

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -MAY 17, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 8:05 P.M.

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

Absent: None.

AGENDA CHANGES

(11-241) Mayor Gilmore announced that the Proclamation [paragraph no. 11-242] would be addressed first under Special Orders of the Day.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-242) Proclamation Declaring May 22, 2011, as Harvey Milk Day.

Mayor Gilmore read and presented the Proclamation to Sean Cahill, Committee Member, Alameda Harvey Milk Day.

(11-243) Presentation by Alameda County on the Fruitvale Miller-Sweeney Bridge Retrofit.

Art Carrera, Alameda County, gave a Power Point presentation.

Councilmember Johnson stated community outreach has been good; inquired whether boaters would be able to have access via the Bay Farm Bridge, to which Mr. Carrera responded in the affirmative.

Councilmember deHaan inquired whether the Miller-Sweeney Bridge has been retrofitted before, to which Mr. Carrera responded not that he is aware of any previous retrofitting.

In response to Councilmember deHaan's inquiry, Mr. Carrera stated the Miller-Sweeney Bridge is categorized no collapse.

Councilmember deHaan inquired what is the tube's categorization, to which Councilmember Johnson responded no collapse.

Vice Mayor Bonta inquired whether there are plans to bring the Miller-Sweeney Bridge up to a lifeline level.

Mr. Carrera responded a feasibility study has been performed; stated the Miller-Sweeney Bridge is the best bridge for handling emergency equipment because there is

no height limit; the cost estimate to retrofit to lifeline is \$40 million; the estimate also includes a no collapse level for the Fruitvale Avenue Railroad Bridge.

Vice Mayor Bonta inquired whether the boating community has any concerns.

Mr. Carrera responded the boating community realizes the importance of the project and is aware that there will be some inconvenience; stated the boating community wants to be kept informed.

The Acting City Manager stated the [retrofitting] schedule has been done in consultation with the boating community.

#### ORAL COMMUNICATIONS, NON-AGENDA

(11-244) Gretchen Lipow, Alameda Citizen's Task Force (ACT), submitted a handout; announced upcoming ACT events regarding the budget.

(11-245) Jon Spangler, Alameda, discussed an accident involving a bicycle; suggested that the City do something to prevent future accidents.

#### CONSENT CALENDAR

Mayor Gilmore announced that the Quarterly Sales Tax Report [paragraph no. 11-249] and the recommendation to Accept the Work of Resource and Design [paragraph no. 11-257] were removed from the Consent Calendar for discussion.

Councilmember deHaan made a correction to page 9 of the minutes to change "money is floating around" to "other money is available" and 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.]

(\*11-246) Minutes of the Special and Regular City Council Meetings held on May 3, 2011. Approved.

(\*11-247) Ratified bills in the amount of \$4,844,578.36.

(\*11-248) Recommendation to Accept the Treasury Report for the Quarter Ended March 31, 2011. Accepted.

(11-249) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending December 31, 2010.

The Controller gave a brief presentation.

Councilmember Johnson stated sales tax for Park Street has increased 33%.

The Controller stated Park Street sales tax has increased by 15% overall because of the two different areas [North of Lincoln and South of Lincoln].

In response to Vice Mayor Bonta's inquiry, the Controller stated the forecast presented to Council at the end of March is on target.

Councilmember Johnson stated per capita spending is low compared to other cities.

Councilmember Tam stated the City needs a Best Buy.

Speaker: Robb Ratto, Park Street Business Association.

Councilmember Tam moved approval of the staff recommendation.

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

(\*11-250) Recommendation to Approve the City of Alameda Investment Policy. Accepted.

(\*11-251) Recommendation to Appropriate \$100,000 From the Managed Vehicle Replacement Fund (Fund 701), Authorize the Purchase of Four Marked Ford Crown Victoria Police Vehicles through the Los Angeles County Vehicle Bid Contract, and Authorize the Acting City Manager to Execute All Necessary Documents. Accepted.

(\*11-252) Recommendation to Adopt Specifications and Authorize Call for Bids for Three Parking Enforcement Vehicles. Accepted.

(\*11-253) Recommendation to Set a June 7, 2011, Public Hearing for Consideration of Collection of Delinquent Administrative Citation Fees Via the Property Tax Bills. Accepted.

(\*11-254) Recommendation to Approve Revised Underwriting Guidelines for the Down Payment Assistance Program. Accepted.

(\*11-255) Recommendation to Award Contract in the Amount of \$1,373,000, Including Contingencies, to Gallagher & Burk, Inc. for Otis Drive Rehabilitation Project, No. P.W. 08-10-21. Accepted.

(\*11-256) Recommendation to Accept the Work of Sausal Construction for the Neighborhood Library Improvement Project, No. P.W. 10-09-29. Accepted.

(11-257) Recommendation to Accept the Work of Resource and Design for Furnishings for the Neighborhood Library Improvement Project, No. P.W. 10-09-29.

Mayor Gilmore urged the community to visit the remodeled West End and East End libraries; stated the Friends of the Alameda Free Library have donated \$100,000 for furnishing the branch libraries.

Mayor Gilmore moved approval of the staff recommendation.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated the Friends of the Alameda Free Library have set a good model for other non-profits.

Vice Mayor Bonta stated the Friends of the Alameda Free Library is a good model for how community members can step up and help preserve services in difficult economic times.

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

(\*11-258) Recommendation to Reject All Bids and Adopt Revised Plans and Specifications and Authorize a New Call for Bids for Repair and Resurfacing of Certain Streets, Phase 30, No. P.W. 10-10-26. Accepted.

(\*11-259) Recommendation to Authorize the Purchase of Light Emitting Diode Signals for Traffic and Pedestrian Signal Heads/Indicators Through the City and County of San Francisco Office of Contract Administration Purchasing Division Bid Contract at a Cost Not to Exceed \$182,300 and Adopt Plans and Specifications and Authorize a Call for Bids for the Removal and Replacement of Light Emitting Diode Signals for Traffic and Pedestrian Signal Heads/Indicators, No. P.W. 04-11-08. Accepted.

(\*11-260) Resolution No. 14567, "Authorizing the Acting City Manager to Submit a Request to the Metropolitan Transportation Commission for the Allocation of \$109,546 in FY11-12 Transportation Development Act Article 3 Funding and to Execute All Necessary Documents." Adopted.

(\*11-261) Resolution No. 14568, "Resolution of Intention to Levy an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2011-2012 and to Set a Public Hearing for June 7, 2011." Adopted.

## REGULAR AGENDA ITEMS

(11-262) Ordinance No.3032 Public Hearing to Consider Amending Ordinance No. 1277, N.S. to Rezone Approximately .06 Acres located at 1348 Weber Street, APN 073 039702600 from C-1, Neighborhood Business Zoning District, to R-4, Neighborhood Residential Zoning Designation. Introduced.

The Planning Services Manager gave a Power Point presentation.

Councilmember deHaan moved introduction of the ordinance.

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

(11-263) Recommendation to Provide Direction on the City Attorney Recruitment.

The Acting City Attorney made a brief statement and left the dais.

The Human Resource Director gave a brief presentation.

Mayor Gilmore stated that she has a list of qualifications which she would provide to the subcommittee; the threshold issue is whether Council thinks now is the time to begin the recruitment.

Councilmember Tam stated the recruitment process should begin as soon as possible; recruitment was not done for the last City Attorney hiring; the net should be cast as wide as possible in order to provide an opportunity for as many applicants as possible.

Vice Mayor Bonta concurred with Councilmember Tam; stated the selection process needs to be competitive and should be initiated immediately.

Councilmember deHaan stated the City Attorney recruitment should be the same as the in- house process used for the City Manager recruitment.

Mayor Gilmore stated the City Council is responsible for hiring and firing the City Manager, City Attorney, and City Clerk; the Human Resources Department would be utilized; a subcommittee needs to be formed.

Councilmember Tam volunteered to serve on the subcommittee; stated she spoke to the incoming City Manager; the incoming City Manager has suggested advertising in the San Francisco Daily Journal as well as the Western City Magazine; the Recorder is a weekly publication and current readership may not be very high.

Mayor Gilmore inquired whether Council would want an attorney on the subcommittee.

Councilmember Johnson responded that she does not have an opinion on the matter; stated she would be happy to serve on the subcommittee.

Mayor Gilmore moved approval of appointing Councilmembers Johnson and Tam to serve on the City Attorney recruitment subcommittee.

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

#### CITY MANAGER COMMUNICATIONS

None.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(11-264) Discussion of City Manager Hiring of Staff Assistant.

Councilmember deHaan gave a brief presentation.

Councilmember Tam inquired whether Councilmember deHaan has talked to the incoming City Manager, to which Councilmember deHaan responded in the negative.

Mayor Gilmore stated past City Managers have been free to hire and fire department heads; Council's responsibility is to approve [positions in] the budget; Council has not micro-managed the City Manager's hiring of permanent staff or consultants; the City Charter gives the City Manager the authority to appoint, discipline, and remove all officers and employees of the City; the Charter gives a strong warning to the Council regarding interfering with the City Manager's execution of his or her powers and duties.

Councilmember deHaan stated the Council has strong oversight with regards to the budget.

Mayor Gilmore noted that the incoming City Manager has plans for the organization of the City Manager's office; suggested that Councilmember deHaan have a conversation with the incoming City Manager regarding goals and objectives for the City Manager office; noted the incoming City Manager's intent is to have fiscal neutrality.

Councilmember deHaan inquired whether Council could discuss what was addressed in Closed Session.

The Acting City Attorney responded whatever was disclosed in the Closed Session is confidential; stated the majority of the Council could decide to allow what was discussed in Closed Session to be discussed in open session; legality can be discussed; Charter Section 7-2-C states that the City Manager has the power and duty to appoint all employees under his or her jurisdiction; the City Manager can make an appointment for a vacant, budgeted position.

Councilmember deHaan inquired whether discussion that occurred is not within contract negotiations and therefore would be considered open, public communication.

The Acting City Attorney stated part of the Closed Session discussion was whether or not a particular aspect belonged in the Contract; said discussion was in Closed Session and should remain in Closed Session and be confidential unless the majority of Council

wants to discuss the matter in open session.

Councilmember deHaan stated guidance was given on the topic.

Councilmember Johnson stated the best thing is for Councilmembers to talk to the incoming City Manager; that she will meet with the incoming City Manager on Thursday; understanding the incoming City Manager's thoughts is important before making assumptions based upon what appears in the newspapers.

Mayor Gilmore stated there are numerous examples of newspapers not always quoting things correctly.

Councilmember deHaan inquired whether any Councilmember has discussed the issue with the incoming City Manager.

Mayor Gilmore responded that her conversation was regarding technology.

Councilmember Tam responded that her conversation was regarding the City Attorney; stated the City has a City Council/City Manager form of government; the Council does performance evaluations of the City Manager; Council can provide input to the City Manager.

Councilmember deHaan inquired when the budget would come to Council.

The Acting City Manager responded a budget presentation is scheduled for May 31<sup>st</sup>; stated approximately a month later, the budget would be presented to Council for adoption.

Councilmember deHaan inquired whether there are any anticipated changes the City Manager's office staff positions.

The Acting City Manager responded that she is working on the issue; stated she is trying to make anticipated changes as budget neutral as possible.

Vice Mayor Bonta stated Council should wait until a budget is presented.

### COUNCIL COMMUNICATIONS

(11-265) Consideration of Mayor's Nomination for Appointment to the Planning Board

Mayor Gilmore nominated David Burton and Mike Henneberry for appointment to the Planning Board.

(11-266) Councilmember deHaan provided a handout on the Alameda County Associated Community Action Program (ACAP); provided an overview of events.

The Acting City Manager stated that she would report back to Council on the wind down timeline.

(11-267) Mayor Gilmore announced that she attended an energy conference in Washington, D.C. and met with Senator Feinstein.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 9:21 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- -MAY 17, 2011- -6:00 P.M.

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

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

Absent: None.

The special meeting was adjourned to Closed Session to consider:

(11-237) Conference with Real Property Negotiators (54956.8); Property: Alameda Marina; Negotiating parties: Pacific Shops, Inc. dba Alameda Marina; Under negotiation: Price and terms.

(11-238) Conference with Labor Negotiators (54957.6); Agency negotiators: Joe Wiley and Human Resources Director; Employee organizations: All Bargaining Units.

(11-239) Liability Claim (54956.95) – Workers Compensation Claim; Claimant: Linda Dawson; Agency Claimed Against: City of Alameda.

(11-240) Liability Claim (54956.95) – Workers Compensation Claim; Claimant: Ferdinand Pacis; Agency Claimed Against: City of Alameda.

Following the Closed Session, the special meeting was reconvened and Mayor Gilmore announced that regarding Property, the proposed terms of a new lease were presented and discussed; direction was provided to staff; regarding Labor, the negotiator explained a proposal regarding Alameda City Employees Association and briefed the Council on negotiations with the Alameda Police Officers Association, Alameda Fire Management Association, and Executive Management Employees; Council provided direction; regarding Linda Dawson, Council provided direction to staff to resolve the claim; and regarding Ferdinand Pacis, Council provided direction to staff to resolve the claim.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

**APPROVED**  
**MINUTES OF THE SPECIAL MEETING OF THE**  
**ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY**  
**Tuesday, May 17, 2011**

**The meeting convened at 9:22 p.m. with Chair Gilmore presiding.**

**1. ROLL CALL**

Present: Board Members Bonta, deHaan, Johnson, Tam and Chair Gilmore – 5.

Absent: None.

**2. REGULAR AGENDA ITEMS**

(11-043) Approve Letter of Understanding with Mission Bay Development Group/Edgemoor Real Estate Services as the Preferred Developer for the Lawrence Berkeley National Laboratory Second Campus at Alameda Point Selection Process.

The Deputy City Manager-Development Services summarized the developer selection process for the LBNL RFQ second campus, stating that on May 9, Alameda Point was one of six sites selected for the short list, out of a total 20. As part of the short list/final selection process, candidate sites are required to have a development team. The ARRA issued an RFQ for developers on February 3<sup>rd</sup> and received seven responses. After an internal staff review of the seven responses, staff interviewed five teams and short-listed three highly qualified firms: Lankford & Associates with Phelps Development, Mission Bay Development Group (MBDG) Tamed with Edgemoor Real Estate Services, and SRM Associates with BioMed Realty Trust, Inc. Based on its internal review and selection process, staff decided to recommend the MBDG/Edgemoor Team as the preferred developer for the Second Campus at Alameda Point.

Chair Gilmore asked staff and future developer to address the financial aspect of the project.

The Deputy City Manager-Development Services stated that, as part of the RFQ, LBNL/UC plan to self-finance the development but are also interested in considering third party financing. There may be gaps, as it is not yet certain if LBNL/UC will finance 100%, but staff will work creatively with LBNL/US to work out the finance details, adding that part of the submittals will be cost estimates.

The MBDG/Edgemoor team introduced themselves to the Board and expressed their excitement to be selected as the development team for the LBNL project: Seth Hamalian, Managing Principal, Mission Bay Development Group, Phil Owen, President, Mission Bay Development Group, and Steve Dell'Orto, Vice President, Clark Construction.

In response to Chair Gilmore's question about the financial aspect of the development, Mr. Hamalian explained that the team came together as group due to their experience working with UC to develop mechanisms for creative financing structures.

Member Johnson and Vice-Chair Bonta expressed that the community shares the team's excitement, are looking forward to partnering with them and thanked the team for all the assets brought to the project.

Member Tam inquired about key members and former Catellus employees on the development team, requesting a highlight of the key members.

Mr. Hamalian stated that in addition to MBDG/Edgemoor, HDR Architects are involved from a design standpoint, Edgemoor is the development arm of Clark Construction and involved on the vertical side, Perkins & Will are involved in the design master planning, BKF Engineers on infrastructure, and Treadwell & Rollo for environmental and geotechnical engineering. Mr. Hamalian also stated that the team staff is comprised of approximately 15 former Catellus employees.

**Member deHaan moved for approval of the Consent Calendar. Vice Chair Bonta seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]**

### **3. ADJOURNMENT**

**There being no further business, Chair Gilmore adjourned the meeting at 9:50 p.m.**

Respectfully submitted,

Irma Glidden  
ARRA Secretary