

**City Council Agenda  
May 16, 2005  
8:00PM  
Council Chambers, City Hall  
1000 San Pablo Avenue**

EXECUTIVE SESSION

7:15 p.m.

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:

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

Agency Negotiator: City Administrator and Glen Berkheimer, IEDA

Employee Organization: Albany Peace Officers' Association and Local 790

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

4-1. City Council minutes, April 18, 2005.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$144,208.97; taxes, benefits & withholdings in the amount of \$153,221.12. Total payroll in the amount of \$297,430.09. Payroll period. 04/15/05.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$478,057.68. Period: 04/26/05.

Staff recommendation: Ratify.

4-4. Ratification of pension payments in the amount of \$103,461.17 for the month of April, 2005.

Staff recommendation: Ratify.

4-5. Third Quarter Fiscal Year 2004-05 Financial Statements and Projection.

**Staff Report and Financial Statements** (PDF, 211Kb)

Staff recommendation: Information only.

4-6. A rendering of the Quarterly Cash and Investments Treasury Report of the City of Albany, as of March 31, 2005, as required by Section 53646 of the California Government Code.

**Staff Report** (PDF, 11Kb)

**Summary** (PDF, 11Kb)

**Funds In LAIF** (PDF, 10Kb)

**Funds With Banking Institutions** (PDF, 10Kb)

**Cash & Investments Treasury Report** (PDF, 11Kb)

Staff recommendation: Note and File; Information only.

4-7. Resolution #05-8 - A Resolution of the Albany City Council, California, Authorizing the City Administrator to Negotiate and Enter into a Contract with Advanced Technical Consulting (ATC) to Design and Install Opticom and Radio Controlled Systems for the Purpose of Traffic Control in Front of the Fire Station at a Cost Not to Exceed \$50,000.

**Staff Report** (PDF, 14Kb)

**Resolution** (PDF, 11Kb)

Staff recommendation: Approve Resolution #05-8.

4-8. Resolution #05-17 - A Resolution of the Albany City Council Approving Grant of Sewer Easement and Agreement by and Between the City of Albany and the University of California Over a Portion of Ocean View Park.

**Staff Report** (PDF, 22Kb)

**Grant Of Sewer Easement & Agreement** (PDF, 21Kb)

**Exhibit A - Legal Description - Resolution** (PDF, 12Kb)

No Electronic Exhibit B available

No Electronic copy of Letter available

Staff recommendation: Approve Resolution #05-17.

4-9. Resolution #05-22 - A Resolution of the Albany City Council Authorizing the City Administrator to Execute a Contract with Kimley-Horn Associates to Prepare a Traffic Circulation Study for Environmental Review Purposes, to

Analyze the Potential Effects of Closing Four Albany Streets Adjacent to the El Cerrito Plaza for an Amount Not to Exceed \$26,000.

**Staff Report** (*PDF, 23Kb*)

**Resolution** (*PDF, 14Kb*)

Staff recommendation: Approve Resolution #05-22.

4-10. Resolution #05-24 - A Resolution of the Albany City Council Approving the Application for the Land and Water Conservation Fund Approving the Albany Waterfront Trail Park Enhancement Project.

**Staff Report** (*PDF, 12Kb*)

**Resolution** (*PDF, 13Kb*)

Staff recommendation: Approve Resolution #05-24.

4-11. Update on Waterfront Encampments.

**Staff Report** (*PDF, 11Kb*)

Staff recommendation: Information only.

## 5. **PRESENTATION/PUBLIC HEARING**

5-1. Presentation by Target on its community contribution programs.

**Staff Report** (*PDF, 10Kb*)

**Letter** (*PDF, 11Kb*)

Staff recommendation: Information only.

## 6. **UNFINISHED BUSINESS**

6-1. Proposed Interim Urgency Ordinance regarding Medical Marijuana Dispensaries.

**Staff Report** (*PDF, 41Kb*)

**Resolution** (*PDF, 31Kb*)

Staff recommendation: Adopt Ordinance #05-03 - an Interim Urgency Ordinance - An Ordinance of the Albany City Council to Establish a Forty-Five Day Moratorium Restricting Applications for Medical Marijuana Dispensaries. Such moratorium is intended to provide time for staff to prepare a draft amendment to the Zoning Ordinance for review by the Planning & Zoning Commission, with

ultimate review and approval by the City Council. (Requires a 4/5 vote of the City Council).

## 7. NEW BUSINESS

7-1. A request from the Albany Library for \$15,487 in funding from the City of Albany General Fund in Fiscal Year 2005-06.

**Staff Report** (PDF, 12Kb)

Staff recommendation: Decline the request for a City General Fund subsidy for the Albany Library branch of the Alameda County Library, and direct staff to work with the Albany Library to include financial support for library services in a City tax measure in 2005 or 2006.

7-2. Amending the Appointee Procedures for Commission/Committee Members.

**Staff Report** (PDF, 11Kb)

Recommendation: Consider whether to refer to the Charter Review Committee the question of 1) Changing the term of an appointee; and 2) Establishing a policy that an appointee can only serve on one Commission/Committee at a time.

## 8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

## 9. GOOD OF THE CITY/PUBLIC FORUM

## 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)">

## EXECUTIVE SESSION

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## OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

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Employee Organization: Albany Peace Officers' Association and SEIU Local 790.

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

4-1. City Council minutes, May 2, 2005.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$158,894.93; taxes, benefits & withholdings in the amount of \$106,797.81. Total payroll in the amount of \$265,692.74. Payroll period. 04/29/05.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$40,217.82; taxes, benefits & withholdings in the amount of \$27,249.39. Total payroll in the amount of \$67,467.21; Payroll period: 04/29/05.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$15,228.08. Period: 05/01/05.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$183,068.65. Period: 05/06/05.

c. Ratification of bills, claims & demands against the Albany Municipal Services Joint Powers Authority in the amount of \$65.20. Period: 05/06/05.

Staff recommendation: Ratify.

4-4. Consideration of Claim #AL500; Target v. City.

**Staff Report** (*PDF, 15Kb*)

Staff recommendation: Reject the claim and authorize the City Clerk to send out the appropriate rejection letter.

4-5. Consideration of Claim #AL503; Cardwell v. City of Albany

**Staff Report** (*PDF, 14Kb*)

Staff recommendation: Reject the claim and authorize the City Clerk to send out the appropriate rejection letter.

4-6. Resolution No. 05-11 - A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 04-08, Disabled Access Curb Ramps and Solano Avenue Sidewalk Widening Construction projects with Vanguard Construction.

**Staff Report** (*PDF, 29Kb*)

**Resolution 05-11** (*PDF, 17Kb*)

**Notice of Completion** (*PDF, 25Kb*)

Staff recommendation: Approve Resolution #05-11.

4-7. Resolution #05-23 - A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 04-12, Curtis Street and Sonoma Avenue Sewer Rehabilitation (and 767 Gateview Avenue Sewer Rehabilitation).

**Staff Report** (*PDF, 23Kb*)

**Resolution 05-23** (*PDF, 19Kb*)

**Notice of Completion** (*PDF, 18Kb*)

Staff recommendation: Approve Resolution #05-23.

4-8 Resolution #05-28 - A Resolution of the Albany City Council Authorizing the City Administrator to Call for Bids for the Marin Avenue Reconfiguration Project.

**Staff Report** (*PDF, 17Kb*)

**Resolution 05-28** (*PDF, 19Kb*)

Staff recommendation: Approve Resolution #05-28.

4-9. Provisions of Advanced Life Support Ambulance and Paramedic Provider Agreement between the City of Albany and the County of Alameda.

**Staff Report** (*PDF, 14Kb*)

**Agreement** (*PDF, 15Kb*)

Staff recommendation: Approve the extension.

4-10. Request for temporary street closure of Talbot Avenue (approximately 200 feet south of Solano Avenue).

**Staff Report** (*PDF, 18Kb*)

Staff recommendation: Approve a request by Albany Rotary Club to close approximately 200 feet of Talbot Avenue, south of Solano Avenue, on June 5, 2005, from noon to 7:00 p.m. in conjunction with the Taste of Albany event, subject to Special Conditions.

## 5. PRESENTATION/PUBLIC HEARING/HEARING

5-1. Public Hearing to hear an appeal of a Planning & Zoning Commission denial of a Parking Reduction to allow the waiver of five (5) additional parking spaces that would be required due to the change in use from retail to restaurant with take-out, 1485-A Solano Avenue.

**Public Hearing Appeal Staff Report** (*PDF, 91Kb*)

Staff recommendation: Uphold the decision of the Planning & Zoning Commission and approve the findings, as found in the April 12, 2005 Notice of Action to support the denial of the application.

## 6. UNFINISHED BUSINESS

6-1. Albany Civic Center - Measure F Public Safety Projects

**Staff Report** (*PDF, 36Kb*)

**Resolution 05-29** (*PDF, 14Kb*)

Staff recommendation: Approve Resolution #05-29 - A Resolution of the Albany City Council Authorizing the City Administrator to Execute a Consultant Agreement with Noll & Tam for Architectural, Structural Engineering and Related Consulting Services for the Design Work Proposed for the Civic Center Complex.

6-2. 2005-06 City Council Goals.

**Staff Report** (*PDF, 25Kb*)  
**Goals** (*PDF, 101Kb*)  
**CIP Projects** (*PDF, 102Kb*)

Staff recommendation: Accept status report on implementation of the City Council 2005-06 Goals.

## 7. NEW BUSINESS

7-1. Resolution #05-26 - A Resolution of the Albany City Council Authorizing the City Administrator to Invite Bids and Award a Contract to the Lowest Responsible Bidder for Construction of the 2005 Street Resurfacing Project.

**Staff Report** (*PDF, 37Kb*)  
**Resolution 05-26** (*PDF, 14Kb*)  
**Street Listing** (*PDF, 19Kb*)

Staff recommendation: Approve Resolution #05-26.

7-2. Resolution #05-27 - A Resolution of the Albany City Council 1) Accepting the Recommendation of the Albany Parks & Recreation Commission on Selection of John Cahalan, Landscape Architect to Provide Conceptual and Preliminary Design Services for Memorial Park Phase II, Terrace Park and Ocean View Park Rehabilitation Projects; and 2) Authorizing the City Administrator to Execute a Contract with John Cahalan, Landscape Architect in an Amount not to Exceed \$79,000 for These Design Services.

**Staff Report** (*PDF, 13Kb*)  
**Resolution #05-27** (*PDF, 11Kb*)

Staff recommendation: Approve Resolution #05-27.

7-3. Albany Veteran's Memorial Building.

**Staff Report** (*PDF, 21Kb*)  
**Resolution 05-25** (*PDF, 15Kb*)  
**Building Status Report** (*PDF, 57Kb*)  
**Park & Recreation Commission Report** (*PDF, 18Kb*)

Staff recommendation: Approve Resolution #05-25 - A Resolution of the Albany City Council Approving the Recommendation of the Albany Parks & Recreation Commission that the City Council Allocate \$25,000 from Measure F Funds to be Used for the Costs Associated with Obtaining Two Reports: 1) A Renovation Re-Use Report, and 2) A Combined Architectural and Engineering Analysis to Determine the Seismic, ADA, Electrical, Structural and Code Compliance Upgrades Necessary and Associated Costs to Retrofit the Albany Veteran's Building for Use as a Community Recreation Center.

**8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS**

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