



CITY OF ALBANY

CITY COUNCIL AGENDA

COMMUNITY CENTER, MAIN HALL, 1249 MARIN AVENUE

MONDAY, JULY 21, 2008

7:30 p.m.

CLOSED SESSION

Closed session to discuss existing litigation pursuant to Government Code Section 549569:

City of Albany v. Alten Construction

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, July 7, 2008.

Staff recommendation: Approve.

4-2. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$294,284.10. Period: 07/11/08 FY 2007/08.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$2,238.90. Period: 07/11/08 FY 2008/09

Staff recommendation: Ratify.

4-3. Notice of Completion, Memorial Park Renovation Projects

Staff recommendation: Adopt Resolution No. 08-26 accepting improvements and directing the filing of the Notice of Completion for Contract C3-07 for the renovation of Memorial Park (South) and Memorial Ball Fields.

4-4. Resolution No. 08-36 – A Resolution of the Albany City Council Calling and Giving Notice of Holding a General Election to be Held November 4, 2008 and Requesting the Board of Supervisors of Alameda County to Consolidate Said Election with the Statewide General Election; Authorizing the City Clerk or Her Duly Authorized Officers to Carry Out All the Necessary Procedures for Said Election; and for Submitting to the Voters Amendments to Albany City Charter Sections 2.01, 2.02, 5.01, 5.02 and 5.03; an Amendment to Albany City Charter Section 3.23. an Amendment to Albany City Charter Section 4.03; an Amendment to Albany City Charter Section 2.01 and Enactment of a New Section 2.08 to the Albany City Charter; an Amendment to Albany City Charter Section 2.04; an Amendment to Albany Municipal Code Chapter 4-5 Entitled Real Property Transfer Tax; and an Amendment to Albany Municipal Code Chapter 4-8 Entitled Paramedic Advanced Life Support Fire Engines and Ambulance Special Tax to the Qualified Voters of the City and Setting the Ballot Language.

Staff recommendation: Adopt Resolution No. 08-36.

4-5. Resolution No. 08-45 – A Resolution of the Albany City Council Accepting the Work of Contract 08-19, Burrowing Owl Habitat Project, as Complete and Direct the Filing of a Notice of Completion.

Staff recommendation: Adopt Resolution No. 08-45.

4-6. Resolution No. 08-49 – A Resolution of the Albany City Council Supporting SB 1420 Which Requires Restaurants with 15 or More

Locations in California to Provide Nutrition Information on Menus and Menu Boards.

Staff recommendation: Adopt Resolution No. 08-49.

- 4-7.** Resolution No. 08-50 – A Resolution of the Albany City Council Regarding the Appointment of Albany Representatives to the Berkeley Mental Health Commission.

Staff recommendation: Adopt Resolution No. 08-50.

- 4-8.** Resolution No. 08-51 – A Resolution of the City Council of the City of Albany Endorsing East Bay Regional Park District’s Proposed Extension of Regional Open Space, Wildlife, Shoreline and Parks Bond.

Staff recommendation: Adopt Resolution No. 08-51.

- 4-9.** Consideration of Claim #AL579; Alfaro v. City of Albany.

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

- 4-10.** Monthly Status Report: Civic Center Project.

Staff recommendation: For information.

- 4-11.** 2007-08 Work Plan Update

Staff recommendation: For information.

- 4-12.** Community Center/Library Tower Repair.

Staff recommendation: Authorize the City Administrator to execute an agreement with Wiss, Janney, Elstner Associates (WJE) in the amount of \$34,000 to prepare design and bid documents for the repair of water damage at the Community Center (stair tower and other area walls, as required) and to call for bids for the repair work.

- 4-13.** 2008 – 11 Capital Improvement Program Plan and Budget.

Staff recommendation: Schedule a public hearing of September 2, 2008 to discuss the Capital Improvement Plan and 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. PUBLIC HEARING

7. UNFINISHED BUSINESS

- 7-1.** Ordinance No. 08-08 – An Ordinance of the Albany City Council Repealing Chapter VII City of Albany Campaign Finance Reform Act of 1996 of the Albany Municipal Code. Introduction and Second Reading. This Ordinance will become effective 10 days after the introduction and approval.

Staff recommendation: Adopt Ordinance No. 08-08.

8. NEW BUSINESS

- 8-1.** Ohlone Greenway Plan for Submittal to BART, including Planting Plan and Path Alignment.

Parks and Recreation Commission recommendation: Adopt Gates and Associates plan, as modified and improved upon in the Tree Task Force plan, with the following modifications: 1) Revisit placement of trees and shrubs at intersection corners to ensure visibility of bicyclists and pedestrians. 2) City should ask BART for a placeholder value of the par course. 3) All park benches (including Lions and Rotary Club benches) and "wooden cube" benches should be replaced if removed or damaged. 4) Encourage City Council to be conscious of adequate budget for maintenance. 5) Adhere to installing a two foot decomposed granite (DG) path on either side of the bicycle/pedestrian path. (Note: El Cerrito has chosen to install only one DG path for cost saving measures).

- 8-2.** Ballot arguments on City Charter Amendments and Tax Measures.

Staff recommendation: Designate a Council subcommittee to write arguments on the proposed measures to be submitted to the voters at the November 4, 2008 election.

- 8-3.** “Dinner with Albany” Centennial Celebration, Saturday, September 27, 2008.

Staff recommendation: 1) Approve Solano Avenue Road closure on September 27, 2008 from San Pablo to Stannage from 6:00 a.m. – midnight, and from Stannage to Masonic from noon-midnight. 2) Designate one or two Council Members to serve as liaisons to the Centennial Event planning process.

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.** City Council is on Recess and the next regular meeting is scheduled for **Tuesday, September 2, 2008.**
- 9-2.** City offices will be closed on **Monday, September 1, 2008** in observance of the Labor Day Holiday.
- 9-3.** The community is invited to attend the Police Department “National Night Out” on **Tuesday, August 5**, 6 to 9 p.m., at Memorial Park and Albany High School Campus.

10. ADJOURNMENT

- 10-1.** Adjourn in memory of Dona Spring, Berkeley City Council Member who passed away on July 13, 2008.

(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.