

**City Council Agenda  
September 17, 2007  
8:00PM  
Council Chambers, City Hall  
1000 San Pablo Avenue**

**7:30 CLOSED SESSION**

**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: 1495 Solano Avenue; 1050 San Pablo Avenue, Gill Tract, University of California & 405 Kains.

Negotiating Parties: JL Lemm & Associates; University of California; Rachel Kuan & Gary Tang, Hannah Investment, on behalf of the property owner, Cerrito Creek Properties, LCC. City Administrator, on behalf of the City .

**ADJOURN TO CLOSED SESSION**

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

4-1. Council Minutes, September 4, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$177,583.20; taxes, benefits & withholdings in the amount of \$211,513.07. Total payroll in the amount of \$389,096.27. Payroll period: 08/17/07.

b. Ratification of City of Albany net payroll in the amount of \$215,978.11; taxes, benefits & withholdings in the amount of \$154,500.31. Total payroll in the amount of \$370,478.42. Payroll period: 08/31/07.

c. Ratification of Albany Municipal Services JPA net payroll in the amount of \$50,687.85; taxes, benefits & withholdings in the amount of \$51,631.22. Total payroll in the amount of \$102,319.07. Payroll period: 08/17/07.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$51,717.90; taxes, benefits & withholdings in the amount of \$37,430.86. Total payroll in the amount of \$89,148.76. Payroll period: 08/31/07.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of: \$491,107.00 & \$195,156.50- Period: 7/27/2007; \$21,251.00 - Period: 8/1/07. \$334,706.98 & \$125,871.52 - Period: 8/10/07. \$1,481,674.24 - Period: 8/27/07; \$23,176.00 - Period: 9/1/07; \$614,505.17 - Period: 9/10/07.

Staff recommendation: Ratify.

4-4. A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of June 30, 2007, as required by Section 53646 of the California Government Code.

**Staff Report**

Staff recommendation: Note and file.

4.5. Resolution #07-55 - A Resolution of the Albany City Council Re-Delegating Investment Authority to the City Treasurer and Adopting the Investment Policy for the City of Albany.

**Staff Report**  
**Resolution 07-55**  
**Exhibit A**  
**Attachment B**

Staff recommendation: Adopt Resolution #07-55.

4-6. Consideration of Claim #AL552; Zamir v. City.

**Staff Report**

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

4-7. Consideration of Claim #AL558; Scidona v. City.

**Staff Report**

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

4-8. SB840, "California Health Insurance Reliability Act" and AB8, "Health Care Reforms".

**Staff Report**  
**Attachment A**

Social & Economic Justice Committee recommendation: Authorize the Mayor to send a letter of support of SB840, "California Health Insurance Reliability Act", and in opposition to AB8, "Health Care Reforms" to the Governor, Speaker of the Assembly and Senate President, per motion passed by the Commission on September 5, 2007.

4-9. Civic Center Relocation: Lease Option for 405 Kains Avenue.

**Staff Report  
Attachment A**

Staff recommendation: Authorize the City Administrator to send a letter to Cerrito Creek Properties, LCC, indicating the City's intention to exercise an additional one-year option on the lease at 405 Kains Avenue.

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

6-1. Ordinance #07-04 - An Ordinance of the Albany City Council Amending Chapter 20 of the Planning & Zoning Code Establishing an Art in Public Places Program. First Reading.

**Staff Report  
Ordinance 07-04  
P & Z Minutes  
Public Art Requirements**

Committee and Commission recommendation: The Arts Committee and the Planning & Zoning Commission recommend the Council approve the draft Ordinance #07-04 for First Reading.

**7. UNFINISHED BUSINESS**

7-1. 128-Unit Condominium project at El Cerrito Plaza - Possible Appeal of a Decision by the City of El Cerrito

**Staff Report  
COA Letter to Mr. Garlock, January  
COA Letter to El Cerrito, Design Review Board, May 2  
COA Letter to El Cerrito, Design Review Board, May 5**

Staff recommendation: Direct staff to appeal the decision of the El Cerrito Design Review Board (DRB) to the El Cerrito City Council, regarding the 128-Unit Condominium project at El Cerrito Plaza; and urge that the southernmost parking garage access (off of Evelyn) be eliminated from the project. (Note: Due to the short appeal deadline, an appeal has been filed. Direction is requested, as to whether to withdraw or further pursue the appeal).

**8. NEW BUSINESS**

## 8-1. Proposal for 2008 Centennial Celebration Events.

### **Staff Report Attachment**

Staff recommendation: 1) Authorize a City of Albany Centennial Year Kick-off event and an Albany Alumni weekend to celebrate the 100-year anniversary of the City of Albany in 2008. 2) Encourage Albany organizations to incorporate a centennial theme in their community events and activities in 2008, and endorse community participation in these centennial celebrations. 3) Thank the Albany Historical Society for their compilation of Images of America: Albany, and for their continued work in commemoration of Albany's Centennial.

8-2. Resolution No. 07-57 - A Resolution of the Albany City Council Calling for the Impeachment of President George W. Bush and Vice-President Richard B. Cheney.

### **Staff Report Resolution 07-57**

Social & Economic Justice Commission recommendation: Adopt Resolution No. 07-57.

## 8-3. Livable Wage Ordinance

### **Staff Report Attachment A: FAQs**

Staff Recommendation: Consider Mayor Lieber's proposal to refer consideration of Livable Wage issue to the Social and Economic Justice Commission for recommendation.

## 9. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

9-1. Peace Day, sponsored by the Social & Economic Justice Commission, **September 23, 2007, 1-4 p.m.**, Memorial Park, near Tennis Courts and in front of the Veteran's building.

## 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)">