

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 18, 2012- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:22 p.m.

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

Absent: None.

AGENDA CHANGES

(12-447) Mayor Gilmore announced that recommendation to award a Contract to West Coast Arborist [paragraph no. 12-457] was continued to October 2, 2012.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(12-448) Proclamation Declaring September 18 as George Phillips Day.

Mayor Gilmore read and presented the Proclamation to George Phillips.

(12-449) Proclamation Declaring October 3 as Walk and Roll to School Day.

Mayor Gilmore read and presented the Proclamation to Olivia, Ophelia, Tatiana and Raphy Rebanal, Patty St. Louis and Makeda and O.B. VanWijk.

ORAL COMMUNICATIONS, NON-AGENDA

(12-450) Cosette Ratliff, Alameda Free Library, made an announcement regarding a Banned Book event at the Library.

(12-451) Matthew Fitzgerald, Alameda, introduced himself and read a letter.

(12-452) Ken Peterson, Alameda, discussed the budget.

(12-453) Carol Gottstein, Alameda, discussed noticing regarding a meeting on the City's Emergency Operations Center.

The Deputy City Manager announced upcoming meeting dates.

CONSENT CALENDAR

The recommendation to award a Contract to West Coast Arborist [paragraph no. 12-457] was continued to October 2, 2012.

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.]

(*12-454) Minutes of the Special and Regular City Council Meetings Held on July 24, 2012 and the Special City Council Meeting Held on July 31, 2012. Approved.

(*12-455) Ratified bills in the amount of \$7,033,383.59.

(*12-456) Recommendation to Accept the Treasury Report for the Quarter Ended June 30, 2012. Accepted.

(12-457) Recommendation to Award a Contract in the Amount of \$860,000 Including Contingencies, to West Coast Arborist for Urban Forest Maintenance Services (Citywide), No. P.W. 06-11-16. Not heard.

(*12-458) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Cyclic Sewer Replacement Project, Phase 10, No. P.W. 05-12-14. Accepted.

(*12-459) Recommendation to Adopt a Request for Quotation and Award a Contract in the Amount of \$110,350, Including Contingencies, to Central Bay Roofing to Remove and Install a New Roof on Portions of Mastick Senior Center. Accepted.

(*12-460) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Krusi Park Recreation Center Project. Accepted.

(*12-461) Recommendation to Accept Notice of Completion for Tillman Park Playground Replacement. Accepted.

REGULAR AGENDA ITEMS

(12-462) Recommendation to Authorize the City Manager to Negotiate and Execute a Contract with Environmental Science Associates for the Preparation of an Environmental Impact Report for Alameda Point in an Amount Not to Exceed \$1.3 million and Negotiate and Execute a Contract with Carlson, Barbee & Gibson, Inc. for the Preparation of a Master Infrastructure Plan for Alameda Point in an Amount Not to Exceed \$220,000.

The Acting City Planner gave a Power Point presentation.

Councilmember deHaan stated the timeline is aggressive; inquired how much funding the City received from the Metropolitan Transportation Commission (MTC), to which the Acting City Planner responded \$200,000.

Councilmember deHaan inquired whether staff is seeking other grants and funding streams, to which the Acting City Planner responded in the affirmative; stated staff has been in discussions with MTC to see if the City could receive supplemental funding and is looking at a wide variety of funding sources.

Councilmember deHaan stated the City does not have redevelopment funds.

The Acting City Planner stated anything the City can do to streamline and simplify the entitlement process and understand infrastructure will benefit the City and help attract investors.

Councilmember Tam stated staff indicated having the Environmental Impact Report (EIR) would help with redevelopment and would streamline the process; that she has experience with projects that tier off from a master EIR; inquired how Alameda Point phasing would work.

The Acting City Planner responded the EIR would be similar to Alameda Landing and would be designed to address a wide range of uses; noted the Harbor Bay Business Park EIR from the early 1990's has broad entitlements and is still being used; the Reuse Plan will be the base project for the Alameda Point EIR, but will include analysis of use adjustments and address environmental impacts and mitigations.

Councilmember Tam stated a range which might not be built will be reviewed to give the EIR a long shelf-life.

The Acting City Planner noted the EIR does not approve projects; projects have to be approved by the Planning Board and Council; the EIR discloses environmental impacts and outlines appropriate mitigations.

Councilmember Tam stated the staff report on water distribution systems do not meet standards; inquired whether gas mains are included with power and communications systems.

Mayor Gilmore stated that she also wants to know if telecom was included in said category; stated tenants have complained.

The Acting City Planner responded the infrastructure plan would cover those [gas and telecom] utilities.

Councilmember Tam inquired whether the plan would address emerging standards, to which the Acting City Planner responded in the affirmative.

Mayor Gilmore inquired whether developers would not be required to complete a specific EIR for a project, to which the Acting City Planner responded in the affirmative; stated the projects would be similar to VF Outdoors at Harbor Bay, which did not require an EIR.

Councilmember Tam inquired whether Village 6 required an EIR because housing was not considered for the site, to which the Acting City Planner responded in the affirmative.

Urged the City to avoid failures: Ken Peterson, Alameda.

Urged the Council to approve the staff recommendation: Jane Sullwold, Alameda.

Councilmember Tam moved approval of the staff recommendation.

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

(12-463) Resolution No. 14731, “Organizing and Designating Certain Administrative Duties of the Successor Agency to the Community Improvement Commission of the City of Alameda, and Authorizing the City Clerk to File a Statement of Organization of Such Successor Agency with the Secretary of State and the County Clerk of Alameda County.” Adopted.

The City Attorney gave a brief presentation.

Mayor Gilmore read a sentence from the staff report's Financial Impact Section about limiting the Successor Agency's liabilities; inquired whether the sentence means the City's assets which were not part of the redevelopment agency are protected.

The City Attorney responded the liability is the same as Assembly Bill (AB) 26 adopted in February, which states the City, acting as a successor entity, has liabilities limited to the amount of tax increment that would have come to the former redevelopment agency; AB1424 added penalties and requires audits of property and financial commitments; if the City does not conform, the City could have sales tax or property tax reduced to satisfy any obligation; however, contractual obligations on the obligation schedule are limited to tax increment.

Councilmember Johnson moved adoption of the resolution.

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

(12-464) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of the Lease with Faction Brewing Company LLC for Five Years with Two Five-Year Options in a Portion of Building 22 at Alameda Point, 2501 Monarch Street. Introduced.

The Economic Development Division Manager gave a brief presentation.

In response to Councilmember Tam's inquiry regarding market rate for rents, the Economic Development Division Manager stated the lease is very close to market; market rent for warehouses is \$0.35 to \$0.40 per square foot.

Councilmember deHaan inquired whether there is other interest, to which the Economic Development Division Manager responded the City is in confidential negotiations with another spirit company.

Councilmember deHaan noted shell and Americans with Disability Act (ADA) work has been completed.

Expressed support for the brewery: Anna Junglas, Alameda.

Expressed support for the brewery and suggested staff be directed to expedite any permits to assist the business with opening: Maxwell Bunshaft, Alameda.

Vice Mayor Bonta moved introduction of the ordinance.

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

CITY MANAGER COMMUNICATIONS

(12-465) The City Manager announced there would be Citywide Emergency Notification Test tomorrow.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(12-466) Councilmember Tam announced that she attended the League of California Cities Annual Conference September 5th through 7th; outlined highlights regarding two issues: redevelopment and pension reform, and reviewed the resolutions adopted by the League designees.

(12-467) Councilmember deHaan inquired whether the Open Government Commission (OGC) has held meetings and about the criteria to have a meeting called.

The City Attorney responded the Commission met once to address organizational matters; information on how to file a complaint and the forms are available online; a

meeting would be held upon receipt of a complaint.

The City Clerk stated the OGC is required to meet semi-annually; the second semi-annual meeting is scheduled for October 1st.

In response to Councilmember deHaan's inquiry regarding the agenda items, the City Clerk stated the one item is the Public Records Index, which is required by the Sunshine Ordinance.

Councilmember deHaan inquired whether concerns from the public would be brought forward using the form, to which the City Clerk responded in the affirmative.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 8:41 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 18, 2012- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:00 p.m.

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

[Note: Councilmembers Bonta and deHaan arrived at 6:02 p.m.]

Absent: None.

The meeting was adjourned to closed session to consider:

(12-443) Conference with Legal Counsel – Existing Litigation (54956.9); Name of Case: Claudia J. Kingsley v. City of Alameda; Superior Court of California, Alameda County, Case No. RG12612689; this case stems from a complaint for dangerous condition of public property (uneven sidewalk joint) – slip and fall in front of 1330 Santa Clara Avenue.

(12-444) Conference with Legal Counsel – Existing Litigation (54956.9); Name of Case: City (People of the State of California, ex rel. Mooney, et al) v. Collins, et al., Superior Court of California, Alameda County, Case No. RG11593720; Lawsuit against owners of 2229-2235 Clement Avenue to abate nuisance, dangerous conditions, blight; and Name of Case: Collins v. City of Alameda City; Superior Court of California, Alameda County; Case No. RG07310684; owners of 2229-2235 Clement Avenue in 2007 challenged the City's General Plan and zoning after the City Council rejected the owners' development proposal.

(12-445) Conference with Legal Counsel – Existing Litigation (54956.9); Name of Case: SCC Alameda Point, LLC, et al v. City of Alameda, et al.; U.S. District Court Case No CV-10-5178; this is to discuss strategy regarding a lawsuit brought by our former developer, SunCal, based on the Exclusive Negotiating Agreement.

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Claudia J. Kingsley v. City of Alameda, the Council gave direction to staff; regarding City v. Collins, the Council gave direction to staff as to how to proceed in the litigation; and regarding SCC Alameda Point, LLC, et al v. City of Alameda, the Council gave direction to staff as to how to proceed in the litigation.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
CITY OF ALAMEDA FINANCING AUTHORITY (CAFA) MEETING
TUESDAY- -SEPTEMBER 18, 2012- -6:59 P.M.

Mayor/Chair Gilmore convened the meeting at 7:18 p.m. Boy Scout Troop 11 led the Pledge of Allegiance.

ROLL CALL – Present: Councilmembers/Board Members Bonta, deHaan, Johnson, Tam and Mayor/Chair Gilmore – 5.

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

AGENDA ITEM

(12-446) Public Hearing to Consider Resolution No. 14730, “Approving Proceedings to Finance and Refinance Improvements to the City's Municipal Sewer System, Approving the Issuance and Sale of Sewer Revenue Bonds by the City of Alameda Financing Authority for Such Purposes and Approving Related Documents and Official Actions.” Adopted; and

(12-002 CAFA) Resolution No. 12-02, “Authorizing the Issuance and Sale of Sewer Revenue Bonds to Finance and Refinance Improvements to the City of Alameda's Municipal Sewer System and Approving Related Documents and Official Actions.” Adopted.

The Controller gave a brief presentation.

Councilmember/Board Member moved adoption of the resolutions.

Councilmember/Board Member seconded the motion, which carried by unanimous voice vote – 5.

ADJOURNMENT

There being no further business, Mayor/Chair Gilmore adjourned the meeting at 7:22 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, CAFA

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