

City Council Agenda
April 03, 2006
8:00PM
Council Chambers, City Hall
1000 San Pablo Avenue

7:00 p.m.

Workshop on 2006-08 Budget Goals.

Workshop Staff Report (*PDF, 29Kb*)

Departments:

City Administrator (*PDF, 32Kb*)

City Clerk (*PDF, 37Kb*)

City Treasurer (*PDF, 25Kb*)

Finance & Administrative Services

Police (*PDF, 25Kb*)

Fire & Emergency Medical Services (*PDF, 43Kb*)

Community Development (*PDF, 53Kb*)

Recreation & Community Services (*PDF, 83Kb*)

Cable TV (*PDF, 25Kb*), Goals, narrative under Recreation & Community Services

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **CONSENT CALENDAR**

3-1. City Council minutes, March 20, 2006.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$159,277.39; taxes, benefits & withholdings in the amount of \$176,445.23. Total payroll in the amount of \$335,722.62. Payroll period: 03/17/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$46,241.74; taxes, benefits & withholdings in the amount of \$47,377.79. Total payroll in the amount of \$93,619.53. Payroll period: 03/17/06.

Staff recommendation: Ratify.

3-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$280,476.39. Period: 03/24/06.

Staff recommendation: Ratify.

3-4. Amend Professional Services Agreement with Nute Engineering to prepare design plans for the Pierce/Cleveland Sewer Rehabilitation Project.

Staff Report (*PDF, 32Kb*)

Attachment: Scope of Work (*PDF, 73Kb*)

Staff recommendation: Authorize the City Administrator to execute an amendment to the professional services agreement contract #04-11 between the City and Nute Engineering, dated October 14, 2004 to provide design services for the Pierce/Cleveland Sewer Rehabilitation Project for an amount not to exceed \$21,000.

3-5. Resolution #06-10 - A Resolution of the Albany City Council Endorsing and Supporting the 2006 California State Library Bond.

Staff Report (*PDF, 14Kb*)

Resolution 06-10 (*PDF, 16Kb*)

Staff recommendation: Approve Resolution #06-10.

3-6. Resolution #06-11 - A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 05-08, Buchanan Street Median Landscaping.

Staff Report (*PDF, 28Kb*)

Resolution 06-11 (*PDF, 14Kb*)

Notice of Completion (*PDF, 26Kb*)

Staff recommendation: Approve Resolution #06-11.

3-7. Resolution #06-12 - A Resolution of the Albany City Council Regarding Maintaining Local Control Over Telecommunications Franchising and Related Interests.

Staff Report (*PDF, 15Kb*)

Resolution 06-12 (*PDF, 29Kb*)

Attachment 1: Nunez Article (*PDF, 24Kb*)

Attachment 2: League of CA Cities Policy (*PDF, 44Kb*)

Staff recommendation: Approve Resolution #06-12.

3-8. Resolution #06-14 - A Resolution of the Albany City Council Directing the Filing of the Landscaping and Lighting Assessment District Annual Report (Assessment District No. 1988-1 & 1996-1).

Staff Report (*PDF, 17Kb*)
Resolution 06-14 (*PDF, 15Kb*)
Attachment: Letter (*PDF, 202Kb*)

Staff recommendation: Approve Resolution #06-14.

3-9. Cable Television Public Access Channel

Staff Report w/Attachment 1 (*PDF, 34Kb*)
Attachment 2: Ad Hoc Committee List (*PDF, 30Kb*)
Attachment 3: Nunez Article (*PDF, 24Kb*)
Attachment 4: League of California Cities Telecommunication Policy (*PDF, 44Kb*)

Staff recommendation: Approve the preliminary Public Access Channel (PEG/Public, Education, Government) Wish List and authorize \$9,000 to hire a technical consultant to advise on the costs and feasibility of the wish list.

3-10. Schedule a public hearing for FY 2006-07 and 2007-08 Operating Budgets, Capital Improvement Plan, Master Fee Schedule, Assessments for Landscape & Lighting Districts 1996-01 & 1998-1, Clean Water Storm Fee, Library Services Fee and Sewer Services Fee.

Staff Report (*PDF, 18Kb*)

Staff recommendation: Schedule a public hearing for May 15, 2006.

3-11. Waste Management of Alameda County Annual Rate Adjustment Request of 1.61%.

Staff Report (*PDF, 22Kb*)
Attachment 1: WMAC Letter of Request (*PDF, 888Kb*)
Attachment 2: Article 11, Franchise Agreement (*PDF, 426Kb*)
Attachment 3: Warning Letter (*PDF, 65Kb*)

Staff recommendation: Approve.

3-12. Waste Management of Alameda County Bulky Good Collection: Switch to On-Call Service.

Staff Report (*PDF, 26Kb*)

Staff recommendation: Approve switching from annual pick-up to on-call service.

3-13. Marin Avenue Traffic Calming Project - 90-day Status Review.

Staff Report (*PDF, 28Kb*)

Attachment: Korve Engineering Memorandum (*PDF, 327Kb*)

Staff recommendation: Information only.

3-14. Funds available for contributions to City, Non-Profit, Local public agencies, individuals, and other organizations for one-time projects or programs.

Staff Report (*PDF, 15Kb*)

Staff recommendation: That Council determine that up to \$2,500 is available in fiscal year 2005-06 for potential appropriation to a City project or program, or for contributions to a non-profit, local public agency, individual, or other organizations for a one-time project or program.

3-15. Request for Proclamation, from Every Child Counts, First 5 Alameda County, proclaiming April 2-8, 2006 as "Week of the Young Child" in the City of Albany.

Staff Report (*PDF, 14Kb*)

Attachment: Proclamation (*PDF, 38Kb*)

Staff recommendation: Approve.

3-16. Ratification of pension payments for the month of March, 2006, in the amount of \$102,645.95.

Staff recommendation: Ratify.

4. GOOD OF THE CITY/PUBLIC FORUM

5. PRESENTATION/PUBLIC HEARING

5-1. Presentation from the Albany Library Board and Albany Library staff and presentation of Proclamation proclaiming National Library Week.

5-2. Public Hearing regarding Medical Marijuana Dispensaries Ordinances: 1) Interim Urgency Ordinance #06-06 - An Ordinance of the Albany City Council Extending an Interim Urgency Ordinance of the City of Albany Restricting and/or Prohibiting, Suspending and/or Denying any Permits for, or Otherwise Restricting the Approval of the Installation of Medical Marijuana Dispensaries and Suspending the Issuance of Permits, Approvals, or Other Entitlements Which Would Result in the Opening of Medical Marijuana Dispensaries Within the City of Albany. Urgency Ordinance. 2) Ordinance #06-07 - An Ordinance of the Albany City Council Amending Chapter XX, Planning and Zoning of the Albany Municipal Code to Include Regulations for Medical Marijuana Dispensaries. First Reading.

Staff Report (*PDF, 92Kb*)
Attachment A: Text of Option A-Regulation (*PDF, 135Kb*)
Attachment A-1: Decision Agenda for Option A (*PDF, 62Kb*)
Attachment B: Text of Option B-Prohibition (*PDF, 30Kb*)
Attachment B-1:Decision Agenda for Option B (*PDF, 26Kb*)
Attachment C: Proposed Ordinance 06-06 (*PDF, 38Kb*)
Attachment D: Proposed Ordinance 06-07 (*PDF, 33Kb*)
Attachment E: P&Z Resolution, PZ06-01 (*PDF, 21Kb*)
Attachment F: Resolution 06-9 To Adopt Negative Declaration (*PDF, 21Kb*)
Attachment G: Initial Study (*PDF, 253Kb*)
Attachment H: SB 420 (Health & Safety Code 11362.7H) (*PDF, 757Kb*)

Attachment I:

Status Of City & County Ordinances (*PDF, 28Kb*), Survey by City of Buellton;
Moratoria, Bans & Ordinances (*PDF, 29Kb*), List from Americans For Safe Access

Attachment J: Locations of Dispensaries in Neighboring Cities, w/List & Maps

List of Dispensaries (*PDF, 23Kb*)
Map: All East Bay Pot Clubs W/Distances (*PDF, 401Kb*) (*PDF, 401Kb*)
Map: Berkeley Richmond W/Distances (*PDF, 187Kb*)

Attachment K: Ban Map (*PDF, 72Kb*)
Attachment L: Attorney General's Bulletin (*PDF, 52Kb*)
Attachment M: Letter from Danny K. Sun with attached request (*PDF, 282Kb*)
Attachment N: Material Packet from Americans for Safe Access (*PDF, 1158Kb*)

Staff recommendation: In accordance with City Council direction, the Planning & Zoning Commission reviewed two alternative approaches to the control of medical marijuana dispensaries: Option A would regulate dispensaries through standards and a conditional use permit; Option B would prohibit dispensaries. On February 28, 2006, the Planning and Zoning Commission recommended that the City Council consider text for both options prior to selecting one of the options to be adopted in ordinance form. On a 3 to 2 vote, the Commission recommended that the City Council adopt Option B.

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

7-1. Resolution #06-13 - A Resolution of the Albany City Council Establishing a Burrowing Owl Habitat Project at the Albany Plateau, with the Proviso that the Joint Powers Agreement Cities (JPA) Work with East Bay Regional Park District

to Study Alternative Possibilities for the Habitat, Including Shifting the Location from the Plateau, or modifying the Plateau Location in the Future.

Staff Report (PDF, 47Kb)
Resolution 06-13 (PDF, 19Kb)
Exhibit 1 (PDF, 40Kb)
Attachment A (PDF, 1477Kb)
Letters From The Public (PDF, 1110Kb)

Waterfront Committee recommendation: Approve Resolution #06-13.

7-2. Waterfront Planning Process.

Staff Report (PDF, 45Kb)
Attachment: Election Code, Section 9212 (PDF, 46Kb)

Staff recommendation: Authorize staff to prepare a report on the Albany Waterfront Specific Plan Initiative, as authorized by Election Code §9212.

7-3. Teleconferencing of City Council and City Commission, Committee and Board meetings.

Staff Report (PDF, 18Kb)
Attachment: Brown Act Provision for Teleconferencing (PDF, 74Kb)
Attachment: Page 1 City of Camarillo City Council Policy (PDF, 60Kb)
Attachment: Page 2 of City of Camarillo City Council Policy (PDF, 57Kb)

Staff recommendation: That Council allow teleconferencing by Council, Commissions, Committees and Boards, but not to an excess, using the highest quality of teleconferencing equipment owned by the City at the time.

7-4. City Council Agenda Wording for Other Business/Announcement of Events.

Staff Report (PDF, 20Kb)

Staff recommendation: Change the Other Business/Announcement of Events agenda wording to the following: "Other Business, Reports on Meetings Attended, Announcement of Events/Future Agenda Items. (Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items.)"

7-5. Request from Council Member Lieber to refer to the Arts Committee the drafting of an ordinance requiring a development fee for public art.

8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

9. 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)">