

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -OCTOBER 5, 2010- -7:00 P.M.

Mayor Johnson convened the meeting at 7:10 p.m.

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

Absent: None.

AGENDA CHANGES

(10-466) Mayor Johnson announced that the Resolutions of Appointment [paragraph no. 10-467], the joint meeting reports on the status of America's Cup [paragraph no. 10-488 CC/ARRA/10-69 CIC] and the report on the meeting with Supervisor Lai-Bitker [paragraph no. 10-468] would be addressed first.

REGULAR AGENDA ITEM

(10-467) Resolution No. 14492, "Appointing Fayleen Allen as a Member of the Housing Commission (Tenant Seat)." Adopted; and

(10-467A) Resolution No. 14493, "Appointing Nancy Lewis as a Member of the Library Board." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office to Ms. Lewis.

* * *

Mayor Johnson called a recess at 7:13 p.m. and reconvened the meeting at 7:24 p.m.

* * *

COUNCIL COMMUNICATIONS

(10-468) Mayor's Report on Meeting with Supervisor Lai-Bitker Regarding County EMS Contract.

Mayor Johnson stated the meeting was very positive; the process has two tracks: one is the Local Agency Formation Commission (LAFCO) process and the other is the City's independent process; the LAFCO process would involve Alameda joining the EMS District; staff has indicated a separate contract issue is very close to being completed; over the years, the City and County have had discussions regarding payments due; the County has made a very reasonable proposal that would not involve transfer of City

money to the County; direction needs to be given to proceed with finalizing the contract and going through the LAFCO process for joining the EMS District; Alameda is the only City within the County, including unincorporated areas, that is not part of the EMS District; the County is responsible for providing trauma care.

Supervisor Lai-Bitker thanked the Mayor and Interim City Manager for spending time to discuss the matter; stated the meeting was very productive and positive; that she hopes the timeframe will be met; she took the liberty to contact LAFCO; there is not enough time for the matter to come before [LAFCO] at the November meeting because an application takes sixty days to file; the next [LAFCO] meeting is January 13, 2011.

Mayor Johnson stated precise details were not discussed; staff can bring the matter back for a public hearing if Council is comfortable with giving direction to move forward with the parallel process.

Councilmember Gilmore thanked everyone for getting together on the very important issue; moved approval of directing staff to move forward with working on the contract and LAFCO process and come back to Council with an outline of the process, including a timeline of the two tracks.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Tam inquired whether Council would be directing staff to go forward with the annexation and go through the LAFCO process to become part of the EMS District, finalize the contract, and come back with a timeline at the next Council meeting.

Councilmember Gilmore clarified that the motion is to direct staff to provide a process outline that includes a timeline; stated that she does not know the steps.

Councilmember Tam inquired whether requesting an outline and timeline would assume that the City would be going through the process.

Councilmember Gilmore responded that Council would be providing staff direction to go down a path to finalize the contract with the County, provide an outline of the two processes that would need to be completed, and bring the matter back to Council so that Council can see opportunities for public comment and ensure that the City will meet timelines.

Councilmember Tam inquired whether meeting the timeline before January 2011 would be likelihood.

Mayor Johnson responded the City cannot get on the LAFCO agenda until January; stated the County's deadline for the City can be met.

Councilmember Matarrese stated direction is to negotiate a contract; public hearings would then occur; the contract could be altered.

The Interim City Manager stated the contract has basically been finished; some tweaking might need to be done; appropriation would require Council action; that she could come back with a critical path.

Councilmember Gilmore inquired whether or not the contract would be brought back at the next meeting.

The Interim City Manager responded the contract would not come back at the next meeting; stated that she is not sure of the critical path for annexation; information is missing.

Councilmember Tam inquired whether the LAFCO processes would inform future financial encumbrances of the contract.

The Interim City Manager responded that she assumes Council wants to move forward [with the contract] based on expectation that the City would annex into the EMS District, barring any Proposition 218 glitches and that the contract costs would go on the property tax roles; stated the assessment for a single family residential property would be \$26.43 per year; a two to five unit residential assessment would be \$63.92 per year; a supermarket or restaurant assessment would be \$105 per year; a larger shopping center assessment would be \$184; the highest assessment would be \$392 per year for more than five units; the average assessment would be \$42 per year.

Vice Mayor deHaan stated staff would come back with an outline of how the process would work; more background is needed regarding how the fee would be established.

The Interim City Manager stated an Attorney General opinion noted that a vote would not be needed; the issue needs to be researched.

Councilmember Tam stated the Hospital Board went through the LAFCO process to form the Alameda Health Care District; Marilyn Ezzy Ashcraft can help provide information on boundaries.

Councilmember Matarrese stated the public needs to know how a tax can be assessed without a vote; the issue needs to be tested against the Proposition 218 measuring stick.

The Interim City Manager stated the issue is very important because the City would be assessing and putting on a parcel tax.

Vice Mayor deHaan stated escalation would be part of the equation.

The Interim City Manager stated escalation would be based on a land use category; the City would pay more as it grows; the individual benefit unit is established every year.

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

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(10-469) Proclamation Declaring October as Disability Awareness Month.

Mayor Johnson read and presented the proclamation to Commission on Disability Issues Commissioner Nielsen Tam.

Mr. Tam thanked Council for the proclamation; thanked staff for supporting the Commission on Disability Issues; stated a tree planting ceremony will take place on October 16th at Lincoln Park.

(10-470) Proclamation Declaring October 6, 2010, as Housing Authority Appreciation Day for Seventy Years of Service to Lower Income Alameda Residents.

Mayor Johnson read and presented the proclamation to the Housing Authority Executive Director; Housing Authority Board Commissioner Torrey and Housing Commissioner Arthur Kurrasch.

(10-471) Proclamation Recognizing October 3 through October 9, 2010 as Public Power Week: Alameda Municipal Power Helps our Community in Powerful Ways.

Mayor Johnson read the proclamation and presented it to Public Utilities Board Member Peter Holmes.

(10-472) Presentation by East Bay Regional Park District (EBRPD) on Crown Beach Sand Replacement.

Doug Siden President of the EBRPD Board and Diane Althoff, EBRPD, gave a Power Point presentation.

CONSENT CALENDAR

Councilmember Tam moved approval of the Consent Calendar.

Vice Mayor 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.]

(*10-473) Minutes of the Special City Council Meeting Held on September 9, 2010 and the Regular City Council Meeting Held on September 21, 2010. Approved.

(*10-474) Ratified bills in the amount of \$3,963,240.25.

(*10-475) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Annual Fuel Delivery, No. P.W. 09-10-22, and Amend the Contract in the Amount of \$200,000, Including Contingencies, with Valley Oil Company for the Annual Fuel Delivery Through December 31, 2010. Accepted.

(*10-476) Recommendation to Authorize Administrative Approval of Down Payment Assistance Loans of up to \$80,000. Accepted.

(*10-477) Ordinance No. 3021, "Amending Ordinance No. 1277, N.S. to Rezone Approximately .085 Acres Located at 709 Lincoln Avenue APN 073 041801400 from CC-Community Commercial Zoning District, to R-5, General Residential Zoning Designation." Finally passed.

CITY MANAGER COMMUNICATIONS

(10-478) Presentation on Public Power Week and Energy Awareness Month Activities for October.

The Alameda Municipal Power General Manager – Customer Resources gave a Power Point presentation.

Councilmember Matarrese stated compact fluorescent bulbs cannot go into the trash; inquired whether staff is working on the matter.

The Alameda Municipal Power General Manager – Customer Resources responded a flyer informs customers how to properly dispose compact fluorescent bulbs; stated people can take the bulbs to Encinal Hardware and Pagano's Hardware for disposal.

Councilmember Matarrese stated the issue needs to be amped up; hazardous bulbs end up in landfill.

The Alameda Municipal Power General Manager – Customer Resources stated more customer outreach could be done.

Mayor Johnson stated the City should have more drop off locations.

Vice Mayor deHaan inquired whether drop offs could be done at City Hall.

Mayor Johnson responded batteries could be dropped off at City Hall.

The Alameda Municipal Power General Manager – Customer Resources stated the practice is to drop hazardous bulbs at Encinal Hardware and Pagano's Hardware.

Councilmember Tam inquired whether public outreach could be done in classrooms or

have students could produce videos.

The Alameda Municipal Power General Manager – Customer Resources responded said ideas are planned for the Green Awards campaign.

(10-479) Presentation on the City's Affordable Housing Development Pipeline.

The Interim City Manager and Housing Department Executive Director gave a brief presentation.

Mayor Johnson inquired what is the timeframe for the Fleet Industrial Supply Center [FISC] site, to which the Housing Authority Executive Director responded June, 2012.

Mayor Johnson stated the problem is that the units are deteriorating.

The Housing Department Executive Director continued the presentation.

Councilmember Gilmore stated digging has been done at the site [1435 Webster Street]; inquired whether tanks have been taken out.

The Housing Department Executive Director responded in the affirmative; stated some areas are still contaminated because areas were not accessible; areas need to be re-dug and the soil has to be remediated; continued the presentation.

Vice Mayor deHaan inquired how many units are at the Coast Guard housing, to which the Housing Department Executive Director responded approximately 250 units.

Vice Mayor deHaan inquired whether moving the Alameda Collaborative to the area would be possible.

The Development Services Division Manager responded the 2009 Community Reuse Plan amendment allows for 435 residential units to be developed at north housing; stated 90 homeless units would be a subset of the 435 units.

Councilmember Matarrese inquired what is the progress on obtaining insurance in case contamination is found.

The Housing Department Executive Director responded the proposal submitted to the Navy in 2007 includes insurance; stated progress has not been made because the City has not heard back from the Navy.

Councilmember Tam inquired where the City is in terms of meeting allocation goals.

The Housing Department Executive Director responded that he would get back to Council on the matter; stated the City is lacking between 50% to 80% for medium income.

(10-480) The City Attorney gave a brief presentation on the workers compensation case, which was settled.

Councilmember Matarrese stated normally, workers compensation issues happen in Closed Session; usually, an agreement is made by the policy board; proposed agreements are brought to Council for a vote; inquired how the case in question is different.

The City Attorney responded the case is very unusual; stated the injured employee filed a claim; both sides agreed upon a medical examiner; the medical examiner submitted a disability rating; the employee did not ask for anything else; the disability rating was not disputed; Council has no discretion to refuse to grant the statutory compensation based upon the agreed upon medical examiner's decision; the outcome would not have been any different if the matter did not come to Council.

Mayor Johnson stated the 31% [disability rating] is a discretionary number that either side could dispute.

The City Attorney stated that she discussed the matter with Outside Counsel, Keith Epstein; Mr. Epstein has been the City's workers compensation attorney for almost twenty years; there is case law that if parties use an agreed upon medical examiner, then parties have agreed to accept whatever the agreed upon medical examiner's rating; it is not Mr. Epstein's practice to check the disability rating of the agreed upon medical examiner with Council; that she would discuss changing the process if Council wishes.

Mayor Johnson stated that she is sensitive to the statement that there is no discretionary act.

The City Attorney stated dulling medical opinions might occur if both sides have their own qualified medical examiner; discussions might take place regarding settlement and an appropriate disability rating.

Mayor Johnson stated each side could put in a provision not to agree to accept the recommended disability rating.

Councilmember Matarrese stated Council should have a say if financial discretion is being turned over to an agreed upon medical examiner; Council should have agreed to the process of accepting whatever the outcome would be before marching down said road.

The City Attorney stated that she understands the confusion; suggested Mr. Epstein be brought to the next Council meeting, or as soon as is practicable, if Council wants to consider changing the process; Mr. Epstein could outline how the statutory workers compensation system works.

Councilmember Gilmore inquired when was the agreed medical examiner agreed upon, to which the City Attorney responded probably within a month of filing the claim.

Councilmember Gilmore stated the agreed upon medical examiner was agreed upon before the case came to Council on September 21st Consent Calendar, to which the City Attorney concurred.

Councilmember Gilmore inquired why the matter was scheduled for Council to determine settlement authority if Council had no discretion.

The City Attorney responded that neither she nor the Risk Manager had been properly advised by the City's third party administrator that the injured worker had an attorney and that the matter had been scheduled for the judge's order on September 29th; the matter was placed before Council because of the third party administrator's recommendation to get Council's settlement authority; the matter is not before Council tonight because the matter has already been dispositively ordered by the workers compensation appeal judge; that she can provide Council and the community with an Off Agenda report explaining how the workers compensation process works and/or can request Mr. Epstein to make a presentation to Council, including what the process has been for at least twenty years.

Councilmember Gilmore state mandatory settlement conferences are set weeks or months in advance in most trial situations; inquired whether the same is true for workers compensation.

The City Attorney responded that she cannot advise when settlement occurred; stated information provided by the third party administrator was wrong; no one had the proper information and she did not discover that the matter was scheduled for the workers compensation appeals judge until last week.

Councilmember Gilmore inquired why Outside Counsel informed the judge that he had no settlement authority if there was no discretion.

The City Attorney responded the proceeding before the Workers Compensation Appeal Board is not like a civil trial in Superior Court; stated once parties have reached a disability rating either through an agreed upon medical examiner or dulling medical examiners, the case goes to the workers compensation appeals judge; at the mandatory settlement conference, the judge typically asks if there is any settlement authority; Mr. Epstein properly stated that he had no settlement authority; Mr. Epstein could have requested that the matter go to trial, in which case the judge would have set the trial, which is a one-day hearing before the same judge; the judge would have closed discovery at the mandatory settlement conference, which means that no new information could come in; the parties would be stuck with the agreed medical exam conclusion; the judge would simply reiterate his order because there is no defense; the injured employee would need to wait an extra ninety days to receive the statutory

required compensation for the injury.

Councilmember Gilmore stated that she is not concerned about the outcome; she is glad that the employee has been taken care of; she is more concerned about the process, Council discretion, and the appearance of having staff take discretion away from Council; inquired whether there was a conversation between the City Attorney, Risk Manager or any other staff regarding the determination as to whether or not to bring the matter to Council in open or closed session.

The City Attorney responded there was discussion on the matter based upon the third party administrator.

Councilmember Gilmore inquired whether there was discussion as to whether or not to bring the matter in closed session; stated most workers compensation issues are brought to Council in closed session and Council likes to ask questions; by putting the matter on the Consent Calendar, she assumes the City Attorney felt that Council would not have any questions.

The City Attorney stated all needed information was in the staff report.

Councilmember Gilmore stated obviously not because two Councilmembers raised questions regarding the issue; maybe the process broke down at the very beginning when the decision was made not to bring the matter to Council in closed session.

Councilmember Tam inquired whether the City Attorney was not aware that a hearing was already scheduled to occur after September 21st.

The City Attorney responded that she was not aware that the matter had already gone to litigation and that a mandatory settlement conference through the Workers Compensation Appeals Board was scheduled for September 29th.

In response to Councilmember Tam's inquiry, the City Attorney stated that she and the Risk Manager thought that no attorney was involved and did not know that the matter was scheduled to go before the Workers Compensation Appeals Board, which means; there would be no choice but for Council to approve the compensation payment set by statute; if she knew that the matter was going before the Workers Compensation Appeals Board judge on September 29th, she would not have bothered to bring the matter to Council in open or closed session because is no discretion.

Councilmember Gilmore stated the matter should be reagendized.

The City Attorney stated that she could have Mr. Epstein go over the issue in detail, if Council wants the matter reagendized.

Mayor Johnson stated that she would like to have the matter resolved tonight.

Vice Mayor deHaan stated the sequence of events would not change; Council would like to understand the process.

Councilmember Matarrese stated a medical examiner was agreed upon; that he would like to have Council receive briefings on matters when a recommendation is made by the City's experts so that Council understands that it will be giving up its ability to contest the matter and the matter is being kicked to the statutory side; he would like the process to change if Council has not been given a heads up for the last twenty years; the third party administrator made a mistake; some time in the future, he would like to hear what corrective action has been taken.

The City Attorney stated corrective action is being taken; that she would follow up with Council regarding the matter later; she is offering to prepare an Off Agenda report to explain how the workers compensation system works, including how and when an agreed upon medical examiner might be chosen; Council can advise staff if the process should be changed; she recommends bringing the City's workers compensation attorney to Council.

Councilmember Gilmore stated the Off Agenda report should include what corrective action is being taken vis-à-vis the third party so that the mistake does not happen again.

The City Attorney stated the corrective action would be provided to Council; the Off Agenda would be separate.

Mayor Johnson stated that an Off Agenda report should be provided in addition to a presentation on the process.

REGULAR AGENDA ITEMS

(10-481) Public Hearing to Consider Resolution No. 14494, "Certifying the Final Environmental Impact Report for the Boatworks Residential Project, Adopting Findings and a Statement of Overriding Considerations for the Boatworks Residential Project Reduced Density Alternative." Adopted;

(10-481A) Resolution No. 14495, "Adopting General Plan Amendments Related to Open Space and Residential Development on the Northern Waterfront." Adopted;

(10-481B) Introduction of Ordinance Amending Ordinance No. 1277, N.S., to Rezone Parcels Located at 2229 Through 2235 Clement Avenue, APNS 071-0289-05 and 071-0290-01 from M-2 General Industrial (Manufacturing) District and R-2/PD (Two Family Residence Planned Development District) to Open Space (O) and R-2/PD (Two Family Residence Planned Development District). Introduced;

(10-481C) Resolution No. 14496, "Upholding the Planning Board's Decision to Deny the Boatworks Residential Project Planned Development and Design Review (PLN08-0160)." Adopted; and

(10-481D) Recommendation to Approve a Settlement Agreement Pertaining to the

Redevelopment of Property Located at 2229 Clement Avenue. [In conjunction with Joint paragraph no. 10-71 CIC]

The Planning Services Manager and Deputy City Manager – Development Services gave a Power Point presentation.

Mayor Johnson inquired whether Bay Conservation and Development Commission (BCDC) approval is required [for the final map], to which the Planning Services Manager responded in the affirmative.

Mayor Johnson inquired whether the project has gone to BCDC, to which the Deputy City Manager – Development Services responded in the affirmative.

Mayor Johnson inquired whether BCDC has indicated that approval would be given.

The Planning Services Manager responded BCDC does not take any action until Council takes action; stated BCDC is pleased with the amount of open space.

Mayor Johnson inquired whether Oak Street would be a two-way street, to which the Deputy City Manager – Development Services responded in the affirmative.

Mayor Johnson inquired whether car traffic would be permitted on Blanding Avenue [extension].

The Planning Services Manager responded Blanding Avenue and Elm Street would be automobile extensions; stated there would be two travel lanes and parking on one side.

In response to Mayor Johnson's inquiry, the Planning Services Manager stated each residence would have its own parking; parking would be provided for the park in addition to guest parking for residents.

Mayor Johnson inquired whether guest parking includes parking for people using the park, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson inquired how parking would be designated, to which the Planning Services Manager responded details would be addressed in the tentative map.

Mayor Johnson stated enough parking needs to be provided to make the park accessible to the public not living in the immediate area.

Vice Mayor deHaan inquired whether the parking on the northeast corner adjacent to the shopping center is the [project's] property.

The Planning Services Manager responded the parking is on the property; stated cross easements would be needed between the two properties.

Vice Mayor deHaan inquired whether the Dutra property would have the same philosophy of open space, to which the Planning Services Manager responded in the affirmative.

Councilmember Matarrese inquired whether the property owner would be responsible for contamination cleanup and construction and repairs needed to keep the shoreline from sliding into the water.

The Planning Services Manager responded the property owner and future developer would be fully responsible for all cleanup; stated the area would be cleaned to residential standards; the property owner and future developer would be responsible for structural stability of the waterfront park; a strip of land on the northern edge is owned by the Army Corp of Engineers; the intent is add the land to the park.

Councilmember Matarrese stated a couple of sunken boats and other things are sliding into the water and need to be removed; storage spaces have contamination coming up through cracks in the concrete.

The Planning Services Manager stated the Department of Toxic Substance Control (DTSC) has a very expensive cleanup plan.

Councilmember Matarrese inquired whether it has been made clear that the City would not be liable down the road if things appear.

The City Attorney responded the City does not own the property so there is no liability for environmental problems.

Councilmember Matarrese stated from a policy standpoint, provisions need to be included to protect future homeowners.

The Deputy City Manager – Development Services stated the Settlement Agreement has a provision regarding DTSC signing-off before a final map is approved.

Councilmember Matarrese stated assurances need to be made to protect the City.

Councilmember Gilmore stated the City has a unique opportunity to ensure that adequate bike lanes are provided in addition to waterfront public access.

The Planning Services Manager stated staff has been working with the Public Works Department to design streets for all modes.

The Deputy City Manager – Development Services stated paseos have been designed to create linkages.

Councilmember Gilmore inquired whether Oak Street would continue down to the waterfront.

The Planning Services Manager responded staff is trying to create a better connection for pedestrians, bicyclists, and cars; stated a new, full-scaled road would not be created because there is no room.

Councilmember Tam stated when the City was working with Alameda Point Community Partners (APCP), the environmental insurance was cost prohibitive and made the project financially infeasible; inquired at what stage would environmental liability insurance be required; stated that she could not find said requirement in the Settlement Agreement; inquired how assurances would be provided.

The Planning Services Manager responded initially, assurances would come from DTSC; stated assurances would be required before housing units are built; the City would not be entering into the chain of title.

Councilmember Tam stated significant public contributions would exist even though the City would not be in the chain of title.

The City Attorney stated the trigger is property ownership; the City would not need to provide environmental liability insurance.

Councilmember Tam stated the City would not be required because the burden of liability would be with the property owner; inquired which street requires a General Plan Amendment for a right-hand turn lane, to which the Planning Services Manager responded the Clement Avenue and Oak Street intersection.

Mayor Johnson stated ensuring that the waterfront park area is accessible to the public is important.

* * *

Councilmember Tam left the dais at 9:06 p.m. and returned at 9:08 p.m.

* * *

Proponents (In favor of staff recommendation): Marilyn Ezzy Ashcraft, Planning Board; Jon Spangler, Alameda; Richard Hausman, Alameda; and Robb Ratto, Park Street Business Association.

Opponents (Not in favor of staff recommendation): Dorothy Freeman, Estuary Park Action Committee (EPAC); Joseph Woodard, EPAC; and Rebecca Redfield, EPAC.

Councilmember Tam inquired why efforts to obtain Proposition 84 funds were not successful.

The Planning Services Manager responded the Trust for Public Land evaluates the probability of success; stated the maximum amount the City could ask for was \$5 million; funds would need to be used to purchase the land and build and finish the park;

the Trust for Public Land did not believe applying for funds would be worthwhile.

Councilmember Matarrese stated the City would be getting two acres [for a park]; the project would allow for land cleanup and waterfront stabilization; the solution is good; coming to a compromise has taken nineteen years; the City needs to move forward.

Councilmember Matarrese moved approval of the staff recommendation with the provision that the City be very clear in holding standards very high to ensure that future residents would not be impacted by whatever the predecessor activity was on the land; stated the matter should be part of the entitlement process.

Mayor Johnson stated having labels on the diagrams would have been helpful; inquired what is the indentation along the landside of the waterfront, to which the Planning Services Manager responded a concept for a set of stairs, which would be subject to Design Review.

Mayor Johnson reiterated that the public area needs to be accessible to everyone.

The Planning Services Manager stated the final map would come back to the Planning Board and ultimately Council for final approval.

Mayor Johnson inquired whether the houses on the northern lots are bigger, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson inquired whether staff has had discussions regarding smaller houses in order to have a bigger park area, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson stated that she would like to make the green area as big as possible.

Vice Mayor deHaan stated Marina Village has a green area; the only activity is people walking the trail.

Councilmember Matarrese stated the lack of activity is because of the small hills.

Vice Mayor deHaan inquired what would be the build out schedule, to which the Deputy City Manager – Development Services responded forty-eight months.

Vice Mayor deHaan inquired whether funding would ever become available, to which the Planning Services Manager responded the City has tried to buy the land for twenty years.

Councilmember Matarrese stated Thompson Field is catty corner from the project; the School District and City are working on a joint use agreement for football fields; making the area residential makes sense; maximizing Thompson Field and McKinley Park would cover the “active park” portion; the Dutra property remains open for the future.

Mayor Johnson inquired what would be the phasing plan for park construction, to which the Deputy City Manager – Development Services responded the park would need to be completed by the 101st [house].

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated the compromise is good; added a caveat to the motion to maximize a good, safe, public access.

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

(10-481) Public Hearing to Consider Resolution No. 14497, “Approving Tentative Parcel Map No. 9876 Planning Application No. PLN09-0185 – a Parcel Map for the Proposed Subdivision of the Site at 2318 Pacific Avenue into Two Parcels.” Adopted.

The Planner I gave a brief presentation.

Mayor Johnson stated the City would not end up with a mega, monster house similar to the house on Briggs Avenue.

The Interim City Manager stated the item was continued from the previous Council meeting because of the fear of splitting residential lots; the neighborhood is mixed use; the Planning Services Manager has come up with some good ideas for ordinance changes precluding residential lot splits.

The Planning Services Manager stated the north Park Street area zoning code would be changed; the City has had a series of proposals for splitting off the back sections of properties; staff wants to bring the issue to the Planning Board and Council, to determine whether the splits should be allowed in the future.

Mayor Johnson stated the Briggs Avenue house affects surrounding backyards; that she has not heard back on whether the house meets height requirements.

The Planning Services Manager stated scales would be addressed.

Mayor Johnson stated the Briggs Avenue neighborhood size and scale standards were disregarded.

The Interim City Manager stated staff is thinking about creating certain criteria for residential development to preserve residential neighborhoods.

Vice Mayor deHaan stated a commercial building on Clement Avenue is a disaster.

The Planning Services Manager stated the issue would be resolved with a [new] north Park Street code; neighborhoods have a thirty-foot height limit.

Vice Mayor deHaan moved adoption of the resolution.

Councilmember Matarrese inquired why the matter is being discussed now since the area is in the north of Lincoln Avenue planning area.

The Planning Services Manager stated the City has chosen not to do a moratorium on Park Street; staff has allowed north of Park Street projects to move forward; the project meets all rules and regulations; the City would retain complete control over what goes in.

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

ORAL COMMUNICATIONS, NON-AGENDA

(10-482) Jon Spangler, Alameda, raised questions regarding worker's compensation.

(10-483) Luisa Vallejos, Alameda, discussed banning smoking.

Mayor Johnson stated staff has been working on the issue.

(10-484) Gretchen Lipow, Alameda, provided a handout and discussed Proposition 22.

COUNCIL REFERRALS

(10-485) Consider Taking Action Regarding Calming Traffic on Residential Streets that Have Become Overburdened, Used as a "Cut-Through" or Experienced Other Traffic Problems.

Councilmember Matarrese gave a brief presentation.

Mayor Johnson stated Council has asked about the issue in the past.

Councilmember Tam stated a 2003 Transportation Master Plan has a tool box list of solutions, including traffic calming suggestions that the Public Works Department and Fire Department worked on; the issue is about funding and implementation, not whether the City has existing policies and tools available.

Councilmember Matarrese stated people on Sherman Street have gathered petitions, but no action has been taken.

Mayor Johnson stated a report should be brought back; the issue should be reviewed on a citywide basis.

Councilmember Gilmore stated the Transportation Commission's job was to look at the

issue on a citywide basis; the process has a big hole because the City effectively no longer has a Transportation Commission.

Mayor Johnson stated the issue should be brought back.

Vice Mayor deHaan stated issues have been on the table for a while; the problem is not whether the City has a Transportation Commission or not.

Councilmember Tam stated the wheel should not be reinvented; a more productive direction would be to find funding to execute solutions.

Vice Mayor deHaan stated street repair is looking pretty decent throughout the City.

Speaker: Jon Spangler, Alameda.

Councilmember Matarrese moved approval of bringing the matter back to Council.

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

COUNCIL COMMUNICATIONS

(10-486) Consideration of Mayor's Nomination for Appointment to the Social Services Human Relations Board (SSHRB).

Mayor Johnson nominated Rebecca Holder for appointment to the SSHRB.

(10-487) Councilmember Gilmore stated in March, Council came to the conclusion that performance reviews needed to be done for Charter Officers; the agreement was to have performance reviews come back in September; that she asked about the matter at the last meeting; she still has not received a response.

Mayor Johnson inquired whether Council would like to comment.

Councilmember Gilmore stated that she is not requesting comments from Council, but from staff; Council gave direction to staff; that she is wondering what has happened.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 11:08 p.m.

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- -OCTOBER 5, 2010- -6:30 P.M.

Mayor Johnson convened the meeting at 6:32 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(10-464) Conference with Legal Counsel – Anticipated Litigation (54956.9(b); Number of Cases: One.

(10-465) Conference with Legal Counsel – Existing Litigation (54956.9(a); Name of Case: Ottaviano v. City of Alameda. Not heard.

Following the Closed Session, the meeting was reconvened and Mayor Johnson announced that regarding Anticipated Litigation, the City Council received a briefing from Legal Counsel; no action was taken.

Adjournment

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

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY, AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -OCTOBER 5, 2010- -7:01 P.M.

Mayor/Chair Johnson convened the meeting at 7:13 p.m.

ROLL CALL - Present: Councilmembers / Board Members / Commissioners deHaan, Gilmore, Matarrese, Tam and Mayor Johnson – 5.

Absent: None.

CITY MANAGER COMMUNICATIONS

(10-488 CC/ARRA/10-69 CIC) Receive a Report on the Status of America's Cup

The Economic Development Director gave a brief presentation.

Mayor/Chair Johnson inquired whether the Alameda Waterfront website is linked to the City's website, to which the Economic Development Director responded in the negative.

Mayor/Chair Johnson stated efforts should be made to link the Alameda Waterfront website to the City's website.

Councilmember/Board Member/Commissioner Gilmore stated updates are provided via email.

Vice Mayor/Board Member/Commissioner deHaan stated another challenge is to bring a super carrier into Alameda within the next couple of years for Fleet Week.

Mayor/Chair Johnson called a recess at 7:24 p.m. and reconvened the meeting at 11:09 p.m.

CONSENT CALENDAR

Councilmember/Commissioner Tam moved approval of the Consent Calendar.

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

* * *

Councilmember Tam left the dais at 11:11 p.m. and returned at 11:13 p.m.

* * *

(*10-489 CC/*10-70 CIC) Minutes of the Special Joint City Council and Community Improvement Commission Meeting of September 7, 2010. Approved.

(*10-71 CIC) Recommendation to Approve a Settlement Agreement Pertaining to the Redevelopment of Property Located at 2229 Clement Avenue. Accepted. [In conjunction with City Council paragraph no. 10-481]

AGENDA ITEM

(10-490 CC) Resolution No. 14498, "Approving and Authorizing Execution of the Ferry Service Operations Transfer Agreement." Adopted; and

(ARRA) Resolution No. 51, "Approving and Authorizing Execution of the Ferry Service Operations Transfer Agreement." Adopted.

The Public Works Director and Ferry Manager gave a brief presentation.

The Deputy City Manager – Administrative Services clarified that the sentence on page 2 of the staff report should read "In the event that future TIF revenue is less than \$500,000, City shall contribute the maximum amount available of TIF revenues, not to exceed \$500,000"; stated WETA would only get \$400,000 if \$400,000 comes in.

The Ferry Manager continued the presentation.

Mayor/Chair Johnson stated having WETA take over the water side and not the land side is a good strategy; inquired whether Alameda would be required to maintain parking, to which the Ferry Manager responded in the affirmative.

Councilmember/Board Member Matarrese stated the City has been waiting for a long time; the Agreement has been well crafted.

Councilmember/Board Member Matarrese moved adoption of the resolutions.

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

Mayor/Chair Johnson stated getting the bus service back to the [West End] ferry terminal would be good.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the meeting at 11:26 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, CIC

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