

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 4, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:28 p.m. Vice Mayor Bonta led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

(11-003) Mayor Gilmore announced that the Resolution Supporting Measure A [paragraph no. 11-015] would be addressed first under Regular Agenda Items.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-004) Proclamation Declaring January 4, 2011 as Encinal Jets Day

Mayor Gilmore read and presented the proclamation to Coach Joe Tenorio and members of the football team.

(11-005) Proclamation Declaring January as National Blood Donor Month

Mayor Gilmore read and presented the proclamation to Lisa Eversol, Donor Recruitment Account Manager.

Ms. Eversol thanked the Council for the proclamation; stated approximately 1,100 units of blood were collected last year; the next blood drive will be at St. Barnabus Church and School on Saturday, January 22, 2011.

Speaker: Michael John Torrey, Alameda.

(11-006) Presentation by Water Emergency Transit Authority (WETA) on Ferry Service Fares

John Sindzinski, WETA Manager – Planning and Development, gave a Power Point presentation.

(11-007) Presentation of the Sunshine Task Force Proposed Sunshine and Campaign Finance Reform Ordinances

The Acting City Manager gave a brief presentation,

Speakers: Karen Butter, League of Women Voters (submitted letter); John Knox White,

Sunshine Task Force; Gretchen Lipow, Sunshine Task Force; and Adam Gillitt, Alameda.

Following Ms. Lipow's comment's, Councilmember Johnson inquired whether the Sunshine Task Force has reviewed local control of determining what is considered to be campaign material; stated SunCal spent millions of dollars on materials which they consider not to be campaign material.

Mr. Knox White responded the courts have stated that the City has no control on how money is spent.

Councilmember Johnson stated a local process should be established; disclosure should be required.

Mr. Knox White stated the federal tax code drives the issue.

Councilmember Johnson requested an opinion from the Acting City Attorney.

Councilmember deHaan stated understanding the impacts of money coming from public corporations would be helpful.

Councilmember Johnson stated filings are required for election materials; a local process should be established for determining what qualifies as election material.

Mayor Gilmore stated nothing would be adopted tonight; the matter would come back for more input and public discussion at a later date; thanked the Sunshine Task Force for doing an amazing amount of work in a short period of time; stated topics are not simple; that she would like to see an analysis of how the ordinance is more restrictive than the Brown Act and differs from the current practice; she is interested in a practical view of the issue, particularly from the City Clerk's office.

Councilmember deHaan stated sometimes a lead person from a group is given more time to speak; inquired whether the Sunshine Task Force addressed the issue.

Ms. Lipow responded the intent is not to have a person speak for more than fifteen minutes; stated the proposed ordinance may not be clear on the matter.

Councilmember deHaan inquired whether concerns were raised regarding Closed Session electronic recording.

Mayor Gilmore and Councilmember Tam responded the issue is included in the proposed ordinance.

Councilmember Tam thanked the Sunshine Task Force; stated the scope expanded; that she likes the recommendations regarding finding ways to maximize access, particularly in allowing people to speak ahead of time on items not on the agenda; she

likes the idea of document access, which includes an index to ensure accessibility for the community; Closed Sessions are not audio or video recorded; Closed Sessions become open sessions after a period of time except for litigation matters; she would like to understand how State law addresses audio and video recordings; understanding whether Council would have some discretion to improve independent expenditure campaign disclosure that may not be completely defined by federal law would be helpful, particularly regarding outside funding and last minute expenditures by Political Action Committees and groups.

Councilmember Johnson inquired whether a process could be set up for residents to file allegations or complaints for local Brown Act violations.

Mayor Gilmore and Councilmember Tam responded the matter is addressed in the proposed ordinance.

Mayor Gilmore stated Section 2.13 addresses barriers to attendance; that she agrees with the concept of not having meetings go past 11:00 p.m.; however, in the past, people have wanted to address items of interest; some thought should be given to the issue; the proposed ordinance addresses requiring a majority to call special meetings; inquired whether having a majority getting together and acting on a matter would be a Brown Act issue.

Vice Mayor Bonta thanked the Sunshine Task Force for the comprehensive documents; stated having a cheat sheet showing current regulations compared to what is proposed would be helpful; that he has concerns regarding limited release of audio and video of Closed Sessions; the attorney-client privilege should not be waived for litigation matters; that he agrees with the concept of disclosure and transparency; however, the City should be protected; the election period is not described clearly; inquired whether a few more months [to address campaign debt] could be added after an election.

Councilmember deHaan stated that he concurs with the legality of Closed Sessions; however, having a record is a benefit for Council to understand what has transpired.

The Acting City Attorney stated notes are taken and become public; an audio and video process would be treated the same way.

Councilmember Johnson inquired whether a person has a time limit to file a complaint on Brown Act violations.

The Acting City Attorney responded different remedies are available; stated a Demand to Cure has a 30-90 day time limit.

Councilmember Johnson requested the Acting City Attorney to review Section 4.2 to determine whether 30 days makes sense given other time requirements.

CONSENT CALENDAR

Mayor Gilmore announced that the Minutes [paragraph no. 11-008] were removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(11-008) Minutes of the Special Joint City Council and Community Improvement Commission Meeting, and the Regular City Council Meeting Held on December 21, 2010; and the Special City Council Meeting Held on December 28, 2010. Approved.

Councilmember Tam moved approval of the minutes.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote and Vice Mayor Bonta abstained from voting on the December 21, 2010 Joint meeting.

(*11-009) Ratified bills in the amount of \$2,228,477.08.

(*11-010) Recommendation to Approve an Amendment to an Agreement with Holland + Knight, LLP to Add \$24,000 to the Budget for Federal Legislative Advocacy Services for Alameda Point. Accepted.

(*11-011) Recommendation to Authorize the Interim City Manager to Amend a Memorandum of Understanding with the Alameda County Congestion Management Agency to Allocate Additional Funds in the Amount of \$528,000 for the Implementation of the Webster Street Smart Corridor Management Project for a Total Amount of \$1,638,000, and to Execute all Necessary Documents to Implement the Project. Accepted.

(*11-012) Resolution No. 14536, “Ordering Vacation of Two Existing Power Easements and One Existing Public Utility Easement, Within Parcel 2 of Parcel Map 2542, and Recordation of Quitclaim (Alameda Towne Centre).” Adopted.

(*11-013) Resolution No. 14537, “Superceding and Rescinding Resolution 14032 Designating the Person to Perform the Duties of the City Manager in the Event of His or Her Absence or Disability.” Adopted.

CITY MANAGER COMMUNICATIONS

(11-014) Notice for Proposed Modifications to the City of Alameda's Private Sewer Lateral Ordinance

The Public Works Director and the Assistant Engineer gave a Power Point presentation.

Councilmember Johnson inquired whether another test would be required if testing was performed for a significant remodel and shortly thereafter, the property is sold.

The Assistant Engineer responded in the negative; stated certification would be good for twenty-five years.

Councilmember Tam requested clarification on the Private Sewer Lateral (PSL), overflows, and wet weather projects.

The Public Works Director stated the City provides a sewage collection system to the East Bay Municipal Utility District (EBMUD); EBMUD treats the sewage; the previous Clean Water Act interpretation allowed EBMUD to discharge partially treated sewage into the Bay during wet weather; the new interpretation does not; many of the City's sewers are close to 100 years old; joints are disconnecting and cracking; water goes into pipes through the cracks; rain water gets into sewers; EBMUD's treatment is not sized for treating the incoming sewage infill and infiltration (I & I); the Environmental Protection Agency (EPA) asked EBMUD to stop discharging into the Bay; the EPA thought the most cost-effective way would be to have each of the seven satellite agencies review ways to reduce I & I; the City has completed all I & I programs; the EPA has requested EBMUD to perform flow monitoring and to have \$2 million available annually for lateral repairs.

Vice Mayor Bonta stated the City's proposal would not be less restrictive; the City has certification for twenty-five years versus EBMUD's certification for twenty years; the City would require condominiums to be tested every twenty-five years versus EBMUD's ten-year requirement; inquired whether the City's proposal would be on safe ground.

The Assistant Engineer responded the EPA has not commented on the City's application.

The Public Works Director stated the EPA's initial impression is that the City's proposal should be acceptable; the EPA's concern is lower lateral repairs.

REGULAR AGENDA ITEMS

(11-015) Resolution No.14538, "Supporting Measure A, the Alameda Unified School District Replacement Education Parcel Tax." Adopted.

The Acting City Manager gave a brief presentation.

Mayor Gilmore stated Council has always been steadfast in supporting schools and realizing that the School District's financial difficulties are a community issue; the community needs to come together to support the schools.

Speakers: Mike McMahon, School Board; Margie Sherratt, School Board; and David

Howard, Alameda.

Vice Mayor Bonta stated the parcel tax is important to everyone; a parcel tax is not the perfect tool to generate revenue but is the chief form of self help available; that he appreciates the process in putting a new structure together; the way in which the State funds schools has major fundamental structure problems; Alameda resident, Michael Robles-Wong, is the main plaintiff in the Robles-Wong litigation which seeks to get fair funding from the State for the community; that his [Vice Mayor Bonta's] two daughters are name plaintiffs in the Robles-Wong lawsuit.

Councilmember Tam stated Alameda has a long history of being self sufficient; structural problems exist at the State level and have direct impacts on school funding; school closures, increasing class size, and transporting students across town and increased traffic have significant community impacts; the School District is at the mercy of the State for its funding; the parcel tax would provide some control at the local level that the State would not be able to take away; efforts made by the Alameda Business Alliance and endorsements by the West Alameda Business Association (WABA) and Chamber of Commerce have helped in the likelihood of the parcel tax succeeding; encouraged the Council to support the resolution.

Mayor Gilmore stated that she appreciates WABA and the Chamber of Commerce endorsing the parcel tax; additional taxes are in nobody's best interest except for the children; times are difficult; the parcel tax is important for the kids and the community.

Vice Mayor Bonta moved adoption of the Resolution.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5.

(11-016) Resolution No. 14539, "Authorizing the Acting City Manager to Apply for Annexation into the Alameda County Emergency Medical Services Special District and Authorize the Interim City Manager to Initiate a Special Tax Election to Provide Financial Support for Annexation into the District." Adopted.

The Senior Management Analyst gave a Power Point presentation.

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Councilmember Tam left the dais at 9:02 p.m. and returned at 9:04 p.m.

* * *

Mayor Gilmore stated money would need to come out of the General Fund without a funding mechanism; previous discussions have included the County taking over the City's transports, but the City would still need to pay the County \$857,831 [annually]; the question is whether the financing mechanism would be the General Fund or a special tax.

Vice Mayor Bonta inquired what would be the tax per parcel.

The Senior Management Analyst responded approximately \$27.00 per parcel; stated benefit unit calculations would be associated with the parcel.

Councilmember Johnson stated the tax would help sustain trauma centers in Alameda County.

In response to Councilmember deHaan's inquiry, the Acting Fire Chief stated first responder money [\$43,500 per unit] coming to the City from the Emergency Medical Services (EMS) District would be new money; the new money would be applied to arrears owed to the County; paying back arrears would take approximately fifteen years.

The Senior Management Analyst continued the presentation.

Councilmember Johnson stated the previous Council direction was related to Option 5 [annex into EMS District and assume the EMS District has the authority to levy the tax].

The Acting City Manager stated staff believes Option 5 is a risky strategy because residents would not have the opportunity to vote on the tax.

The Acting City Attorney stated a memo could be provided to Council on the matter.

Councilmember Tam stated that she concurs with Councilmember Johnson; Council directed staff to run the trap line on the Local Agency Formation Commission (LAFCO) process; residents voted to include Advanced Life Support (ALS) service in 1983; Alameda is the only city in Alameda County that is not part of the EMS District; the tax would be imposed as a condition of the annexation process.

Mayor Gilmore inquired whether the election process would be complete before the LAFCO process, to which the Senior Management Analyst responded in the affirmative.

Mayor Gilmore inquired whether LAFCO could deny the application if there were no funding mechanism, to which the Senior Management Analyst responded a certification of completion, would not be provided.

The Acting City Manager stated everything would need to be done by August 2011 in order to meet the November 2011 tax rolls; the next opportunity would be August 2012.

The Senior Management Analyst stated the City would be using the EMS District's taxing authority under Option 5; the City would need to go through the State Board of Equalization (BOE) approval process which has one deadline of December 1st; the City could use the LAFCO annexation process and use the protest process to test community support; the City would not have any money until 2013 if Option 5 is chosen; staff recommends Option 3 [annex into EMS District and pass a ballot measure levying a special tax] in order to get financing in the most expeditious manner.

In response to Councilmember Tam's inquiry, the Senior Management Analyst stated by using the City's own taxing authority versus the EMS District's taxing authority, the annexation would be a simultaneous process to main consistency and parody with other cities within the EMS District.

Councilmember Tam stated going through the LAFCO process would accomplish two objectives with one process.

Mayor Gilmore inquired why the City would need to go through annexation if the same thing could be accomplished with Option 2 [pass ballot measure levying a special tax].

The Senior Management Analyst responded all of the other cities are in the EMS District; stated under Option 2, the City would continue to have contractual negotiations with the County.

Vice Mayor Bonta inquired whether the BOE deadline is certain, to which the Senior Management Analyst responded in the affirmative.

Councilmember Johnson stated Council did not know about the BOE process.

The Acting City Manager stated staff has dug deeper into the matter; staff believes that Option 3 is the quickest option.

Vice Mayor Bonta inquired whether there would be two more City Council meetings at which special tax resolutions could be adopted.

The Acting City Manager responded in the affirmative; stated the February 4th deadline would apply for a May election.

The Senior Management Analyst stated the LAFCO process has a two-month lead time; the driver of the schedule would be using the City's own taxing authority; having a mail ballot would get the tax on the tax rolls immediately.

The Acting City Manager stated Council could adopt the resolution to kick off the LAFCO process; staff could come back to Council regarding the tax.

Councilmember Johnson stated that she wants to go forward with Option 5 in order to get the whole process started.

Councilmember Tam moved approval of Option 5 [including adoption of the Resolution]; stated the annexation process through LAFCO could condition and levy the tax according to what has been passed by the voters with respect to Measure C; election costs would be saved; opportunities need to be maximized to run the trap line since the City is planning on being part of the EMS District anyway; the City should take advantage of the EMS District's [taxing] authority

The Senior Management Analyst stated Option 5 would mean that the City would have to use money from next year's General Fund because the tax would not be on the tax rolls until the following year.

Councilmember Johnson stated that staff should see whether the City could take advantage of another BOE process.

Vice Mayor Bonta seconded the motion, including direction to have a briefing, investigation and report on an expedited schedule with the BOE.

Mayor Gilmore summarized the motion to approve moving forward with the annexation, instructing staff to have discussions with the State Board of Equalization regarding expediting the process, and providing a legal opinion regarding the entire process.

The Acting City Manager stated the matter could come back at the February 1st City Council meeting or February 2nd Alameda Reuse and Redevelopment Authority Meeting.

On the call for the question, the motion carried by unanimous voice vote – 5.

(11-017) Recommendation to Provide Input on the City Manager Recruitment Brochure and Approve Designating a Council Subcommittee to Finalize the Brochure, Review Applications and Select Candidates for Interviews.

The Human Resource Director gave a brief presentation.

Mayor Gilmore stated a sub-committee was appointed on December 28th; tonight's objective is to review the Request for Qualification (RFQ).

The Human Resources Director stated the [RFQ] brochure was developed by an executive search firm six years ago; a similar brochure has been developed in house.

Mayor Gilmore stated a national search was conducted last time; some candidates were from out of State; Council asked one candidate how objectives would be accomplished without adequate funding; the out of State candidate responded that the matter has never been an issue; inquired whether Council wants to encourage out of State applicants this time.

Councilmember Johnson responded out of State applicants would take a long time to get up to speed with California law; stated that she would prefer to focus on candidates with California experience.

Councilmember deHaan stated California experience is important.

Councilmember Johnson stated having a very high knowledge of California law should be made very clear; reference to the Library needs to be deleted; the brochure should

include maintenance and a long-term strategy for maintaining existing infrastructure and assets; experience with bargaining and labor groups is important.

Councilmember deHaan stated information regarding the former Naval Base needs to be updated.

Mayor Gilmore stated a lot has been accomplished in the last six years; the former Naval Base needs to be described in different terms.

Councilmember Tam stated reference to cable TV and Internet needs to be eliminated.

Councilmember Johnson stated reference should be made to the redevelopment of the Northern Waterfront.

Mayor Gilmore stated the City's snapshot needs to be updated; the City no longer has 675 full-time employees.

The Acting City Manager staff would work on community information; Council should address the ideal candidate section.

Councilmember deHaan stated financial sustainability should be included.

Mayor Gilmore stated six years ago, Council was dead on with regard to the portrait of the ideal candidate; she would like to add the ability to work cooperatively with Council and staff and other like appointed official,; the ability to engage and seek input from the public, and a demonstrated track record in terms of transparency and transparent processes; inquired whether housing should be part of the package.

Councilmember Johnson responded not every city requires the City Manager to live in the community; stated quality is more important than willingness to relocate to Alameda.

Vice Mayor Bonta stated living in Alameda should be encouraged but not required.

Councilmember Tam concurred with Vice Mayor Bonta; stated Council cannot legally require residency.

Councilmember Johnson stated requiring someone to live in Alameda is very costly; residency could be required through a contract.

Mayor Gilmore inquired whether Council would be willing to consider a candidate from the private sector, to which Councilmember Johnson responded that she would.

Councilmember deHaan responded that he would; however, cities are unique; stated private sector candidates should not be excluded.

Councilmember Johnson stated a private sector candidate would need to have a high

knowledge of the public sector.

Councilmember deHaan stated having a City Council differs from the private sector.

Councilmember Tam stated the skill set six years ago is the same today; the Council thinks ahead and is the only City dealing with a retiree health care pension obligation; having a City Manager who thinks in terms of succession planning and making Alameda a desirable place to build a career for future generation of administrators is important.

Councilmember Johnson stated the most important, highest quality would be to have the ability to deal with declining resources while maintaining and prioritizing service levels; cuts have been made over the past couple of years which have not affected service dramatically; revenues are continuing to decline; things will need to be prioritized.

Mayor Gilmore stated working cooperatively with the Council and community in understanding trade offs and what people are willing to pay for is important.

Councilmember deHaan stated conducting interviews in February seems aggressive.

The Human Resources Director stated [City Manager] recruitments usually take an average of five months.

The Acting City Manager stated staff needs to work on page one of the brochure; the sub-committee needs to finalize what is needed for an ideal candidate; the timeframe is short.

Councilmember Johnson inquired what the application timeframe would be.

The Human Resources Director responded normally, the timeframe is six weeks; stated the timeframe would be cut.

Councilmember Johnson inquired why the timeframe would be cut; stated strong applicants are needed.

The Human Resources Director stated that she is open to whatever Council wants to do.

The Acting City Manager stated a specific review date could be given, but applications could continue to be accepted.

Mayor Gilmore stated setting a deadline is important.

The Acting City Manager stated applicants would mostly likely get applications in [by the date] in order not to lose out.

Mayor Gilmore stated recently, other cities have received a significant amount of resumes; however, the amount does not speak to the quality.

The Human Resources Director stated San Carlos, San Rafael, San Ramon, and Redwood City are recruiting for City Managers.

Speakers: Kate Quick, Alameda; Jon Spangler, Alameda; and Gretchen Lipow, Alameda.

Councilmember Johnson stated Councilmembers should be able to review all applications.

The Acting City Manager stated applications could be on file in the City Manager's office.

Vice Mayor Bonta inquired whether compensation would be specific or based on experience and offer a generous benefit package.

The Acting City Manager responded compensation is usually based upon qualifications; stated benefits are the same as other staff.

The Human Resources Director stated some benefits are non-negotiable; the PERS retirement formula is 2% at 55; the deferred compensation plan could offer more.

Councilmember deHaan stated that he would like to see standardization across the board.

Councilmember Johnson stated the City Manager would be making less than some Police Captains by using the compensation in the brochure.

Vice Mayor Bonta stated a salary survey could be conducted.

Councilmember deHaan stated the League of California Cities recently conducted a salary survey.

The Acting City Manager stated the survey does not provide an apple to apples comparison.

Mayor Gilmore stated as a policy several years ago, the Council decided that the City Manager should be the highest paid employee because of the responsibility; Police Captains are inching up; the topic is complicated and needs to be agendized for discussion; the salary structure Citywide needs to be addressed.

Councilmember Tam stated several Senate committees and the State Controller requested each city within the State to submit the City Manager and top five to ten compensation packages; the information is readily available; a salary survey is not

needed.

Mayor Gilmore stated a motion is needed to confirm the sub-committee and to instruct the sub-committee to work with the Human Resources Director to proceed with the search.

The Acting City Manager stated Council provided input on the brochure this evening; the sub-committee would finalize the brochure, review the applications, and select the candidates for interviews.

Councilmember deHaan stated the brochure would not come back to Council but would be finalized by the sub-committee.

Councilmember deHaan moved approval of said direction.

Mayor Gilmore stated that she and Vice Mayor Bonta are the subcommittee members.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

ORAL COMMUNICATIONS, NON-AGENDA

(11-018) The following speakers addressed the December 28th Council meeting decision regarding the Interim City Manager: Gretchen Lipow, Alameda; Jean Sweeney, Alameda; Harvey Wilson, Alameda; Denise Lai, Alameda; David Howard, Alameda; Red Wetherill, Alameda; Rosemary McNally, Alameda; Nancy Gordon, Alameda; Corinne Lambden, Alameda; Carol Gottstein, Alameda; Adam Gillitt, Alameda; Robert Todd, Alameda; Nancy Hird, Alameda; Darcy Morrison, Alameda; Eugenie Thompson, Alameda.

COUNCIL REFERRALS

(11-019) Consider Changing the Order of the City Council Agendas.

Mayor Gilmore gave a brief presentation.

Councilmember deHaan stated many times people stay very late in order to comment; tonight's Oral Communication ran past fifteen minutes; inquired whether communications would be consolidated if Oral Communications were over fifteen minutes.

Mayor Gilmore responded that she is not suggesting consolidating; stated the City Clerk could randomly pick five or six speakers, and the rest would speak later.

Councilmember deHaan stated the community paces itself [on the timing of agenda items]; a speaker would have an opportunity to speak later, if the first opportunity to speak is missed; that he would like City Manager Communications to stay in the same

order.

Mayor Gilmore stated having Oral Communications addressed twice would not happen very often; that she wants to move City Manager Communications down in order to address items sooner; many times, action items do not start until after 11:00 p.m.

Councilmember Johnson stated moving Oral Communications up might make sense; that she would like to leave City Manager Communications the same because topics are often of general interest to the community.

Mayor Gilmore stated City Manager Communications are not action items and can be pushed over to the next meeting; many times, applicants are sitting with consultants and lawyers to address Planning Board appeals.

Councilmember Johnson stated that she does not have a strong preference.

Councilmember deHaan stated that his real concern is the length of the meetings; he would be willing to go along with the 15-minute rule [for Oral Communications] but is not sure about picking names to speak.

Mayor Gilmore stated the Sunshine Task Force addressed ending meetings earlier and not addressing items after a certain time; the matter would come back for Council discussion.

Councilmember Tam stated that she would like to try the change of order; every meeting would have the flexibility to change the order to accommodate people.

Speakers: Jon Spangler, Alameda; and Robb Ratto, Park Street Business Association.

Councilmember Johnson stated a second section would need to be added for Oral Communications.

Councilmember deHaan stated Council Meetings need to start at 7:00 p.m.

Mayor Gilmore stated starting Closed Session meetings before 6:00 p.m. is difficult because some Councilmembers have other jobs or commitments; comments would need to be very concise in order to conclude by 7:00 p.m.

Councilmember deHaan stated Closed Session items could be carried over to after the City Council meeting.

Councilmember Johnson stated the City Council meeting starting time needed to be flexible; Council cannot always start at 7:00 p.m.; the goal should be to start at 7:00 p.m.; perhaps the agenda should note the starting time as 7:00 p.m. "or as soon thereafter as possible."

Vice Mayor Bonta stated reconvening the Closed Session after the City Council meeting is the appropriate thing to do; Oral Communications, Phase 1, needs to be pushed up on the agenda.

Mayor Gilmore stated the proposed change should be tried; the order can be changed if necessary.

Councilmember Johnson stated pushing agenda items off to the next Council Meeting is not a practical idea; conducting City business is the purpose of City Council meetings and needs to be a priority.

Mayor Gilmore stated the Sunshine Task Force is not recommending ending the Council meetings at a certain time, but not to bring up new items after a certain time.

Councilmember Tam moved approval of directing staff to come back with a resolution to amend the order of business to reflect having Oral Communications in two parts and moving City Manager Communications after Item 7.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

COUNCIL COMMUNICATIONS

(11-020) Councilmember deHaan stated that he has a lot of concerns with the administrative leave given to the Interim City Manager; he is a strong supporter of the Interim City Manager for many reasons; the Interim City Manager has accomplished a number of key issues; continuity has been lost; that he has never seen a more dedicated City Manager.

(11- 021) Vice Mayor Bonta stated the Measure A campaign kickoff will be at 10:00 a.m. on Saturday at Lum School.

(11-022) Councilmember Johnson stated a lot of people have commented on the December 28th Special Meeting; a report should be provided regarding whether or not the meeting was in compliance with the Brown Act and Charter.

Councilmember deHaan stated that he was present for the meeting via teleconference; that he appreciates all employees; employees need to have their day to express themselves and to understand what is happening; he is not sure said situation occurred.

ADJOURNMENT

(11-023) There being no further business, Mayor Gilmore adjourned the meeting at 11:37 p.m. in a moment of silence in memory of Fire Captain Scott Carnevale.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 4, 2011- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:10 p.m.

Roll Call – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(11-001) Conference with Labor Negotiators; Agency negotiators: Joe Wiley and Human Resources Director; Employee organizations: Alameda Fire Managers Association, Alameda Police Managers Association, Alameda Police Officers Association, and International Association of Fire Fighters

Following the closed session, the meeting was reconvened and Mayor Gilmore announced that the labor negotiators gave a presentation to Council; Council provided direction.

* * *

Mayor Gilmore called a recess at 7:18 p.m. and reconvened the meeting at 11:45 p.m.

* * *

(11-002) Liability Claim (54956.95) – Workers' Compensation Claim; Claimant: Matthew Petty; Agency Claimed Against: City of Alameda

Following the closed session, meeting was reconvened and Mayor Gilmore announced Council was briefed on the matter and provided direction.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 12:00 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.