



CITY OF ALBANY

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

MONDAY, MARCH 16, 2009

6:30 p.m.

CLOSED SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

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

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| Property: | Proposed Pierce Street Park, located across from 737 Pierce Street. |
| Negotiating Parties: | Caltrans, on behalf of the State; City Administrator & City Attorney, on behalf of the City. |
| Property: | 842 Masonic Avenue, Albany |
| Negotiating Parties: | City Administrator and Rebecca Nemeth, Berkeley Hills Realty, on behalf of the City; Rita Smith, Rita Smith Realty, on behalf of property owner. |

7:30 p.m.

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. Minutes, March 2, 2009

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$210,534.65; taxes, benefits & withholdings in the amount of \$264,240.66. Total payroll in the amount of \$474,775.31. Payroll period: 02/27/09.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,202.31; taxes, benefits & withholdings in the amount of \$59,290.55. Total payroll in the amount of \$115,492.86. Payroll period: 02/27/09.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims and demands against the City of Albany in the amount of \$711,744.42. Period: 02/20/09.

b. Ratification of bills, claims and demands against the City of Albany in the amount of \$34,837.81. Period: 03/01/09.

c. Ratification of bills, claims and demands against the City of Albany in the amount of \$1,361,899.92. Period: 03/06/09.

Staff recommendation: Ratify.

4-4. 2009 Accessibility Ramps Project.

Staff recommendation: 1) Authorize the City Administrator to execute a Professional Services Agreement with Jacobs Engineers to provide design services for the 2009 Accessibility Ramps Project in an amount of \$41,200. 2) Authorize the City Administrator to call for bids to construct the 2009 Accessibility Ramps Project – CIP Project P27. Staff will return to the Council for approval to award the construction contract.

4-5. Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path Project Environmental Review Contract with LSA Associates.

Staff recommendation: Authorize the City Administrator to enter into a contract with LSA Associates, Inc. to provide environmental review services pursuant to CEQA for the Pierce Street Pavement Rehabilitation and Path Project in the amount of \$32,660.

4-6. Purchase of Financial Management System and Maintenance Agreement.

Staff recommendation: Authorize the City Administrator to execute agreements with Tyler Technologies for the purchase, installation and maintenance of Tyler Incode Financial Management System for 1) All-inclusive cost of software, installation and initial training in all applications purchased, not to exceed \$110,000. 2) The annual maintenance fee for the first year not to exceed \$20,000 with guaranteed renewal for a period of at least five (5) years, with specified caps on any fee increase.

4-7. Measure C bonds activity and status annual report.

Staff recommendation: Information only.

4-8. Resolution No. 09-7 – A Resolution of the City of Albany, State of California, Authorizing the Issuance and Sale of Parcel Tax Bonds for the Purpose of Financing the Cost of Acquiring and Constructing Storm Drain Improvement Projects, Approving an Official Statement and Related Matters.

Staff recommendation: Adopt Resolution No. 09-7 and authorize the City Treasurer, City Administrator and City Finance & Administrative Services Director to complete the documents required for issuance of bonds, in accordance with Resolution No. 09-7.

4-9. Resolution #09-9 - A Resolution of the Albany City Council Directing the Filing of the Landscaping and Lighting Assessment District Annual Report (Assessment District No. 1988-1 and 1996-1).

Staff recommendation: Adopt Resolution No. 09-9

4-10. Codornices Creek Maintenance Contract – Shelterbelt Builders.

Staff recommendation: Authorize the City Administrator to enter into a contract between the City and Shelterbelt Builders in the amount of \$15,000 for maintenance of lower Codornices Creek restoration areas from the western boundary of the project to 6th Street.

4-11. Work Plan Status Report.

Staff recommendation: Receive and review status report and direct staff to agendize a process and timeline for development of a new set of goals and work plan in coordination with the City's organizational analysis and updating of the 2009-10 budget.

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 Appreciation to Albany Meals on Wheels Volunteers.

7. UNFINISHED BUSINESS

7-1. Monthly Progress Report: Civic Center Project.

Staff recommendation: 1) Receive monthly progress report at 50% completion. 2) Authorize proceeding with interior modifications to City Hall in accordance with plans previously present to Council, at an estimated cost of \$200,000, with this added scope to be funded from unexpended contingency allowance from the first half of the project.

7-2. Campaign Finance Reform Task Force

Staff recommendation: Establish a Campaign Finance Reform Act Task Force, as follows: 1) Five members, one appointed by each Council Member. 2) The City Attorney will serve as advisor to the Task Force. 3) The City will request Robert Stern, from the Center for Governmental Studies, or an alternate representative, to also act as an advisor to the Task Force. 4) The charge of the Task Force is to review the existing ordinance and determine if further modifications to or repealing of the Act are appropriate or desirable; per the recommendations of the Social and Economic Justice Commission to investigate public campaign financing and the issue of legal actions and attorney's fees. 5) The Task Force shall expire within one year of its formation, and shall report back to the City Council prior to this time with its recommendations, but no later than March 31, 2010.

8. NEW BUSINESS

- 8-1.** Ordinance No. 09-04 – An Ordinance of the Albany City Council Adopting Chapter 13 Public Works Projects, Contracts and Procedures.

Staff recommendation: Introduce for First Reading Ordinance No. 09-04 and waive reading of entire Ordinance.

- 8-2.** Ordinance No. 09-05 – An Ordinance of the Albany City Council Amending Section 5-13, Massage Establishments, Massage Technicians and Massage Services, of the Albany Municipal Code.

Staff recommendation: Introduce for first reading Ordinance No. 09-05 and waive reading of entire Ordinance.

- 8-3.** Ordinance No. 09-06 – An Ordinance of the Albany City Council Adopting Section 2.35 Service of Notices of the Albany Municipal Code.

Staff recommendation: Introduce Ordinance No. 09-06 for first reading and waive reading of entire Ordinance.

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).

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, 405 Kains Avenue, Albany, CA 94706.