



CITY OF ALBANY

CITY COUNCIL AGENDA

COUNCIL CHAMBERS, CITY HALL, 1000 SAN PABLO AVENUE

TUESDAY, JANUARY 22, 2008

7:00 p.m.

CLOSED SESSION

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

Property: 979 San Pablo Avenue
Negotiating Parties: Red Oak Realty, on behalf of 979 San Pablo Avenue and City Administrator, Assistant City Administrator and City Attorney, on behalf of the City.

Under Negotiation: Terms and conditions to obtain lease agreement for temporary relocation of City operations.

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.

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, December 17, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$185,086.88; taxes, benefits & withholdings in the amount of \$223,095.08. Total payroll in the amount of \$408,181.96. Payroll period: 12/21/07. Ratification of City of Albany net payroll in the amount of \$186,995.36; taxes, benefits & withholdings in the amount of \$150,350.10. Total payroll in the amount of \$337,345.46. Payroll period: 01/01/08

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,370.40; taxes, benefits & withholdings in the amount of \$62,505.40. Total payroll in the amount of \$118,875.80. Payroll period: 12/21/07. Ratification of Albany Municipal Services JPA net payroll in the amount of \$54,233.36; taxes, benefits & withholdings in the amount of \$42,838.15. Total payroll in the amount of \$97,071.51. Payroll period: 01/04/08.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$473,394.42. Period: 12/14/07.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$120,925.04. Period: 12/28/07.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$23,176.00. Period: 01/01/08.

Staff recommendation: Ratify.

4-4. Police & Fire Pension payments in the amount of \$111,686.15 for the month of December, 2007.

Staff recommendation: Ratify.

- 4-5.** Confirmation of Continued Existence of a Local Emergency on the Albany Shoreline.

Staff recommendation: Confirm the continued existence of a local emergency pursuant to Resolution #07-69.

- 4-6.** Burrowing Owls Habitat at the Albany Plateau regarding contract amendment with Avocet Research Associates.

Staff recommendation: Amend the contract with Avocet Research Associates to increase the contract from \$7,102.50 to \$14,141.25.

- 4-7.** Resolution #08-2 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Ohlone Greenway Lighting and Pathway Improvements (Contract No. C06-23 – Nema Construction).

Staff recommendation: Adopt Resolution #08-2.

- 4-8.** Solicitation of Auditors.

Staff recommendation: Authorize staff to solicit proposals from Certified Public Accounting firms 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, 2013.

- 4-9.** Mayor Lieber requesting that the proposed smoking ordinance be referred to the Sustainability Committee after the Social & Economic Justice Commission has completed its recommendations.

Mayor Lieber recommendation: Approve.

- 4-10.** Information Report – Alameda-Contra Costa Transit District (AC Transit) Bus Shelter Advertising Contract Transfer from Lamar L.L.C to Clear Channel, Inc.

Staff recommendation: No action, 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. PUBLIC HEARING/PRESENTATION

- 6-1.** Presentation of Proclamation for Miya Kitahara – first green MBA in City of Albany.
- 6-2.** Presentation of Proclamation declaring the month of January, 2008 as National Blood Donor Month.
- 6-3.** Presentation of Proclamation declaring the month of March, 2008, as American Red Cross Month.

7. UNFINISHED BUSINESS

- 7-1.** Ohlone Greenway Path Alignment Concept Design – Proposal to be submitted to BART.

Staff recommendation: That the City Council direct City staff and Gates & Associates to submit Concept Diagram Option A to BART for Ohlone Greenway path alignment changes and construction scheduling requests, that include: 1) A single combined path with 2' borders of decomposed granite on either side. 2) Replacement of the existing pedestrian path with turf. 3) Negotiations with BART to accommodate school and commercial retail schedules during the construction period.

8. NEW BUSINESS

- 8-1.** Removal of Monterey Pines from Gill Tract.

Staff recommendation: Pursuant to the discussion and recommendations of the Parks & Recreation Commission, authorize the Mayor to sign correspondence to the University of California, Berkeley, to urge the University to provide the City with advance communication and opportunity for involvement before moving forward with the second phase of Monterey Pine tree removal.

- 8-2.** a. Ordinance #08-01 – An Ordinance of the Albany City Council Regarding Integrated Pest Management (IPM) Policy and Regulations. First Reading.

b. Resolution #08-3 – A Resolution of the Albany City Council Approving and Integrated Pest Management (IPM) Policy and Regulations.

Staff recommendation: 1) Introduce Ordinance #08-01 for First Reading.
2) Adopt Resolution #08-3.

8-3. Light Brown Apple Moth Aerial Spraying Program.

Staff recommendation: Consider adoption of Resolution #08-4 – A Resolution of the Albany City Council Opposing the California Department of Food and Agriculture Aerial Spray Program to Eradicate the Light Brown Apple Moths presented by Mayor Lieber.

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

10.1. Adjourn the meeting with a moment of silence in memory William F. Ganong.

(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 at City Hall, located at 1000 San Pablo Avenue, Albany during normal business hours.

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.