137,815.73. Total payroll in the amount of \$316,740.88. Payroll period: 09/29/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,037.65; taxes, benefits & withholdings in the amount of \$33,745.83. Total payroll in the amount of \$78,783.48; Payroll period: 09/29/06.

Staff recommendation: Ratify.

3-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$227,948.92. Period: 10/09/06.

b. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount of \$334.78. Period: 10/09/06.

Staff recommendation: Approve.

3-4. Contract with the Albany Little League for maintenance of Memorial and Ocean View fields.

Staff Report

Attachment: Exhibit A – Scope Of Work

Staff recommendation: Authorize the City Administrator to enter into a new contract with the Albany Little League for maintenance of Ocean View and Memorial fields for the period from November 1, 2006 through June 30, 2007.

3-5. Ordinance #06-012 - An Ordinance of the Albany City Council Authorizing an Amendment to the Contract Between the Albany City Council and the Board of Administration of the California Public Employees' Retirement System. Second Reading - Pass-to-Print.

Staff Report

Ordinance 06-012

CalPERS Amendment To Contract

Staff recommendation: Approve Ordinance #06-012 for Second Reading Pass-to-Print.

3-6. Resolution #06-65 - A Resolution of the Albany City Council In Honor of Ronald Hein On His Retirement From Service As a Reserve Police Officer With the City of Albany.

Resolution 06-65

Staff recommendation: Approve Resolution #06-65.

3-7. Resolution #06-66 - A Resolution of the Albany City Council In Honor of Jeffrey Nelson In Recognition Of His Selection As Reserve Officer of the Year for 2006.

Resolution 06-66

Staff recommendation: Approve Resolution #06-66.

5. PRESENTATION/PUBLIC HEARING

5-1. Presentation of Proclamation honoring the late Golden Gate Fields Champion Racehorse Lost in the Fog.

Proclamation

Staff recommendation: Present proclamation.

5-2. Ordinance #06-014 an Urgency Ordinance to Amend the Zoning Map for purposes of consistency with the Albany General Plan.

Staff Report

Attachment A: Draft Ordinance 06-014

Attachment B: Exh. A to Ordinance 06-014 - Map

Attachment C: P & Z Commission Resolution PZ 06-02

Attachment D: P & Z Staff Report for 10/10/06

Attachment E: Council Reso 04-55 and Attachments (See Individual Reports Below)

Resolution No. 04-55 Negative Declaration

Albany Initial Study: Planning & Zoning Plan

Initial Study: Attachment A-Recommendations to General Plan

Initial Study: Attachment B-Summary Section

Staff recommendation: Approve Ordinance #06-014- An Ordinance of the Albany City Council Amending Chapter XX, Planning and Zoning of the Albany Municipal Code. Urgency Ordinance (Requires 4/5 vote of the Council).

5-3. Appeal of Planning & Zoning Commission approval to locate Bright Star Montessori School at 1370 Marin Avenue. Planning Application No. 06-035 includes: 1) Adoption of Mitigated Negative Declaration. 2) Conditional Use Permit approval to allow the change of use from a Church to a preschool and daycare. 3) Parking Waiver to allow zero parking spaces where nine are typically required.

Staff Report

Attachment A: Appeal from Deidre Greene & Maria Riggio

Attachment B: P & Z Commission Report, 9/12/06

Attachment C: Staff Revised & Recommended Findings & Conditions of Approval

Attachment D: Notice of Action from P & Z Commission

Attachment E: Initial Study & Mitigated Negative Declaration 8/23/06

Attachment F: Noise Report – Charles Salter & Associates

Attachment G: Noise Report – Wilson Ihrig & Associates

Attachment H: Traffic Analysis – Amanuel Haile

Attachment I: Fire Dept. Letter, 4/27/06

Attachment J: Study Session Report, 5/23/06

Attachment K: Letters from Public (as of this posting 10/11/06)

Attachment L: P & Z Commission Minutes, 9/12/06

Planning & Zoning Commission recommendation: That the City Council affirm, with modifications, the action of the Planning and Zoning Commission in the approval to locate Bright Star Montessori School at 1370 Marin Avenue

5-4. Public hearing on an Amendment to the Landscape & Lighting Assessment District No. 1988-1 budget for Fiscal Year 2006-07.

Staff Report

Resolution 06-67

Revised Budget

Staff recommendation: 1) Conduct the public hearing. 2) Approve Resolution #06-67 - A Resolution of the Albany City Council Amending the Landscaping and Lighting Assessment District No. 1988-1 budget for Fiscal Year 2006-07.

6. **UNFINISHED BUSINESS**
7. **NEW BUSINESS**

7-1. Albany Peace Day Celebration for September, 2007.

**Staff Report
Referenced Newspaper Article**

Mayor's Recommendation: Refer to Social and Economic Justice Commission to develop an appropriate program to include a theme with speakers, groups, entertainment, budget and date.

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