



CITY OF ALBANY

CITY COUNCIL AGENDA COMMUNITY CENTER, MAIN HALL, 1249 MARIN AVENUE

MONDAY, FEBRUARY 2, 2009

7:30 p.m. – Note new regular meeting start time

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY
4. CONSENT CALENDAR

(Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the City Council. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.)

- 4-1. Council Minutes, January 21, 2009.

Staff recommendation: Approve.

- 4-2. a. Ratification of City of Albany net payroll in the amount of \$193,008.79; taxes, benefits & withholdings in the amount of \$260,675.06. Total payroll in the amount of \$453,683.85. Payroll period: 01/16/09.
- b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$55,790.64; taxes, benefits & withholdings in the amount of \$59,493.64. Total payroll in the amount of \$115,284.28. Payroll period: 01/16/09.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$50,764.40. Period: 01/01/09.
- b. Ratification of bills, claims & demands against the City of Albany in the amount of \$142,730.43. Period: 01/09/09.
- c. Ratification of bills, claims & demands against the City of Albany JPA in the amount of \$66.94. Period: 01/09/09.

Staff recommendation: Ratify.

- 4-4.** a. Ratification of pension payments for the month of December, 2008 in the amount of \$112,195.98.
- b. Ratification of pension payments for the month of January, 2009 in the amount of \$112,581.34.

Staff recommendation: Ratify.

- 4-5.** A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of December 31, 2008, as required by Section 53646 of the California Government Code.

Staff recommendation: Information only.

- 4-6.** Green Building/Bay Friendly Landscaping Grant for the Civic Center Project in an amount up to \$50,000.

Staff recommendation: Approve.

- 4-7.** Solano Avenue Association request for an Encroachment Permit for a Lunar New Year Parade on Saturday, February 7, 2009.

Staff recommendation: 1) Approve an Encroachment Permit – Street Event application subject to special conditions, as requested by Solano Avenue Association to: a) Temporarily close the westbound lane of Solano Avenue, from Santa Fe Avenue to Kains Avenue on Saturday, February 7, 2009, from 11:00 a.m. to 12:00 noon for a Lunar New Year Parade; and b) Eliminate parking on the south side of Solano Avenue between Talbot and Cornell Streets on February 7, 2009, from 10:00 a.m. to 3:00 p.m.

- 4-8.** Polk Street & Madison Street Sewer Replacement Project-CIP Project P58.

Staff recommendation: Award the contract in the amount of \$149,688 for the Polk Street & Madison Street Sewer Replacement Project (Contract

No. C08-28) to McNamara & Smallman Construction Inc., of Livermore, CA.

4-9. Consideration of Claim #AL589; Almendares v. City of Albany.

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

4-10. Ordinances for Second Reading:

a. No. 09-01 – An Ordinance of the Albany City Council Incorporating Article 1-11 Administrative Citations into Chapter 1 of the Albany Municipal Code.

b. No. 09-02 – An Ordinance of the Albany City Council Incorporating Article 5-24 Tobacco Retailer Licensing Program into Chapter 5 of the Albany Municipal Code.

c. No 09-03 – An Ordinance of the Albany City Council Incorporating Tobacco Retailer Land Use Regulations into Chapter 20 of the Albany Municipal Code.

Staff recommendation: Adopt Ordinance #09-01, #09-02 & #09-03 for Second Reading – Pass-to-Print.

4-11. Resolution No. 09-3 – A Resolution of the Albany City Council Authorizing the City of Albany Fire Department to Purchase a Pierce 75-Foot Heavy Duty Quint Aerial Apparatus for \$583,000.

Staff recommendation: Adopt Resolution No. 09-3.

4-12. Council Appointments: Mayor Atkinson appointing Ellen Toomey to the Community Media Access Committee. Council Member Lieber appointing Luke Lucas to the Traffic & Safety Commission. Council Member Wile appointing Amy St. George to the Arts Committee.

Staff recommendation: Information only.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

For persons desiring to address the City Council on an item that is not on the agenda please note that City policy limits each speaker to three (3) minutes. The Brown Act limits the Council's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

Please go to our website at www.albanyca.org to view all future Commission and Committee meetings.

6. PRESENTATION/PUBLIC HEARING

- 6-1.** Presentation of Certificate of Thanks to volunteers who worked on the Walking Bus Program.

7. UNFINISHED BUSINESS

- 7-1.** Cumulative Voting Method for City Council At-Large Committee Appointments.

Council Member Javandel recommendation: Consider adoption of the Cumulative Voting method for appointment of at-large committee members by the Council, before appointing any more at large committee members.

- 7-2.** Consider at-large appointment to the Sustainability Committee.

Staff recommendation: Consider appointing one (1) at-large appointee to the Sustainability Committee.

- 7-3.** Monthly progress report from the Economic Development Working Group (Oral report).

8. NEW BUSINESS

- 8-1.** Resolution No. 09-4 – A Resolution of the Albany City Council Renaming Terrace Park to “Jewel’s Terrace Park” in honor of former Council Member Jewel Okawachi.

Park & Recreation Commission recommendation: Approve Resolution No. 09-4.

- 8-2.** East Bay Regional Parks District Measure WW.

Staff recommendation: 1) Approve Resolution No. 09-2 – A Resolution of the Albany City Council Regarding the Master Contract between the City of Albany and the East Bay Regional Park District for the Allocation of the City’s Share of the Measure WW Funds. 2) Refer to the Parks & Recreation Commission for discussion, deliberation and recommendation regarding the use of Measure WW funds, with advice from the Waterfront Committee.

- 8-3.** Use of Measure R funds for Ocean View Sports Field Improvements.

Staff recommendation: Approve the use of Measure R funds of up to \$94,000 for Ocean View Sports Field Improvements.

8-4. Six-Month Fiscal Year 2008/09 Financial Statements and Projection.

Staff recommendation: Information only.

8-5. Status Report on Economic Stimulus Benefits for Albany Infrastructure.

Staff recommendation: Receive information report on City's efforts to obtain economic stimulus assistance from Federal funds to improve Albany's public infrastructure.

9. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.

(Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

9-1. A State of the City Finances Report will be presented at the City Council meeting of Tuesday, February 17, 2009.

9-2. City offices will be closed on closed on **Monday, February 16, 2009**, in observance of President's Day. The next regular scheduled Council meeting will be on **Tuesday, February 17, 2009** due to the President's Day holiday.

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. The agenda and supporting staff reports can also be found on our web page at: www.albanyca.org. If you have any questions pertaining to any agenda item or Council meeting procedure, please contact the City Clerk's Office at 528-5710.)

Agenda related writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the lobby of City Hall.

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.

To view the live televised Council meetings go to Channel 33. 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, which will be posted on the Internet and broadcast on Channel 33.

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), and State Law, 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)”. Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Request should be sent to: City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.