

**City Council Agenda
November 06, 2006
8:00PM
Council Chambers, City Hall
1000 San Pablo Avenue**

7:15 p.m

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

Closed session to discuss real property negotiations pursuant to Government Code Section 54956.8: <

Property: 405 Kains Avenue

Negotiating parties: Rachel Kuan & Gary Tang, Hannah Investment, on behalf of the property owner, Cerrito Creek Properties, LLC; City Administrator and City Attorney.

Under Negotiation: Price and Terms of Payment

ADJOURN TO CLOSED SESSION

8:00 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **ANNOUNCEMENT OF EXECUTIVE SESSION ACTION**
4. **CONSENT CALENDAR**

4-1. City Council minutes, October 16 & 30, 2006

Draft Minutes, October 16, 2006
Draft Minutes, October 30, 2006, Special Meeting

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$172,498.22; taxes, benefits & withholdings in the amount of \$158,118.88. Total payroll in the amount of \$330,617.10. Payroll period: 10/13/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,036.56; taxes, benefits & withholdings in the amount of \$32,397.62. Total payroll in the amount of \$77,434.18; Payroll period: 10/13/06.

c. Ratification of City of Albany net payroll in the net amount of \$181,606.48; taxes, benefits & withholdings in the amount of \$195,652.34. Total payroll in the amount of \$377,258.82. Payroll period: 10/27/06.

d. Ratification of Albany Municipal Services JPA in the net amount of \$43,846.30; taxes, benefits & withholdings in the amount of \$45,479.56. Total payroll in the amount of \$89,325.86. Payroll period: 10/27/06.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$123,943.86. Period: 08/04/06.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$167,716.54. Period: 08/11/06.

Staff recommendation: Ratify.

4-4. Ratification of pension payments in the amount of \$105,634.96 for the month of October, 2006.

Staff recommendation: Ratify.

4-5. Approval and acceptance of Notice of Completion for Pierce Street Sewer Rehabilitation project.

Staff Report
Resolution 06-69
Notice of Completion

Staff recommendation: Adopt Resolution No. 06-69 - A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 06-04, Pierce Street Sewer Rehabilitation.

4-6. Alternate Pedestrian and Bicycle Path under the I-80/580 Overpass.

Staff Report

Staff recommendation: That the City Council awards a contract to Grade Tech, Inc., to construct the Alternate Pedestrian and Bicycle Path under the I-80/580 overpass for an amount not to exceed \$96,800 (Contract #06-19).

5. GOOD OF THE CITY/PUBLIC FORUM
6. PRESENTATION/PUBLIC HEARING

6-1. Ordinance #06-013 - An Ordinance of the Albany City Council to Amend Chapter XIV of the Albany Municipal Code to Restrict the Parking of Food or Beverage Vending Vehicles within 300 feet of Schools.

Staff Report
Email Facsimile from Albany Unified School District

**Ordinance 06-013
Map Locations**

Staff recommendation: Introduce for First Reading Ordinance #06-013.

7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**

8-1. Review of Proposed Green Building Program Ordinances including: 1) Ordinance #06-016 - An Ordinance of the Albany City Council Adopting "Green Building and Bay-Friendly Landscaping Regulations", Amending Chapter 20 of the Albany Municipal Code. First Reading. 2) Ordinance #06-017 - An Ordinance of the Albany City Council Adopting "Construction and Demolition Debris Recycling" Amending Chapter 12 of the Albany Municipal Code. First Reading. 3) Ordinance #06-018 - An Ordinance of the Albany City Council Adopting "Water Reuse" Amending Chapter 20 of the Albany Municipal Code.

Staff Report

ATTACHMENTS

A. DRAFT ORDINANCES:

Attachment A-1. Ordinance 06-016 Green Building & Bay-Friendly Landscaping Regulations

Attachment A-2. Ordinance 06-017 Construction & Demolition Debris Recycling

Attachment A-3. Ordinance 06-018 Water Reuse

B. 7/24/06 City Council Report and Attachments

C. Draft Standards of Compliance and Checklists

D. 7/25/06 P & Z COMMISSION REPORTS:

Attachment D-1. Green Building & Bay-Friendly Landscaping Regulations

Attachment D-2. Construction & Demolition Debris Recycling

Attachment D-3. Water Reuse

E: 4/25/06 P & Z Commission Minutes and support documents

Attachment E-1: P & Z Resolution, PZ 06-01

Attachment E-2: P & Z Final Ordinance

Attachment E-3: P & Z Resolution, PZ06-03

Staff recommendation: 1) That Council consider the above Ordinances. 2) That a public hearing be scheduled on November 20, 2006, for the First Reading of Ordinances.

8-2. New City Motto.

**Staff Report
Current City Seal**

Staff recommendation: Refer a City motto contest to the Social and Economic Justice Commission (SEJC) for review and direction. Request the SEJC return to Council with a selection of three to five recommended new mottos.

8-3. Turf Removal Method for the Memorial Park Field Renovation.

Staff Report

Attachment A: 1/12/06 Commission Mtg. Minutes

Attachment B: 2/8/06 Commission Mtg. Minutes

Attachment C: 3/6/06 Council Staff Report

Attachment D: 3/6/06 Council Mtg. Minutes

Attachment E: Letter w/related attachments regarding Glyphosate

Staff recommendation: 1) Deliberate on the request from Mayor Maris to review the decision to use mechanical methods (excavate and haul-off) for turf removal during the Memorial Park Field Renovation; and/or 2) Refer the matter to the Parks & Recreation Commission for reconsideration of the turf removal method.

8-4. Ordinance #06-015 - An Ordinance of the Albany City Council Establishing the Procedure for Providing Notices Through Publication. First Reading.

Staff Report

Ordinance 06-015

Staff recommendation: Approve for First Reading.

9. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

9-1. Election Day, November 7, 2006, poll hours 7 a.m. - 8 p.m.

9-2. The next meeting of the Waterfront Planning Consultant Selection Group has been scheduled for November 16, 2006, 7:30 p.m. in the City Council Chamber. The City has received eight statement of qualifications from interested consulting firms. The primary purpose of the November 16, 2006 Selection Group meeting is to finalize questions to be asked of the potential consultants during the interview process, confirm the consultants to be interviewed, and discuss final arrangements for the interviews.

9-3. Special Council Meeting, Monday, December 11, 2006, to canvass election results and issue the Oath of Office to newly elected officials.

9-4. There will be a regular scheduled Council Meeting on December 18, 2006.

10. 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

"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), 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)">