

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 19 , 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:14 p.m. Councilmember Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.
Absent: None.

AGENDA CHANGES

(13-060) Mayor Gilmore announced that the rent increase concerns at 350 Central Avenue [paragraph no. 13-071] were resolved and the matter was withdrawn from the agenda.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-061) Mayor Gilmore read a statement regarding the season of non-violence word of the day: inspiration.

ORAL COMMUNICATIONS, NON-AGENDA

(13-062) Former Councilmember Doug deHaan, Alameda, urged the Council to consider reinstating the Police Dare program.

CONSENT CALENDAR

Mayor Gilmore announced that the resolution waiving Bay friendly landscaping requirements [paragraph no. 13-066] was removed from the Consent Calendar.

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

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

(*13-063) Minutes of the Regular City Council Meeting Held on January 14, 2013. Approved.

(*13-064) Ratified bills in the amount of \$3,677,222.56.

(*13-065) Recommendation to Award a Consultant Contract in the Amount of \$194,013 to Anchor Engineering for Inspection Services Related to the Alameda Landing Development and Allocate \$38,805 for Contingencies. Accepted.

(13-066) Adoption of Resolution Waiving Bay Friendly Landscaping Requirements in
Regular Meeting
Alameda City Council
February 19, 2013

Accordance with Section 30-59.3 of the Alameda Municipal Code. Not adopted; and

(13-066 A) Recommendation to Award a Contract in the Amount of \$248,620 to Fieldstone Construction Company for Woodstock Field Improvements, Phase 2, No. P.W. 11-06-23; Appropriate \$80,000 from the Citywide Development Fee Fund (Fund 340.12); and Allocate \$62,155 for Contingencies. Accepted.

Vice Mayor Ezzy Ashcraft stated that she not does think the Council should waive the very important environmental protection over the type of turf; other sports fields projects would be forthcoming; questioned whether the Request for Proposal (RFP) specified that the project needs to comply with the Bay Friendly Landscaping Ordinance and whether other Bay Area communities comply with Bay Friendly principles; suggested artificial turf be considered, which has been successfully employed and is safer for athletes; stated that the Recreation and Parks Director talked to the contractor and found a turf blend of grasses that does not require waiving the Bay Friendly Landscape Ordinance.

Vice Mayor Ezzy Ashcraft moved approval of awarding the contract without adopting the resolution waiving the Bay Friendly Landscaping requirements.

Councilmember Daysog inquired if the change is substantive and staff is agreeable.

The Recreation and Parks Director responded in the affirmative; stated using a 90/10 blend: 90% tall fescue, 10% blue grass has been successful.

Councilmember Daysog inquired if the change addresses and fixes the soggy situation at Woodstock Park.

The Recreation and Parks Director responded drainage is the key issue being fixed through the renovation; the turf choice does not impact the water situation.

In response to Councilmember Tam's inquiry, the Recreation and Parks Director stated 90% tall fescue is the threshold to comply with Bay Friendly landscape requirements; the cost is approximately \$5,000 cheaper for installation; consistency with other fields and buying seed overlay in bulk would make on-going maintenance costs the same.

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

(*13-067) Resolution No. 14774, "Authorizing the City Manager to Execute the Program Supplement and Master Agreements with CalTrans for the Safe Routes to School Project on Grand Street at Wood Middle School." Adopted.

(*13-068) Resolution No. 14775, "Amending the Alameda Management and Confidential Employees Association (MCEA) Salary Schedule Establishing the Classification of Customer Services Supervisor." Adopted.

REGULAR AGENDA ITEMS

(13-069) Mayor's State of the City Address.

The Mayor gave the State of the City Address.

(13-070) Recommendation to Authorize the City Manager to Execute a 5-Year Agreement with the Alameda Museum for Archival Services of City of Alameda Records; and

(13-070 A) Introduction of Ordinance Approving and Authorizing Conveyance by Grant Deed of Meyers House Museum and Garden Located at 2021 Alameda Avenue, to the Alameda Museum, a Non-Profit Corporation. Introduced.

The Recreation and Parks Director gave a brief presentation.

Councilmember Chen inquired whether there would be a cost associated with the transfer of the Meyers House, to which the Recreation and Parks Director responded in the negative; stated there is no cost to either party.

Councilmember Chen inquired why the City could not just retain ownership and let the Alameda Museum have the facility.

The Recreation and Parks Director responded that, as a non-profit entity, the Alameda Museum can do capital improvements more efficiently; stated the City has prevailing wage and other requirements, while the Alameda Museum can use volunteers and different means.

Councilmember Chen inquired if the Alameda Museum has warehouse storage, to which the Recreation and Parks Director responded in the affirmative; stated 25% of the Museum is storage and an additional 25% holds historical artifacts.

Vice Mayor Ezzy Ashcraft noted the Meyers House transfer is an exciting example of another public/private partnership following on the heels of the Animal Shelter example; that she is very impressed by the volunteer spirit, which will save the City money; \$3,000 in Athletic Trust Fund will go back into athletics.

Councilmember Tam inquired whether or not the City could review the issue of digitizing records and storage containment in a two-year rather than five-year agreement; the status of the Museum business plan as it pertained to weaning the Museum off City subsidies; if the Meyers House would be exempt from securing building permits and other Historical Advisory Board requirements since the Museum is non-profit.

The Recreation and Parks Director responded that the Meyers House would need to adhere to the same requirements as any other resident making improvements and would not be exempt from building permits or from requirements to bring improvements

before the Historical Advisory Board; stated Robbie Dileo, President of the Alameda Museum could better address the issue of the business plan; requested clarification regarding Councilmember Tam's inquiry about digitizing records.

Councilmember Tam stated the City digitizing records could free up the physical records the Museum is storing and reduce the term of the agreement for records storage to two years instead of five years.

The Recreation and Parks Director responded the City would need to negotiate with the Museum to move forward with a less than five-year agreement.

Mayor Gilmore inquired if the Museum will be self-sustaining after five years if the City has room in-house and does not need as much storage space.

The Recreation and Parks Director responded five years gives the Museum enough time to address the major capital needs, such as exterior paint, and ramp up programs, like fundraising and revenue from rentals; the rental revenue should help close the gap to make the Museum self-sustaining.

The City Attorney stated the agreement provides for termination on 120-day notice.

Prior to addressing Council questions, Ms. Dileo made brief comments urging Council to approve the agreement; further stated that she would have to bring any Council changes before the Museum Board; the five year contract would move the Museum toward become self-sustaining.

Mayor Gilmore inquired whether the Museum plans to do the major construction and maintenance projects within five years, to which Ms. Dileo responded in the affirmative; stated the Meyers House cannot be sold when the Museum takes ownership; there are no labor restrictions; the construction projects would be done immediately in order to start using the Meyers House as a revenue generator to help the Museum with rent which is the greatest expense.

Mayor Gilmore noted that in 2009, the City asked the Alameda Museum for a business plan to raise funds and wean off City subsidy; inquired how the business plan and taking on the additional responsibility of the Meyers House interact.

Ms. Delio responded that she cannot promise the Museum would not still be interested in having government support in five years; Museum consultant, Kathleen Brown, stated there is not a museum in the world that survives without some kind of government support; the Meyers House is a revenue generating opportunity which fits in the Museum's long range plan to become less dependent on City support; the Museum is solvent and would like to stay solvent; the Museum is one of few non-profit organizations still alive after 65 years; updated plan would be presented to the Council, if requested.

Urged approval of the agreement: former Councilmember Doug deHaan, Alameda.

Vice Mayor Ezzy Ashcraft stated the City has been paying \$42,000 plus \$3,000 from the Recreation Department; the objective is to bring the subsidy agreement to an end after five more years.

Mayor Gilmore responded that she does not think ending the subsidy agreement is the objective; stated the 2009 business plan goal was to lower the subsidy until the Museum was weaned off of it; inquired how operating the Meyers House fits into the overall goal and if the Museum agrees with said goal.

The City Manager stated the agreement contains a 120-day termination clause; the five-year period provides the Museum breathing space to address deferred maintenance at the Meyers House; and not to be concerned with how rent will be paid; the City can exercise termination rights if interests are not being served.

Mayor Gilmore stated she would like the Museum to provide financial reports to the Council and community to track fundraising and see how money is being spent on repairs.

City Manager stated staff would provide an annual report to the Council.

Councilmember Tam concurred with Mayor Gilmore; stated the Animal Shelter should be used as a model; transparency and accessibility to the reports need to be ensured; the City has to balance providing essential services.

The City Manager noted the Museum stewards important historical records for the City; the City probably could not manage the historical records for less than \$42,000; the City needs a long term solution for archival records; the City has issues to deal with in sequence: the two year budget, objective performance measures, space planning; the City has a tremendous amount of space that is being used inappropriately and unsuccessfully attempted to address some issues when Measure C failed; the best way to maintain the archival records is through the contract; if it does not work, the City can end the contract in 120 days.

Vice Mayor Ezzy Ashcraft inquired if the agreement would begin on July 1, 2013, to which the City Manager responded in the affirmative.

Councilmember Chen stated if the City's objective is to encourage the Museum to be more self-sufficient, the funding could be staggered; suggested giving the Museum \$60,000 the first year, then \$50,000, \$40,000, \$30,000, and \$20,000; the Museum would know they would be \$10,000 less the next year and would be forced to think about how money is being spent.

The City Manager stated the City would have to assign somebody to deal with the material; the City does not use space effectively; the problem is not necessarily the cost

of the space, rather it is the cost of an employee; the funding is a way for the City to provide money that the Museum can use for rent, which provides breathing room.

Councilmember Daysog concurred with the City Manager; framing the contract as the Museum providing a service to the City is great; the City is getting a service and enlivening an asset; that he appreciates the 120 day out-clause and hopes the City could move forward with the five-year time period.

Mayor Gilmore noted the five-year contract with the Museum amounts to over \$200,000 which requires Council approval and is not minor.

The City Attorney stated the Council could direct staff, as part of the motion, to come back on an annual basis with a financial report that would require cooperation of the Museum; there is the 120 days termination clause if the Museum does not cooperate.

Vice Mayor Ezzy Ashcraft inquired whether exercising the 120 day termination clause would save the City money, to which the City Manager responded in the negative.

Vice Mayor Ezzy Ashcraft inquired if the City would renew the agreement for another five years and whether rent cost would increase by said time.

The City Manager responded in the negative; stated the City is deeding the Meyers House to the Museum, not leasing it; the 120 day termination clause applies to the agreement for archival services.

Mayor Gilmore inquired if the City would take back the archival material and no longer pay the Museum to store such material upon 120 day termination of the agreement.

The City Manager responded in the affirmative.

Councilmember Daysog moved approval of the staff recommendation with the modification proposed by the City Attorney [direct staff to provide an annual report in cooperation with the Museum and terminate if the Museum does not cooperate].

The City Attorney noted the motion is to approve the transfer via the ordinance, approve the agreement and direct staff to come back to Council annually with financial information and a review of what the Museum has done as far as fundraising, Meyers House expenditures.

Mayor Gilmore stated the annual report should include the Museum's plans for the following year.

Councilmember Tam inquired if the City Attorney's suggestion ties the reporting to the 120 day termination clause.

The City Attorney responded in the affirmative; stated staff would present the report on

the fundraising and expenditures for that past year, and plans for the upcoming year; if the Council is not satisfied, staff can be directed to terminate the agreement by giving the 120 day notice.

Councilmember Daysog accepted the clarification to the motion.

Vice Mayor Ezzy Ashcraft seconded the amended motion, which carried by unanimous voice vote - 5.

(13-071) Recommendation to Acknowledge Rent Increase Concerns at 350 Central Avenue and Authorize the Mayor to Send a Letter Encouraging the Owner to Comply with the Rent Review Advisory Committee Recommendations. Not heard.

(13-072) Recommendation to Acknowledge Rent Increase Concerns at 1514 Benton Street and Authorize the Mayor to Send a Letter Encouraging the Owner to Comply with the Rent Review Advisory Committee Recommendations.

The Housing Programs Manager and Rent Review Advisory Committee (RRAC) Chair gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired whether the letter being sent would be enforceable, to which Mayor Gilmore responded in the negative.

Encouraged the City to do everything possible to embrace a fair approach for the renters as well as the landlord and explore how to implement some type of rent cap for seniors and those with disabilities and limited incomes: Audrey Lord Hausman, Alameda.

Explained the reason for rent increases: Michael Shepperd, Attorney for Property Owner (submitted information).

Stated the Rent Review Advisory committee should resolve the issue at hand: Sally Han, Alameda Association of Realtors.

Stated her parents and disabled sister had to leave their home due to rent increase and urged the Council uphold the Rent Review Advisory Committee's recommendation: Amparo Adlao, Alameda.

Expressed support for the Rent Review Advisory Committee's decision; stated Alameda residents deserve as much protection as Victorian houses: Emil Sobiro, Tenant (submitted information).

Suggested Alameda consider Rent Control to protect the residents of Alameda: Geoff Thorpe, Tenant,

Urged large rent increases be prevented: Frank Adlao, Alameda.

Stated ECHO Housing has received many rent increase calls over the past few months and the Council should consider rent control: Marjorie Rocha, ECHO Housing (submitted information).

Expressed concern about the condition of the building; stated market rate could not be charged for the apartments; urged the letter be sent: Debra Arbuckle, Alameda.

Stated more housing is needed in Alameda: William Smith, Renewed Hope.

Urged a balanced approach, which focuses on affordable housing instead of landlords: Karen Bey, Alameda.

Urged more affordable housing be built: Laura Thomas, Renewed Hope Housing Advocates.

Expressed concern over the excessive rent increases and urged approval of the staff recommendation: Jon Spangler, Alameda.

Vice Mayor Ezzy Ashcraft stated the Vice Chair of the RRAC said the rent increases are the highest increases he has ever seen; another RRAC member made the point that rent increases between 23% and 57% might as well be an eviction notice; that she is disappointed by the Association of Realtors Representative advocating for using the process that is available; there is nothing reasonable about the rent increase percentages; that she is not advocating for rent control at this point, but that if there are more similar cases, she would consider rent control more seriously.

Councilmember Daysog stated the discussion about rent control should start with gathering information; a letter sent by the Mayor has some teeth; encouraged sending a letter to the property owner.

Councilmember Tam moved approval of sending the letter.

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

Mayor Gilmore stated the situation is distressing; as abhorrent as the rent increases are, the landlord did not even show tenants respect by sitting face-to-face with the tenants to discuss anything; encouraged the Association of Realtors to collect data on rent control and to better oversee bad landlords.

(13-073) Recommendation to Receive a Report on the Public Records Index.

The City Clerk gave a brief presentation.

Councilmember Chen inquired about the timeline, to which the Assistant City Manager responded the program should be launched by late Spring; stated there are two

components of the program: 1) retention: keeping records safe, and 2) archiving: use and access to information instantly; the City Attorney's office has begun collecting all City leases in a database.

Councilmember Chen stated at the last Open Government Commission meeting, the issue of translation services for non-English speaking languages was brought up; inquired whether translation services would be incorporated into the proposed program.

The Assistant City Manager responded in the negative; stated providing translation services for documents is another policy level.

Councilmember Tam noted that both the City Manager and Assistant City Manager came from the City of Oakland where there was an Equal Access Ordinance passed to address a population that needed access to public documents; inquired how the parameters of said ordinance were set.

The Assistant City Manager responded the main component of the Equal Access Ordinance in Oakland was to provide for any community interaction positions to have staff that could speak one of the four major languages spoken in the City; there was an Equal Access office where certain documents could be translated; with the technology available today, translation should be easier; unfortunately, the Oakland program was not implemented.

Councilmember Tam inquired how such a program would work best in the City of Alameda.

The City Manager responded the focus should be on documentation and front line service; stated records have to be properly archived and categorized first; staff could evaluate having an on call translator.

The City Clerk noted that \$20,000 for translation services at public meetings is addressed in the City's Sunshine Ordinance.

Councilmember Tam noted that she receives a lot of inquiries from Chinese-speaking residents regarding building matters and rent control issues and has to refer the inquiries to employees with better Cantonese or Mandarin ability; stated there is talent in the City and provisions in Sunshine Ordinance that we should have translation ability.

The Assistant City Manager noted that there is a list of identified City employees that speak different language; discerning between basic general translation and legal translation is important.

The City Attorney concurred with the Assistant City Manager; stated caution must be exercised when translating documents.

Commended staff for advocating the Sunshine Ordinance; stated the Open Government

Commission (OGC) meeting minutes recognize there are costs associated with transparency: Jon Spangler, Alameda.

Clarified that he was only referring to Public Records Index at the OGC meeting: Jeff Cambra, Alameda.

CITY MANAGER COMMUNICATIONS

(13-074) The City Manager encouraged residents to participate in the Budget Challenge posted on the City's website.

ORAL COMMUNICATIONS, NON-AGENDA

(13-075) Jon Spangler, Alameda, encouraged there be no animosity between the City and the East Bay Regional Park District; and suggested the scope of the Alameda Point Environmental Impact Report be as broad as possible.

COUNCIL REFERRALS

(13-076) Consider Providing Direction to Staff regarding a Draft Resolution Re-Affirming Support for the Creation of the Alameda Wildlife Refuge at Alameda Point.

Councilmember Chen stated supporting and preserving wildlife communities is important; the Open Space designation in the Reuse Plan is equally important; the resolution he is presenting is straightforward; staff can be given an opportunity to evaluate or change the resolution, or come back with staff report.

Mayor Gilmore inquired about the impact of passing the resolution, since the property is still owned by the Federal Government.

The Chief Operating Officer – Alameda Point responded passing the resolution would not have impact the Federal Government; stated the Federal Government is not subject to local land use; if the Council passes a resolution directing staff to include a zoning designation for Open Space or refuge, the Federal Government would not be affected by that action.

The City Manager noted the resolution is just a statement of the position of the City.

Councilmember Tam noted there is a statement in the General Plan supporting the Wildlife Refuge.

The Chief Operating Officer – Alameda Point submitted a copy and read an excerpt of the General Plan statement related to the Wildlife Refuge.

Councilmember Daysog inquired if the U.S. Fish & Wildlife (USF&W) is still involved, to which the Chief Operating Officer – Alameda Point responded in the affirmative; stated under Section 7 of the Endangered Species Act, the Navy or any other federal entity

has to consult with USF&W; a biological opinion has been issued related to the Veterans Administration (VA) project and the transfer of the property from the Navy to the VA.

Councilmember Daysog stated there is anxiety since the City is now working with the VA instead of USF&W.

The Chief Operating Officer – Alameda Point stated a recent zoning map labeled the land as a “Federal Facility” which might have caused he anxiety; stated the designation was not intended to minimize support for the property as open space/wildlife, and is merely a way to broadly describe the property to allow flexibility; the VA and Navy have objected to using the term “refuge” because it creates confusion and implies the property is a formal refuge which the USF&W would receive, when in fact it is being transferred to the VA.

Councilmember Chen inquired if the VA is aware the refuge is incorporated into the 1996 Reuse Plan and General Plan.

The Chief Operating Officer – Alameda Point responded in the affirmative; stated the Biological Opinion ensures the land is conserved in perpetuity to protect the Least Tern.

The City Manager stated staff recommends that Council direct staff to provide a written report.

The Chief Operating Officer – Alameda Point noted items related to the VA project are on the March 5th agenda.

Urged establishing a National Wildlife Refuge at Alameda Point: Richard Bangert, Alameda.

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Councilmember Tam left the dais at 10:30 p.m. and returned at 10:32 p.m.

* * *

Stated the goal of the Club is to explore and protect natural and open spaces; the Club supports resolution: Irene Dieter, San Francisco Bay Chapter of the Sierra Club.

Expressed support of protecting Alameda’s Least Terns and the open space designation: Lenora Feeney, Golden Gate Audubon Society.

Urged to hold the Federal Government accountable to protect the wildlife; that he supports the resolution: Jon Spangler, Alameda.

Expressed support of the resolution and urged adoption: Patricia Gannon, Sierra Club and Friends of the Alameda Wildlife Refuge member.

Encouraged zoning the land open space area/nature conservation, urged adoption of the resolution: Bill Smith, Sierra Club and Golden Gate Audubon Society.

Stated that she would like to hear discussion about the VA's proposed uses for the property, which does not seem to include a wildlife refuge: Carol Gottstein, Alameda.

Councilmember Chen clarified that the USF&W, the VA, and the Navy are all in unison to protect endangered species; that he would like to pass the resolution to re-emphasize the City's position that the land is reserved for a wildlife refuge.

Councilmember Chen adoption of the resolution, stated staff could be directed to revise the resolution language and bring it back.

Councilmember Daysog stated that he would like staff's input; stated the ultimate desire is to have open space and live up to the commitments of the 1996 Reuse Plan; the City might have to find other ways to reach goals of open space with other zoning; he would like staff to come back to the Council with recommendations.

Councilmember Chen amended his motion to direct staff to re-draft the resolution re-affirming the creation of a Wildlife Refuge at Alameda Point.

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

COUNCIL COMMUNICATIONS

(13-077) Consideration of Mayor's Nominations for Appointment to Commission on Disability Issues.

Mayor Gilmore nominated La Donna Franco and Judith Frugé for appointment to the Commission on Disability Issues.

(13-078) Mayor Gilmore announced that she attended the Mayor's conference and heard presentations on a new model of health care clinics schools and gave a presentation on East Bay Regional Parks District's lawsuit against the City.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:54 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- -FEBRUARY 19, 2013- -6:00 P.M.

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

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

[Note: Councilmembers Ezzy Ashcraft arrived at 6:05 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(13-059) Conference with Legal Counsel – Existing Litigation (54956.9); Name of Case: East Bay Regional Park District, a Special District, and Angela Fawcett v. City of Alameda and City of Alameda City Council; Alameda County Superior Court Case No. RG12655685

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that the Council gave direction to staff.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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