

**City Council Agenda
October 01, 2007
8:00PM
Council Chambers, City Hall
1000 San Pablo Avenue**

7:15 p.m.

CLOSED SESSION

Closed session with legal Counsel pursuant to Government Code Section 54956.9

City of Albany v. Alten Construction

Closed session to discuss real property negotiations pursuant to Government Code Section 54956.8:

Property: 1495 Solano Avenue; Monroe Street Site, University Village.

Negotiating Parties: JL Lemm & Associates; University of California; City Administrator, on behalf of the City.

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

8:00 P.M.

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

4-1. Council Minutes, September 17, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$223,014.48; taxes, benefits & withholdings in the amount of \$170,114.68. Total payroll in the amount of \$393,129.16. Payroll period: 09/14/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$51,447.24; taxes, benefits & withholdings in the amount of \$39,991.28. Total payroll in the amount of \$91,468.52. Payroll period: 09/14/07.

Staff recommendation: Ratify.

4-3. Pension Payments for the month of September, 2007, in the amount of \$110,761.41.

Staff recommendation: Ratify.

4-4. Resolution No. 07-58 - A Resolution of the Albany City Council Approving the Final Condominium Subdivision Map for Tract 7773 (Villa de Albany 727 San Pablo Avenue)

Staff Report
Resolution 07-58
Conditions of Approval (P&Z)
Tract Map Attachment 1
Tract Map Attachment 2
Subdivision Improvement Agreement
Deferred Improvement Agreement

Staff recommendation: Adopt Resolution No. 07-58.

4-5. a. Ordinance No. 07-04 - An Ordinance of the Albany City Council Amending Chapter 20 of the Planning & Zoning Code Establishing an Art in Public Places Program. Second Reading-Pass-to-Print.

Staff Report
Ordinance 07-04
Resolution 07-60

b. Resolution No. 07-60 - A Resolution of the Albany City Council Establishing Standards for Implementation of the Art in Public Places Program.

Staff recommendation: 1) Adopt Ordinance No. 07-04 - Second Reading Pass-to-Print. 2) Adopt Resolution No. 07-60.

5. GOOD OF THE CITY/PUBLIC FORUM
6. UNFINISHED BUSINESS

6-1. Burrowing Owl Habitat at the Albany Plateau.

Staff Report
Aerial Map
Memorandum of Agreement: City of Albany & East Bay Regional Park District
East Bay Regional Park District Fence & Sign Specifications
Avocet Research –Scope of Work

Staff recommendation: 1) Enter into a Memorandum Agreement between the City of Albany and East Bay Regional Park District relating to Burrowing Owl Habitat and Public Access Improvements at Albany Plateau, Eastshore State Park. 2) Authorize the City Administrator to invite bids and award a construction contract to the lowest responsible bidder to construct the Burrowing Owl Habitat at the Albany Plateau for an amount not to exceed \$93,600. 3) Authorize the City

Administrator to execute a contract with Avocet Research Associates for an amount not to exceed \$7,102.50.

6-2. Resolution No. 07-61 - A Resolution of the Albany City Council Approving the Salary Schedule for the City Attorney.

Staff Report
Legal Services Expenditures
Resolution 07-61
Resolution Attachment A

Information from July 16th Council Meeting:

Staff Report
Resolution 07-45
Resolution Attachment
Attorney Staff Report with Attachments

Staff recommendation: Adopt or revise Resolution No. 07-61 authorizing a five (5) percent salary increase for the position of City Attorney, as an internal equity adjustment.

7. NEW BUSINESS

7-1. Centennial Banners.

Staff Report
Banner Photos

Staff recommendation: Approve Centennial Banner Program, to be implemented by Albany Chamber of Commerce in conjunction with the Albany Historical Society, and with the Albany Arts Committee review.

7-2. Smoke Free Ordinance.

Staff Report
Public Health Institute
Main Points of Proposal
Local Tobacco Control Ordinances in Alameda County

Staff recommendation: Consider Council Member Wile's proposal to refer consideration of an Albany Smoke-Free Ordinance to the Social and Economic Justice Commission for recommendation.

7-3. Unaudited Financial Statements, June 30, 2007, Interfund Transfers and Self-Insurance Reserves.

Staff Report
Attachments A, B, C
Review

Staff recommendation: That Council accept the unaudited financial report for the fiscal year ended June 30, 2007, approve the updated schedule of interfund transfers and approve the carry-forward of the self-insurance reserve balances, as reported June 30, 2007.

7-4. Proposed change to Charter, Section 4.03, Change in Formal Contract Bid Limit.

Staff Report

Staff recommendation: Refer to the Charter Review Committee for consideration of a Charter Amendment.

8. **OTHER BUSINESS/ANNOUNCEMENT OF EVENTS**
9. **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)">