

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 4, 2014- -5:00 P.M.

Mayor Gilmore convened the meeting at 5:08 p.m.

Roll Call – Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(14-028) Conference with Legal Counsel – Existing Litigation (54956.9); Case Name: East Bay Regional Park District v. City of Alameda, et al.; Superior Court of the State of California, County of Alameda; Case No. RG120655685

(14-029) Conference with Legal Counsel – Anticipated Litigation; Initiating litigation pursuant to subdivision (c) of Section 54956.9; Number of cases: One (As Plaintiff - City Initiating Legal Action)

(14-030) Conference with Legal Counsel – Significant Exposure to Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of cases: One (As Defendant City Exposure to Legal Action)

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Existing Litigation, direction was given to attorneys to proceed with formal mediation; regarding Anticipated Litigation, direction was given to staff; and regarding Significant Exposure to Litigation, direction was given to staff..

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 4, 2014- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:17 p.m.

ROLL CALL - Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

(14-031) Mayor Gilmore announced that the NBS Contract [paragraph no. 14-044] would be heard before the Alameda Point Hearing [paragraph no. 14-045].

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(14-032) The Public Works Administrative Services Manager, Park Manager, Public Works Superintendent, Chief Operating Officer – Alameda Point and Fire Chief gave a Power Point presentation on the City's efforts to reduce water use.

ORAL COMMUNICATIONS, NON-AGENDA

(14-033) Carlos Cadiente, Alameda, discussed the proposed Emergency Operations Center plans.

(14-034) Robb Ratto, Park Street Business Association (PSBA), thanked Public Works for the Holiday lights.

(14-035) Isabel Cortes, Office of Senator Hancock, introduced herself and encouraged the Council and public to use her as a resource.

CONSENT CALENDAR

Mayor Gilmore announced that the Consultant Agreement with Public Agency Retirement Services [paragraph no. 14-040] was removed from the Consent Calendar for discussion and the Ordinance Amending Zoning Map at 2350 Harbor Bay Parkway [paragraph no. 14-041] was continued to February 18, 2014.

Vice Mayor Ezzy Ashcraft moved approval of the remainder of the Consent Calendar.

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

(14-036) Minutes of the Regular City Council Meeting Held on January 7, 2014.

Approved.

(14-037) Ratified bills in the amount of \$3,416.016.62.

(14-038) Recommendation to Approve the City of Alameda Investment Policy. Accepted.

(14-039) Recommendation to Authorize the City Manager to Negotiate and Enter Into a Grant Agreement with the Rockefeller Foundation for the Cost of Funding the Mayor's Chief Resilience Officer; to Receive Other Resilience Services; and Upon Receipt of Sufficient Grant Funds for the Term of the Grant, Add an Additional Division Chief Position to Fire Department Authorized Positions to Serve as the Chief Resilience Officer and to Backfill Regular Fire Staff, Including the Hiring of a Limited Term Firefighter. Accepted.

(14-040) Recommendation to Authorize the City Manager to Negotiate and Execute a Consultant Agreement with Public Agency Retirement Services (PARS) for a Post-Employment Retirement Benefit (OPEB) Plan; and

(14-040 A) Resolution No. 14887, "Authorizing the Establishment of an Internal Revenue Code (IRC) Section 115 Irrevocable Trust (OPEB Trust) with PARS to Prefund Post-Employment Benefits for Eligible Retirees." Adopted.

The Finance Director gave a brief presentation.

Urged Council to move forward; noted funds must be put into the account to accrue interest: Former Councilmember Doug deHaan, Alameda.

Vice Mayor Ezzy Ashcraft moved approval of the staff recommendation and adoption of the resolution.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog

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

(14-041) Final Passage of Ordinance Amending Zoning Map at 2350 Harbor Bay Parkway from O (Open Space) to C-M PD (Commercial-Manufacturing, with a Planned Development Overlay) with Specified Conditions. Continued to February 18, 2014. [Hold for final passage; New file: 460-20]

(*14-042) Ordinance No. 3085, "Approving a Lease and Authorizing the City Manager to Negotiate and Execute Amendments and Other Corresponding Documents Necessary to Implement the Terms of a Lease with Proximo Distillers, LLC for Ten Years with an Additional Ten Year Option in a Portion of Building 22 Located at 2505 Monarch Street

at Alameda Point.” Finally passed.

REGULAR AGENDA ITEMS

(14-043) Summary: Consider forming City of Alameda Community Facilities District (CFD) No. 13-2 (Alameda Landing Municipal Services District) and, if no majority protest, (a) authorize the levy of a special tax within the District and the issuance of bonded indebtedness, (b) call for a special election within the District to establish an appropriations limit, (c) declare the results of the election and, if two-thirds (2/3) or more of the votes cast are in favor of the District, (d) direct a notice of special tax lien be recorded and (e) introduce an ordinance levying special taxes within the District.

Continued Public Hearing to Consider Formation of City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District);

(14-043 A) Resolution No. 14888, “Resolution of Formation of the City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) Authorizing the Levy of a Special Tax within the District, Preliminarily Establishing an Appropriations Limit for the District, and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District.” Adopted;

(14-043 B) Resolution No. 14889, “Calling Special Election within the City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District).” Adopted;

(14-043 C) Conduct Special Election;

(14-043 D) Resolution No. 14890, “Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien – Alameda Landing Municipal Services District (MSD).” Adopted; and

(14-043 E) Introduction of Ordinance Levying Special Taxes within the City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District). Introduced. [Hold for final passage: 345-60]

The Community Development Director gave a brief presentation.

Mayor Gilmore opened the public hearing.

There being no speakers, Mayor Gilmore closed the public hearing.

Vice Mayor Ezzy Ashcraft inquired how the public safety provision amount of \$97,949 was calculated.

The Community Development Director responded a fiscal impact analysis was prepared by Keyser Marsten for the Bayport and Alameda Landing areas; stated the numbers are derived from a per capita analysis.

Vice Mayor Ezzy Ashcraft inquired if the public safety services includes both Police and Fire, to which the Community Development Director responded in the affirmative.

Vice Mayor Ezzy Ashcraft inquired why the annual tax assessment is a flat rate of \$1,200 instead of based on square footage.

The Community Development Director responded the \$1,200 flat rate is the negotiated amount contained in the Disposition and Development Agreement (DDA); stated the same amount was assessed at the Bayport MSD.

Councilmember Daysog stated the MSD for Bayport was created because the City still had obligations through the development after redevelopment was over.

Councilmember Daysog moved adoption of the resolution forming the district.

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

Vice Mayor Ezzy Ashcraft moved adoption of the resolution calling the election.

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

Mayor Gilmore asked the City Clerk to announce the results of the election.

The City Clerk announced there were 49 votes in favor and none against.

Mayor Gilmore announced the Council may proceed with the final actions.

Councilmember Chen moved adoption of the resolution declaring the results of the special election.

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

Councilmember Chen moved introduction of the ordinance.

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

(14-044) Recommendation to Award a Contract in the Amount of \$40,050 to NBS for Balloting Property Owners for Assessment Increases in the Island City Landscaping and Lighting District 84-2, Zones 2, 3, and 4.

The Public Works Administrative Services Manager gave a Power Point presentation.

Councilmembers Daysog and Chen recused themselves and left the room.

Vice Mayor Ezzy Ashcraft inquired how soon the proposed improvements would be seen.

The Public Works Administrative Services Manager responded bids could be sent out once the assessments for the next year are determined; stated improvements could be seen by September 1, 2014.

Noted maintenance is costly; stated the PSBA Board unanimously approved a plan to double the assessment over the next three years and have a Consumer Price Index increase annually thereafter: Robb Ratto, PSBA.

Mayor Gilmore inquired if the PSBA and West Alameda Business Association (WABA) elections are separate, to which the Public Works Administrative Services Manager responded in the affirmative; stated the elections are independent and separate.

Vice Mayor Ezzy Ashcraft inquired whether garbage overflow clean-up would be paid if there is enough funding.

The Public Works Administrative Services Manager responded in the affirmative; stated overflow garbage could be maintained by someone onsite.

Vice Mayor Ezzy Ashcraft noted the design of the garbage containers could also be an impediment.

Councilmember Tam stated there have been issues because of absentee property owners; inquired if the proposal is broadly supported.

The Public Works Administrative Services Manager responded balloting is based on votes casts; stated the WABA Board has voted unanimously in favor of the proposal and are willing to do outreach to educate members; the proposal will pass as long as 50% vote in favor.

Vice Mayor Ezzy Ashcraft moved approval of awarding the contract to NBS.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmember Chen and Daysog – 2.]

(14-045) Summary: This is a public hearing to address the following items: (1) certifying Alameda Point's Final Environmental Impact Report, a document assessing environmental impacts associated with the Alameda Point project, (2) approving changes to the City's General Plan as it relates to Alameda Point which will result in increased employment opportunities and will modify the street network supporting a transit-oriented development, (3) amending the zoning code, and (4) approving a Master Infrastructure Plan to establish standards for backbone infrastructure to accommodate the redevelopment of Alameda Point.

Public Hearing to Consider Certifying the Environmental Impact Report, and Approving a General Plan Amendment, Zoning Ordinance Amendment, and Master Infrastructure Plan for the Alameda Point Project:

(14-045 A) Resolution No. 14891, "Certifying the Final Environmental Impact Report, and Adopt Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Programs for the Alameda Point Project." Adopted;

(14-045 B) Resolution No. 14892, "Approving a General Plan Amendment to Modify General Plan Table 2-7 to Provide Additional Opportunities to Increase Employment at Alameda Point Consistent with the 1996 Community Reuse Plan and to Modify Transportation Element Street Network to Support a Transit Oriented Mixed Use Development at Alameda Point." Adopted;

(14-045 C) Introduction of Ordinance Amending Various Sections of the Alameda Municipal Code Contained in Chapter XXX (Development Regulations) to Ensure Consistency between the City of Alameda General Plan and the City of Alameda Municipal Code for those Lands Generally referred to as "Alameda Point." Introduced; [Hold for final passage; New file: 440-25; cross reference: 460-20, 440-60] and

(14-045 D) Resolution No. 14893, "Recommending Approval of the Master Infrastructure Plan (MIP) Establishing the Requirements and Standards for the Backbone Infrastructure to Support the Redevelopment and Reuse of Alameda Point." Adopted.

The City Planner provided a handout and gave a Power Point presentation.

Mayor Gilmore stated the Alameda County Transportation Commission formed a subcommittee on which she and Councilmember Tam sit; the subcommittee arrived at a consensus that the solution does not only involve efficient ways to move cars in Oakland China Town and has made a commitment to do another traffic-pedestrian study to evaluate the impacts on pedestrians in China Town; two productive meetings were held with a lot of input from China Town; Alameda is interested in a solution, whatever it may be.

The City Planner concurred with Mayor Gilmore; stated the transportation issue is a regional problem requiring the cooperation of Alameda and Oakland; continued his presentation.

Councilmember Tam inquired if Alameda Point was way over capacity with 18,000 jobs at the Naval Air Station during its heyday.

The City Planner responded in the affirmative, stated the Navy was the only employer; 24-hour workday shifts were staggered, however, the Tube was still backed up every afternoon; capacity in the tube under the regional model only looks at peak commute periods of the morning and evening.

Vice Mayor Ezzy Ashcraft stated the GPA reduces the number of housing units; inquired if the number is flexible and whether residential units could be added in the future to make the job-housing balance more vibrant.

The City Planner responded in the affirmative; stated any changes are possible but would involve public hearings; the City has a Conveyance Agreement with the Navy; not all the property has been conveyed; the Navy has completed their environmental review which only includes 1,425 housing units; the plan improves the job-housing balance Citywide.

Councilmember Daysog inquired whether the emphasis on Transportation Demand Management (TDM) in today's documents reflect Alameda Point changing.

The City Planner responded in the affirmative; stated Alameda Point will be more job heavy; today's TDM plays to Alameda's strengths and is a program that Alameda can accomplish, commit to, and fund; an aggressive TDM will accommodate growth by changing behaviors.

Councilmember Chen stated there has been lots of staff hours spent to ensure the success of the TDM and to attract more transit oriented residents; a lot depends on Oakland mitigation and cooperation; inquired what if the plan does not work.

The City Planner responded the plan will happen in phases over 20 to 25 years; Council will be provided annual reports monitoring trip data and determining whether or not goals are being met; the Council will ultimately have control and the ability to decide on alternatives.

The City Manager stated the City would maintain control and engage in transactions that are financially sound; the pace of development could be controlled; there are two important characteristics: 1) the City never loses control, and 2) there is flexibility based on market signals.

The Chief Operating Officer – Alameda Point concurred with the City Manager; stated staff is working closely with highly qualified professionals, and the plan has been completely vetted.

Stated there will be economic opportunities; urged moving forward: Doug Biggs, Alameda Point Collaborative.

Presented a brief power point regarding transit: Ethan Clifton, Alameda.

Urged a comprehensive traffic study for China Town and Alameda: Carl Chan, Oakland Chinatown Chamber.

Provided submittal and reviewed East Bay Regional Park District (EBRPD) comments on the EIR: Larry Tong, EBRPD.

Expressed supports for the EIR; stated that she is looking forward to next design steps: Diane Lichtenstein, HOMES.

Advocated for quality development and urged next steps to continue in the open with public comment: Helen Sause, Alameda Homes.

Urged more discussion on impacts of traffic in the Tubes: Denis Carroll, Alameda.

Expressed supports for the proposed zoning changes: Leslie Cameron, Bay Ship & Yacht.

Urged using Tacoma, Washington as model city for water and transit; provided history of Alameda Point planning: former Councilmember Hadi Monsef, Alameda.

Urged removal of Charter constraints on housing: Bill Smith, Renewed Hope Housing.

Stated the waterfront and restaurants will attract residents; a utopia without cars does not make sense: Jim Strehlow, Alameda

Stated Alamedan's quality of life is priority; commented on de-emphasizing automobiles and emphasizing BART and ferry ridership: former Councilmember Doug deHaan, Alameda.

Stated Alameda will be the next Sausalito: Bobeck Paradian, Owner, Café Jolie, Alameda.

Stated that she is excited to see Alameda move forward and bring a 21-year entitlement process to a close: Karen Bey, Alameda.

Urged that new development not compromise the historical district: Christopher Buckley, Alameda Architectural Preservation Society.

Stated the City should pay attention to the effects of development on harbor seals and all wildlife at Alameda Point: Rachel Campos, Alameda.

Stated that she is impressed with report; the community is very informed and was involved in the process: Gretchen Lipow, Alameda.

Stated the proposal was fully vetted by the Planning Board; that he supports moving forward, Mike Henneberry, Alameda.

Stated the policies and guidelines lay good ground work; that she is impressed with traffic management ideas: Laura Thomes Renewed Hope Housing Advocates.

Councilmember Chen stated bullet points in the draft EIR indicate there is significant

impact to pedestrian safety at 8th Street & Harrison Avenue in Oakland China Town; encouraged finding a common, united solution; inquired if a source of funding has been identified for building the levy in the MIP.

The Chief Operating Officer – Alameda Point responded in the affirmative; stated there are three primary funding sources: 1) land sale proceeds, 2) CFD assessments placed on property owners, and 3) impact fees, which require every project and parcel to pay a fair share of infrastructure costs.

Councilmember Tam thanked staff; stated there is a concern the City does not have a Plan B; that she would like to have assurances in the resolution that any Alameda Point mitigation does not compete with the rest of the Island for funding.

Vice Mayor Ezzy Ashcraft discussed a letter submitted by the Alameda Preservation Society requesting language be changed in the EIR; stated she would not want staff to change the language in the EIR at this point; a ferry system is a great solution for Alameda Point and the Public Works Department can address parking problems; the cycle tracks is a transit oriented alternative to automobiles.

Councilmember Daysog thanked residents for their comments and for coming to the meetings; stated tonight is an historic night for the City; early planning documents and land use plans discussed trophy-like traffic mitigations which are seared into the minds of residents; that a shift emphasizing jobs, instead of housing, is needed to influence the TDM and alter behavior of residents; other transportation ideas are not discounted, but are more reasonable as part of the maturation process; there are still controls in place to guide the development, the zoning, and the General Plan land uses and intensities contemplated.

Mayor Gilmore concurred with one of the speaker's comments that the public has been well informed with regard to Alameda Point and the EIR; thanked staff and the Planning Board for taking time and explaining step by step; expressed gratitude to the public for taking time to be educated, being engaged, and lending input to the process; the public process was the best run she had the privilege to be involved in; she is confident Alameda can deal with transit issues; the same ideas and methods have worked in other cities; she was skeptical with the City taking lead, but there are sincere efforts to put jobs first; if the issue is passed tonight, it is not the end.

Vice Mayor Ezzy Ashcraft moved adoption of the EIR resolution.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Chen: Aye; Daysog: Aye; Ezzy Ashcraft: Aye; Tam: Aye; and Mayor Gilmore: Aye. Ayes: 5. Noes: 0.

Councilmember Chen moved adoption of the General Plan Amendment resolution.

Councilmember Tam seconded the motion, which carried by the following roll call vote:

Councilmembers Chen: Aye; Daysog: Aye; Ezzy Ashcraft: Aye; Tam: Aye; and Mayor Gilmore: Aye. Ayes: 5. Noes: 0.

Councilmember Daysog moved introduction of Ordinance amending the AMC.

Councilmember Chen seconded the motion, which carried by the following roll call vote: Councilmembers Chen: Aye; Daysog: Aye; Ezzy Ashcraft: Aye; Tam: Aye; and Mayor Gilmore: Aye. Ayes: 5. Noes: 0.

Councilmember Tam moved adoption of Master Infrastructure Plan resolution with amendment to addendum to include MIP will be consistent with adopted fiscal neutrality policy.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Chen: Aye; Daysog: Aye; Ezzy Ashcraft: Aye; Tam: Aye; and Mayor Gilmore: Aye. Ayes: 5. Noes: 0.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(14-046) Councilmember Daysog announced that he attended the League of California Cities meeting on January 22nd.

(14-047) Councilmember Tam announced that she also attended the East Bay division meeting of the League of California Cities; the Environmental Water Quality Committee focused on the drought, and the political landscape of East Bay was discussed; she also attended the license plate reader briefing.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:42 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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