CITY OF ALBANY

CITY COUNCIL AGENDA
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, JUNE 21, 2010

6:45 p.m.

Executive Session

Call to order

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Executive Session to discuss the following:

Real property pursuant to Government Code Section 54956.8

Property: 4.5 acre vacant land adjacent to Cleveland Avenue & Pierce Street
Negotiating Parties: City Attorney, City Administrator and Assistant City Administrator on behalf of the City; Caltrans on behalf of owner
Under Negotiations: Terms and conditions of acquisition of property

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.


b. Ratification of Albany Municipal Services JPA net payroll in the amount of $51,395.07; taxes, benefits & withholdings in the amount of $39,289.66. Total payroll in the amount of $90,684.73. Payroll period: 6/5/10.

Staff recommendation: Ratify.

4-2. Ratification of bills, claims and demands against the City of Albany in the amount of $454,294.97. Period: 5/28/10.

Staff recommendation: Ratify.

4-3. Request for Temporary Street Closure around Memorial Park, Sunday, July 18, 2010 for Berkeley Bicycle Club Criterium (Races)

Staff recommendation: Approve request by Berkeley Bicycle Club to close off the streets immediately around Memorial Park (and Albany High School) on Sunday, July 18, 2010, from 6:30 a.m. to 5:00 p.m. for its annual bike races.

4-4. Resolution 2010-31 authorizing city staff to implement the proposed plan for the City of Albany’s Paratransit Program for Fiscal Year 2010-2011.

Staff recommendation: Approve Resolution No. 2010-31.

4-5. Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 and Assessment District No. 1996-1 for the 2010/11 and 2011/12 Fiscal Years, and Set a Public Hearing for July 6, 2010 on the proposed assessments.

Staff recommendation: 1) Approve Resolution #2010-29 - A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 for the 2010/11 and 2011/12 Fiscal Years (Pursuant to the Landscaping & Lighting Act of 1972), set a public hearing for July 6, 2010 on the proposed assessments; 2) Approve Resolution #2010-30 – A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1996-1 for the 2010/11 and 2011/12 Fiscal Years (Pursuant to the Landscaping & Lighting Act of 1972), and set a public hearing for July 6, 2010 on the proposed assessments.
4-6. Transportation Development Act Article 3 Allocation FY 2010-11

Staff Recommendation: Approve Resolution No. 2010-33 requesting that the Metropolitan Transportation Commission (MTC) allocate Fiscal Year 2010/11 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding in the amount of $20,785 to the City of Albany toward development of Plans, plat descriptions and agreements for the right of way acquisition for the construction of the Buchanan Bicycle and Pedestrian Path project and Utility Undergrounding.

4-7. Contract with the County of Alameda for Additional Library Services, Fiscal Year July 1, 2010 – June 30, 2011.

Staff and Albany Library Advisory Board recommendation: Receive and file letter from the Albany Library Advisory Board, and approve contract.


Staff Recommendation: Schedule and provide notice of public hearing for July 6, 2010.

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. Undergrounding District - Buchanan/Marin Utility Overhead Conversion District.

Staff Recommendation: 1) Open Public Hearing and receive public comments; 2) Close Public Hearing. 3) Approve the Traffic & Safety Commission recommendation to adopt Resolution #2010-32 for creation of an Undergrounding District along the south side of Buchanan Street, between Cleveland and San Pablo Avenues, and along both sides of Marin Avenue, between San Pablo and Masonic Avenue, to be called “Buchanan/Marin Utility Overhead Conversion District.

7. UNFINISHED BUSINESS
7-1. Advisory measure on the November 2010 ballot regarding City subsidy of candidates statements, and possible relationship to campaign expenditure limit.

Councilmember Thomsen recommendation: That City Council put an advisory measure on the November 2010 ballot asking voters to advise the Council about City funding of candidate statements in future elections.


Staff recommendation: Approve Resolution No. 2010-13

7-3. Resolution No. 2010-24 – A Resolution of the Albany City Council Calling and Giving Notice of Holding a General Election to be Held November 2, 2010 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 an Amendment to Section 3.01 of the Albany City Charter; Amendment to Albany Municipal Code Article 4-8, and Enactment of Articles 5-10 and 4-11 to the Albany Municipal Code, All of Which are Set Forth Herein.

Resolution No. 2010-24 includes offices to be filled, which are: Two (2) City Council, Three (3) Board of Education, and One (1) City Attorney; and the following four ballot measures: 1) Charter amendment to change the position of City Attorney from elected to appointed effective by December 2011; 2) Reducing Albany’s Communications Utility Users’ Tax from 7% to 6.5%; add video to the definition of communications; modernize the method for applying, calculating and collecting; and exempt self-generated energy; 3) Authorizing increasing the Paramedic Advance Life Support Fire Engines and Ambulance Special Tax in accordance with the Consumer Price Index. 2) Adding a section in the Municipal Code to set a business license tax for cannabis businesses

Staff recommendation: 1) Approve Resolution No. 2010-24. 2) Assign Council subcommittees for each of the ballot measures to prepare written arguments in favor of the measures as identified in Resolution No. 2010-24. The Charter Review Committee has requested that members of its Committee join with the Council subcommittee on the ballot argument in favor of the measure to change to an appointed City Attorney.

7-4. Alcoholic Beverage “Open Container” Ordinance

Staff Recommendation: Introduce and waive reading of Ordinance # 2010-04 of the Albany City Council adding Albany Municipal Code Chapter 8-7 prohibiting the consumption of alcoholic beverages in public places.

8. NEW BUSINESS

8-1. City of Albany Fiscal Years 2010-11 - 2011-12 Operating Budget, Goals & Objectives.
a) Operating Budget for Fiscal Years 2010-11 and 2011-12

Staff recommendation: That the City Council upon completion of review of the draft budget for fiscal years 2010-11 and 2011-12, and receipt of public comment on the draft budget, adopt the budget for fiscal years 2010-11 and 2011-12, with the condition that City staff recommend options to balance revenues and expenditures for fiscal year 2011-12, prior to July 1, 2011.

b) Goals & Objectives for Fiscal Years 2010-11 – 2011-12

Staff recommendation: That Council review the draft 2010-12 Goals & Objectives and adopt.

8-2. Resolution No. 2010-34 opposing cuts in child care funding by the State of California.

Mayor Wile recommendation: Approve Resolution No. 2010-34.

8-3. Consideration of job title change from City Administrator to City Manager.

Councilmember Thomsen recommendation: That Council establish “City Manager” as the operative title for the position of Administrative Officer referred to in the Charter and Municipal Code, without a change in duties or responsibilities at this time.

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. July 4th Celebration at Memorial Park from 11 am - 4 pm

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.

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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.