



**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: September 3, 2013
Reviewed by: Pat O

SUBJECT: Discussion and possible action regarding enforcement of the no camping ordinance at the Albany Bulb

REPORT BY: Penelope Leach, Assistant City Manager/Community Services Director

SUMMARY

The purpose of this agenda item is to provide an additional opportunity for the public to provide input to the City Council regarding enforcement of the City's no camping ordinance at the Albany Bulb as well as to address concerns expressed by a member of the public regarding full compliance with the Brown Act.

STAFF RECOMMENDATION

That the City Council receive public input, discuss enforcement of the no camping ordinance on the Bulb, and either reaffirm the direction provided at the May 6, 2013 Council meeting or provide other direction to staff as deemed appropriate.

BACKGROUND

On May 21, 2012, the City Council created a task force to address the issue of homelessness in Albany. At a Council meeting on May 6, 2013, staff and the Task Force presented a number of options with pros and cons for each option. As stated in the staff report, staff recommended that Council: (1) direct staff to issue a request for proposals for outreach and engagement services; (2) request report back on implementation of preferred option; and (3) provide direction on next steps for the Homeless Task Force.

After considering the options, Council unanimously supported Option 1B, and moved to:

“1) Suggest Task Force Members become advocates for the homeless through a community based organization; 2) Direct staff to issue a Request for Proposals (RFP) for outreach and engagement services for a period of 3 months funded by City Council discretionary funds in the amount of \$30,000, and that staff return to Council on June 17 regarding RFP selection; 3) ask the Police Department to enforce the no camping ordinance as of October 2013; 4) that the Mayor, Vice Mayor and City Manager meet with East Bay Regional Park District and State Parks to begin a process to make the area a park.”

For more information regarding the options presented to Council on May 6, please see the attached.

DISCUSSION

This staff report focuses on Council’s request that the Police Department begin enforcing the no camping ordinance in October, as stated in Item #3 of the approved minutes quoted above. The Council subsequently received a letter expressing concern regarding the adequacy of the agenda description for the action taken at the May 6 meeting. In an effort to alleviate any public concern about full compliance with the Brown Act, to promote transparency in the City's decision-making, and to provide an additional opportunity for community input, the item has been agendaized once again.

Since the May 6 meeting, in addition to the outreach and engagement efforts by Berkeley Food and Housing Project (BFHP), staff has been working on processes and procedures for notice to Bulb inhabitants, as well as the proper collection and storage of personal belongings located at the encampments as people are housed and enforcement takes place. Staff has investigated how other cities have worked through this process and is developing administrative processes and procedures that are sensitive to the needs of those living at the Bulb and adhere to the legal standards set forth in California and federal law.

It is worth noting that the no camping ordinance contains several provisions which are pertinent to the anticipated enforcement effort: (1) Section 8-4.3(a) provides that with limited exceptions, no person shall use, remain in or enter upon any waterfront area between 10:00 pm and 5:30 am. (2) Section 8-4.4 provides that no person shall camp or lodge in any park, recreation, open space, or waterfront area; it also prohibits setting up or leaving any tents, shacks, sleeping bags or any other shelter for the purpose of overnight camping. (3) Section 8-4.7(b) and (g) prohibit construction of any permanent or temporary buildings and prohibit storage of personal property in these areas.

SUSTAINABILITY IMPACT

Not applicable

FINANCIAL IMPACT

None

Attachments

Homeless Task Force Options Report from May 6, 2013
Albany Municipal Code Section 8-4 (No Camping Ordinance)
Council Minutes May 6, 2013

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City Council Meeting Summary September 3, 2013

Posted Date: 9/4/2013 6:00 AM

City Council Meeting Summary – September 3, 2013

The City Council took action on the following items:

• **Review of Planning Application Design Review & Conditional Use Permit for a roof-mounted AT&T wireless facility at 1495 Solano Avenue:**

The Council upheld the Planning & Zoning Commission decision approving Design Review and a Conditional Use Permit for a new AT&T roof-mounted wireless facility at 1495 Solano Avenue.

• **Master Fee Schedule:**

The Council adopted a revised Master Fee Schedule for permits, services and fines effective September 4, 2013.

• **Enforcement of the no camping Ordinance at the Albany Bulb:**

The Council reaffirmed the direction provided at the May 6, 2013 Council meeting requesting the

Police Department to commence enforcement of the no camping ordinance in October 2013.

• **Report on Homeless Outreach and Engagement Program:**

The Council received an update on the work of Berkeley Food and Housing Project to conduct homeless outreach & engagement services city wide. The Council authorized extending the contract agreement with Berkeley Food and Housing Project to continue the homeless outreach and engagement program city wide until the end of the year at a cost not to exceed \$30,000.

The above summary is provided to serve as a brief update of action taken by the City Council as part of their Regular Meeting. The City Council meets regularly at 7:30pm on the 1st and 3rd Mondays of each month, at the City Hall Council Chambers – 1000 San Pablo Avenue, Albany. Meetings are also broadcast live on KALB Cable Channel 33, and streamed on the City's Website. The next regular meeting of the City Council will be held on September 16, 2013.