



CITY OF ALBANY
CITY COUNCIL AGENDA

COUNCIL CHAMBERS, CITY HALL, 1000 SAN PABLO AVENUE

MONDAY, APRIL 7, 2008

7:15 p.m.

CLOSED SESSION

Closed session to discuss existing litigation pursuant to Government Code Section 54956.9:

City of Albany v. Alten Construction

Closed session to discuss anticipated litigation pursuant to Government Code Section 54956.9(a):

California Department of Food & Agriculture regarding the Light Brown Apple Moth

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

8:00 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. Council Minutes, March 17, 2008.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$182,385.57; taxes, benefits & withholdings in the amount of \$144,479.83. Total payroll in the amount of \$326,865.40. Payroll period: 03/14/08.

b. Ratification of City of Albany net payroll in the amount of \$180,592.77; taxes, benefits & withholdings in the amount of \$226,588.63. Total payroll in the amount of \$407,181.40. Payroll period: 03/28/08.

c. Ratification of Albany Municipal Services JPA net payroll in the amount of \$55,224.29; taxes, benefits & withholdings in the amount of \$42,213.63. Total payroll in the amount of \$97,437.92. Payroll period: 03/14/08.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$53,312.57; taxes, benefits & withholdings in the amount of \$59,063.07. Total payroll in the amount of \$112,375.64. Payroll period: 03/28/08.

Staff recommendation: Ratify.

4-3. Ratification of bills, claims & demands against the City of Albany in the amount of \$227,252.19. Period: 03/21/08.

Staff recommendation: Ratify.

4-4. Pension payments in the amount of \$108,523.25 for the month of March, 2008.

Staff recommendation: Ratify.

4-5. Appointment of Auditors.

Staff recommendation: Approve the appointment of Caporicci & Larson, CPAs, to serve as independent auditors for the City of Albany, the Albany Municipal Services Joint Powers Authority, Albany Community Reinvestment Agency and the City of Albany Police and Fire Relief Pension Fund for fiscal years ending June 30, 2008 through June 30, 2012.

4-6. Waste Management of Alameda County Annual Rate Adjustment Request

Staff recommendation: Authorize the Annual Rate Adjustment of 3.179% requested by Waste Management of Alameda County.

4-7. A Resolution Directing the Filing of the Landscape and Lighting Assessment District No. 1988-1 and for Assessment District No. 1996-1.

Staff recommendation: Approve Resolution #08-19 – 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).

4-8. Resolution No. 08-17 – A Resolution of the Albany City Council Authorizing the Destruction of Certain Records and Donation of Certain Records to the Albany Historical Society.

Staff recommendation: Approve Resolution No. 08-17.

4-9. Paid Parking Program

Staff recommendation: That Council refer the issue of establishing paid parking program(s) to the Traffic & Safety Commission, Planning & Zoning Commission, Albany Chamber of Commerce, and Solano Avenue Association for comments and recommendations, by June 30, 2008.

4-10. Consideration of Claim #AL572; CSAA v. City of Albany.

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

4-11. Call for Bids and Award of Contract for Lower Codornices Creek Restoration, Step 1, Phase III – Site Improvement & CMU Wall at USPS, Lower Codornices Creek. Phase III.

Staff recommendation: Authorize the City Clerk to Invite Bids and authorize the City Administrator to award a contract not to exceed \$750,000 and authorize the inclusion of a “bid alternate” to complete the

accessible sidewalk at the 5th Street crossing, for an amount not to exceed \$25,000.

- 4-12.** Extend Memorial Park tennis court fence to prevent foul balls from entering the courts.

Staff recommendation: Authorize the Albany Unified School District to extend the tennis court fencing along the third baseline at Memorial Park with to keep foul balls from entering the tennis courts.

- 4-13.** General Plan Annual Report.

Planning & Zoning Commission Recommendation: That the City Council approve the General Plan Annual Report.

- 4-14.** Relocation Status Update for Civic Center Project.

Staff recommendation: Information only.

- 4-15.** “Recycle your Rebate in Albany” - Shop Locally Campaign

Staff recommendation: That Council support the shop/buy local campaign called “Recycle Your Rebate in Albany” between May 10 and June 15 (Mother’s Day to Father’s Day), and authorize the expenditure of up to \$1,900 to send postcards to Albany households.

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.** Albany Library Board making a presentation about the “Albany Online Community Calendar” and submitting a proclamation for National Library Week – April 13-19, 2008.
- 6-2.** Continued public hearing – Neilson Street Storm Drain and Sanitary Sewer Project.

Staff recommendation: 1) Reopen the hearing to receive public comments on the Draft Negative Declaration and the overall project. 2) Approve the *Initial Study/Negative Declaration regarding the Neilson Street Storm Drain and Sanitary Sewer Project*. 3) Authorize City staff to Call for Bids for the Neilson Storm Drain and Sanitary Sewer Improvements (Contract C07-21. 4) Authorize the City Administrator to negotiate a loan in the approximate amount of \$3,500,000 with repayment being made through annual payments of \$400,000 from Measure F revenues that achieves the most advantageous lending agreement.

Supplemental Staff Recommendation:

Authorize the City Administrator to execute a construction contract in the amount of \$7,852, 700 with Sausal Corporation, San Leandro, CA for the seismic retrofitting of the Civic Center buildings, and additions and renovations to the Fire and Police Department buildings, Contract C 07-14, with authority for change orders up to 15 percent of contract amount.

7. UNFINISHED BUSINESS

- 7-1.** Discussion regarding Charter Amendments that have been recommended by the Charter Review Committee and reviewed by the City Council at the meeting of October 15, 2007:

a. Section 2.01 – Council Compensation.

Staff recommendation: Review the proposed ballot language, discuss placing before voters and if Council wishes the measures to be on the November 4, 2008, ballot, direct the City Attorney to prepare ballot measure on Section 2.01.

b. Section 4.03 – Bid Procedures.

Staff recommendation: Review the proposed ballot language, discuss placing before voters and if Council wishes the measures to be on the November 4, 2008, ballot, direct the City Attorney to prepare ballot measure on Section 4.03.

- 7-2.** Award contracts for Civic Center Retrofit and Police & Fire Station Renovation project.

Staff recommendation: 1) Authorize the City Administrator to execute a construction contract for the seismic retrofitting of the Civic Center buildings, and additions and renovations to the Fire and Police Department buildings, Contract C 07-14. 2) Authorize the City Administer

to enter into a lease agreement with Design Space Modular Buildings, Inc. for the lease of modular buildings for police and fire temporary quarters.

8. NEW BUSINESS

- 8-1.** Ordinance No. 08-02 – Regulation the use of polystyrene foam (Styrofoam) disposable food service ware and requiring the use of biodegradable or compostable disposable food service ware by food vendors and City facilities. - First Reading.

Staff recommendation: Introduce Ordinance #08-02 for First Reading

- 8-2.** Business License Revenue Analysis report

Staff recommendation: Information/discussion on the revenues that the city receives from business licenses.

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).

- a) Receive information, discuss, and provide Council direction on oral report from the University Village/Gill Tract City Council Subcommittee on meetings to date, and plans for future discussions, including the Subcommittee meeting of April 14, 4:30 p.m., Council Chambers, open to the public.
- b) Receive information, discuss, and provide Council direction on oral report from the Budget Priority Setting Process Council Subcommittee.
- c) Discuss and take action on amending City Council meeting schedule due to City Hall move May 2 – 5, including moving or canceling May 5 Council meeting.

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 528-5720.)

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.