

**City Council Agenda
June 05, 2006
8:00PM
Council Chambers, City Hall
1000 San Pablo Avenue**

6:45 p.m.

EXECUTIVE SESSION

Call to order

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Closed Session to discuss the following:

1) Conference with Labor Negotiator pursuant to Government Code Section 54957.8 to discuss:

Agency Negotiator: City Administrator Employee Organization: Albany Municipal Services Joint Powers Authority

2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b)(1) to discuss potential litigation (one case - Magna Entertainment Corporation).

8:00 P.M. - REGULAR MEETING

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

4-1. City Council Minutes, May 15, 2006.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$165,311.95; taxes, benefits & withholdings in the amount of \$131,658.26. Total payroll in the amount of \$296,970.21. Payroll period: 05/12/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$52,990.74; taxes, benefits & withholdings in the amount of \$38,207.21. Total payroll in the amount of \$91,197.95. Payroll period: 05/12/06.

Staff recommendation: Ratify.

4-3. Ratification of bills, claims & demands against the City of Albany in the amount of \$259,116.94 on May 19, 2006.

Staff recommendation: Ratify.

4-4. Council Member Good appointing Marjorie Atkinson to the Waterfront Committee.

Staff recommendation: Information only.

4-5. Council Member Good appointing Karin Nelson to the Arts Committee.

Staff recommendation: Information only.

4-6. Resolution #06-24 - Scheduling a public hearing for June 19, 2006, RE: Landscape & Light Assessment District No.1988-1.

Staff Report (*PDF, 22Kb*)

Resolution 06-24 (*PDF, 20Kb*)

Staff recommendation: Approve Resolution #06-24 scheduling a public hearing for June 19, 2006.

4-7. Resolution #06-25 - Scheduling a public hearing for June 19, 2006, RE: Landscape & Light Assessment District No. 1996-1.

Staff Report (*PDF, 22Kb*)

Resolution 06-25 (*PDF, 20Kb*)

Staff recommendation: Approve Resolution #06-25 scheduling a public hearing for June 19, 2006.

4-8. Resolution #06-26 - A Resolution of the Albany City Council Calling for a General Municipal Election to be Consolidated with the Statewide Election; and Requesting the Board of Supervisors of the County of Alameda, State of California to Take the Necessary and Appropriate Steps to Consolidate the Municipal Election with the General Election to be Held on Tuesday, November 7, 2006.

Staff Report (*PDF, 14Kb*)
Resolution 06-26 (*PDF, 21Kb*)

Staff recommendation: Approve Resolution #06-26.

4-9. Resolution #06-27 - A Resolution of the Albany City Council Establishing Rules for the Conduct of the November 7, 2006 Election.

Staff Report (*PDF, 14Kb*)
Resolution 06-27 (*PDF, 22Kb*)

Staff recommendation: Approve Resolution #06-27.

4-10. Resolution #06-15 authorizing staff to implement the proposed plan for the City of Albany's Para transit Program for fiscal year 2006/07.

Staff Report (*PDF, 21Kb*)
Resolution 06-15 (*PDF, 16Kb*)

Staff recommendation: Approve resolution #06-15.

4-11. Vacation of Right-of-way at 1001 Eastshore Highway.

Staff Report (*PDF, 39Kb*)
Exhibit Map (*PDF, 146Kb*)
Map of Existing Utilities (*PDF, 204Kb*)

Staff recommendation: Continue public hearing to first regular City Council meeting of July 2006.

4-12. Medical Marijuana Dispensaries.

Staff Report (*PDF, 48Kb*)
Exhibit A (*PDF, 126Kb*)
Attachment Map of Prohibited Locations in Albany (*PDF, 69Kb*)

Staff recommendation: That Council approved "Exhibit A", Proposed City of Albany Medical Marijuana Dispensary Regulations, for purposes of submitting an advisory ballot measure.

4-13. Award of Contract #06-11 for Lower Codornices Creek Restoration, Phase II (5th Street to 7th Street).

Staff Report (*PDF, 21Kb*)

Staff Recommendation: That the City Council: 1) allocate \$550,000 from Measure R to the project; 2) authorize staff to invite bids for the next phase of construction; and 3) authorize the City Administrator to award a contract to the lowest responsible bidder.

4-14. Ratification of pension payments for the month of May, 2006 in the amount of \$102,645.95.

Staff recommendation: Ratify.

4-15. Third Quarter Fiscal Year 2005-06 Financial Statements and Projection.

Staff Report (*PDF, 22Kb*)

Attachment (*PDF, 13Kb*)

Staff Recommendation: Note and File Report, and authorize \$2,000,000 payment of Police and Fire pension obligation from pension override tax proceeds.

5. **GOOD OF THE CITY/PUBLIC FORUM**

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 to five (5) minutes. 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.

6. **PRESENTATION/PUBLIC HEARING**

6-1. Public Hearing for Fiscal Year 2006-07 and 2007-08 Budget.

Staff Report (*PDF, 16Kb*)

Cover Page (*PDF, 42Kb*)

Budget (*PDF, 75Kb*)

Staff recommendation: 1) That Council conduct a public hearing on the proposed operating budget for the City of Albany for fiscal years 2006-07 and 2007-08, and schedule adoption for the Council meeting of June 19, 2006. 2) That Council schedule a public hearing on the proposed 2006-07 through 2010-11 Capital Improvement Plan on June 19, 2006.

6-2. Public Hearing on the proposed modification of the Master Fee Schedule.

Staff Report (*PDF, 16Kb*)

Master Fee Schedule (*PDF, 493Kb*)

Staff recommendation: Conduct a public hearing on the proposed modification of the Master Fee Schedule, and schedule adoption of the schedule for the City Council meeting of June 19, 2006.

6-3. Public Hearing for Increase in Library Services Fee

Staff Report (*PDF, 50Kb*)

Staff recommendation: That Council conduct a public hearing on the proposed increase in the Library Services Fee and schedule adoption of the fee for the Council meeting of June 19, 2006.

7. UNFINISHED BUSINESS

7-1. Albany Waterfront (Golden Gate Fields Property)

(a) Status report on City-initiated Waterfront Planning, as outlined in Resolution #06-20 adopted by the City Council on May 1, 2006.

(b) Discussion regarding Council direction of May 1, 2006 on preparing language for consideration of a moratorium

Staff Report (*PDF, 33Kb*)

City Attorney's Report (*PDF, 18Kb*)

Resolution 06-20 (*PDF, 72Kb*)

Staff recommendation: (a) Receive and discuss status report on Council direction for pursuit of a City-directed planning process; and (b) For reasons stated in the staff report, that the City Council defer imposing a moratorium at the waterfront at this time.

8. NEW BUSINESS

8-1. City Council summer meeting schedule.

Staff Report (*PDF, 15Kb*)

Staff recommendation: Set July 10 and July 24 as the regular meetings for the month of July, and convene meeting(s) on July 31 or August 7 only if needed.

9. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

(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).

10. ADJOURNMENT

Adjourn the meeting in memory Michael Ayers, Albany Police Officer.

(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)">