

**City Council Agenda  
November 07, 2005  
8:00PM  
Council Chambers, City Hall  
1000 San Pablo Avenue**

AMENDED to add new item 8-2

**7:15 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 Executive Session to discuss the following pursuant to Government Code Section 54959.8

Agency Negotiator: City Administrator and Glenn Berkheimer, IEDA

Employee Organization: Albany Peace Officers' Association

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

4-1. City Council minutes, October 10 & 17, 2005.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$177,728.60; taxes, benefits & withholdings in the amount of \$133,115.65. Total payroll in the amount of \$310,844.25. Payroll period: 10/14/05.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$46,247.05; taxes, benefits & withholdings in the amount of \$32,468.49. Total payroll in the amount of \$78,715.54; Payroll period: 10/14/05.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$211,270.47. Period: 10/21/05.

Staff recommendation: Ratify.

4-4. Ratification of pension payments for the month of October, 2005, in the amount of \$101,325.52.

Staff recommendation: Ratify.

4-5. A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of September 30, 2005, as required by Section 53646 of the California Government Code.

Staff recommendation: Note and file; information only.

4-6. Consideration of Claim #AL492; Pangelina v. City of Albany.

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

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

4-7. Consideration of Claim #AL498; Isseks v. City of Albany.

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

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

4-8. Consideration of Claim #AL514; Xiang v. City of Albany.

**Staff Report** (*PDF, 16Kb*)

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

4-9. Resolution #05-55 - A Resolution of the Albany City Council in Honor of Vivian Kuhl on Her Retirement from Service as a Parking Enforcement Officer with the City of Albany.

**Resolution #05-55** (*PDF, 14Kb*)

Staff recommendation: Approve Resolution #05-55.

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

## **6. PRESENTATION/PUBLIC HEARING**

6-1. Update on Chamber of Commerce "Green Albany" Project.

**Staff Report** (*PDF, 19Kb*)

Staff recommendation: Information only.

6-2. Public Hearing to consider proposed Zoning Ordinance Section 20.40: Housing Provisions, including related Definitions in Section 20.08.

**Staff Report** (PDF, 49Kb)

**Attachment: Resolution 05-48** (PDF, 43Kb)

**Attachment: Ordinance 05-06** (PDF, 23Kb)

Attachment A-1: Text of SB435 - no electronic file available

Attachment A-2: Sample Draft of Affordable Housing Agreement - no electronic file available

Attachment A-3: Summary of Inclusionary Housing Survey - no electronic file available

**Attachment B: P & Z Commission Resolution PZ 05-02** (PDF, 19Kb)

Attachment B-1: Recommended Text (modification denoted) PDF file cannot be created with notations. Adobe removes noted modifications-no electronic file available

**Attachment C: Decision Agenda** (PDF, 100Kb)

**Attachment D: Initial Study Dated April 6, 2005** (PDF, 281Kb)

**Attachment E: Draft Mitigated Neg. Declaration, circulated April 6, 2005** (PDF, 47Kb)

Attachment E-1: Comment Letter from EBMUD-no electronic file available

Staff recommendation: 1) Adopt Resolution #05-48 - A Resolution of the Albany City Council Adopting a Negative Declaration Regarding Environmental Effects of Proposed Amendments to the Albany Zoning Ordinance to Add Provisions for Housing. 2) Introduce Ordinance #05-06 An Ordinance of the Albany City Council Amending Chapter XX, Planning and Zoning, of the Albany Municipal Code to Add Provisions on Housing. First Reading.

## 7. UNFINISHED BUSINESS

7-1. Allocation of additional Measure F and Measure R funds for the park rehabilitation projects at Memorial, Ocean View and Terrace Parks and update on the Terrace Park Community Room.

**Staff Report** (PDF, 24Kb)

**Attachment #1 - Park Rehab. Costs** (PDF, 40Kb)

Attachment #2 - No electronic file

Attachment #3 - no electronic file

Staff recommendation: Approve the recommendation of the Albany Parks and Recreation Commission that the City Council allocate an additional \$488,654 from the Measure F reserve for parks projects and \$744,739 from Measure R Ball Field funds for the park rehabilitation projects at Memorial, Ocean View and Terrace Parks.

7-2. Social and Economic Justice Commission recommendations on Panhandling in Albany.

**Staff Report (PDF, 16Kb)**

Staff recommendation: Direct the City Attorney to draft an ordinance to control aggressive panhandling in the City.

## 8. NEW BUSINESS

8-1. Clarification of Social and Economic Justice Commission purview.

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

Attachment: Resolution A#05-15 - no electronic file

**Attachment: Resolution #05-21 (PDF, 14Kb)**

Attachment: Minutes from April 4th Meeting-no electronic file

Staff recommendation: Provide further direction to the Social and Economic Justice Commission on its purview with regard to the scope of issues it should address.

8-2. Potential Appeal of Proposed Project at El Cerrito Plaza.

**Staff Report (PDF, 26Kb)**

**City of Albany response to Incentive Program (PDF, 31Kb)**

Staff recommendation: Consider whether to file an appeal or join in the neighbor appeal of the November 2 El Cerrito Planning Commission decision regarding the proposed 128 unit residential project at El Cerrito Plaza. This item was added and constitutes the amended agenda.

## 9. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

## 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)">