

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 2, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:05 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

(13-121) Mayor Gilmore announced that the resolution and ordinance amending the California Public Employees System Contract [paragraph no. 13-140 & 13-140A] would be addressed after the resolutions of appointment [paragraph no. 13-139, 13-139A & 13-139B].

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-122) Mayor Gilmore read a statement regarding the season of non-violence word of the day: Giving.

(13-123) Proclamation declaring May 2013 as Asian Pacific Heritage Month.

Mayor Gilmore read and presented the proclamation to Benny Chin, Buena Vista Methodist Church.

(13-124) Proclamation declaring March as Women in Military History Month.

Mayor Gilmore read and presented the proclamation to Mildred Nolan, Navy Veteran.

In response to Vice-Mayor Ezzy-Ashcraft's request, Ms. Nolan briefly described her experience in the Navy.

ORAL COMMUNICATIONS, NON-AGENDA

(13-125) Robert Sullwold, Alameda, submitted information and discussed pension costs and the pension reform bill.

The City Manager provided context on the pension reform bill.

Mr. Sullwold noted that he disagrees with the City Manager.

Mayor Gilmore urged Mr. Sullwold to participate when the Council discusses pension reform in the future.

(13-126) Ken Peterson, Alameda, discussed the budget; expressed concern over debt.

(13-127) Robb Ratto, Park Street Business Association (PSBA), thanked the Fire Department for the quick response to the fire at Park Street and San Jose Avenue.

(13-128) Jon Spangler, Alameda, encouraged everyone to attend the upcoming Meet Your Public Officials event.

CONSENT CALENDAR

Mayor Gilmore announced that the iManage Document Management Software Contract [paragraph no. 13-131], the resolution regarding Park Street Business Improvement Area [paragraph no. 13-137], and the resolution regarding the Webster Street Business Improvement Area [paragraph no. 13-138] were removed from the Consent Calendar for discussion.

Councilmember Daysog 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.]

(*13-129) Minutes of the Regular City Council Meeting Held on March 5, 2013. Approved.

(*13-130) Ratified bills in the amount of \$1,522,047.76.

(13-131) Recommendation to Authorize the City Manager to Negotiate and Execute a Contract in an Amount Not to Exceed \$205,000 with Autonomy, a Hewlett Packard Company, to Purchase it's iManage Document Management Software for the City's Electronic Records Management and Retention Program.

Mayor Gilmore inquired whether the three related contracts would be brought to Council at a later time; stated, in the past, contracts which should have been one single contract were broken up to avoid Council approval; requested the contracts be briefly explained.

The Assistant City Manager stated the contracts were mentioned in the report because the contracts are related; there is no intention to divide contracts into pieces to fall under the City Manager signing authority; the matter tonight is regarding Hewlett Packard Autonomy, which is a product being purchased off the shelf; the other contracts are for consultants; one consultant, RCS Network Solutions, will design and prepare the program for \$30,000; the other is for Innovative Computing Systems for approximately \$36,000 to install the program on computers; that he would be happy to provide reports on the Consent Calendar even though not required; the contracts and numbers were included to show the full cost of electronic records management.

The City Manager stated staff's goal is to be transparent and ensure that Council sees the entire scope of the project.

Mayor Gilmore moved approval of the staff recommendation.

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

(*13-132) Recommendation to Authorize the Purchase of a Bio-Diesel Pump Crane Truck in the Amount of \$102,998 and Authorize the City Manager to Execute All Necessary Documents. Accepted.

(*13-133) Recommendation to Authorize the Purchase of an Alternative Bio-Diesel Tymco 600 Regenerative Air Sweeper in the Amount of \$225,000 and Authorize the City Manager to Execute All Necessary Documents. Accepted.

(*13-134) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids to Remove and Replace the Heating, Ventilating, and Air Conditioning (HVAC) Chillers for City Hall and the Police Administration Building. Accepted.

(*13-135) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Repair and Resurfacing of Certain Streets, Phase 32, No. P.W. 11-12-20. Accepted.

(*13-136) Recommendation to Award a Consultant Contract in the Amount of \$79,800 to Schaaf & Wheeler to Update the Storm Drain Master Plan to Analyze Impacts Associated With a 55-Inch Sea Level Rise and Allocate \$8,000 for Contingencies. Accepted.

(13-137) Recommendation to Approve the Park Street Business Improvement Area's Annual Assessment Report; Resolution No. 14782, "Resolution of Intention to Levy and Annual Assessment on the Park Street Business Improvement Area of the City of Alameda for FY 2013-2014." Adopted; and Set a Public Hearing for May 7, 2013 to Levy an Annual Assessment on the Park Street Business Improvement Area.

The Community Development Director gave a brief presentation.

Vice Mayor Ezzy Ashcraft stated the PSBA work plan addresses district maintenance, including: the appearance of sidewalks and ground in gum; overflowing trash receptacles, especially by Peet's and Starbucks; inquired about the matter and whether there could be receptacles which sort recyclables from green trash or if garbage workers sort after pick up.

Robb Ratto, PSBA, responded PSBA is working with Public Works to come up with a plan to replace the garbage cans; stated many times people place garbage on the rims and the garbage cans appear to be overflowing; Public Works has a pilot program to

place double capacity plastic cans at Peet's and Starbucks; that he and Public Works have been performing spot checks and have not seen the cans overflowing; the PSBA Board recently discussed the possibility of having garbage, recycle and possibly composting; the matter comes down to covering costs, which cannot be done by PSBA; City staff is looking into a possible grant; various solutions have been tried to address the gum problem; unfortunately, every solution is labor intensive; a gum extractor machine was purchased several years ago, which is time consuming and expensive; pressure washing is being tested.

Vice Mayor Ezzy Ashcraft stated the PSBA and West Alameda Business Association (WABA) bylaws address action being taken by the board without a meeting; WABA's bylaws allow directors to act without a meeting, which PSBA might want to consider.

Mr. Ratto stated PSBA is rewriting its bylaws and will clarify taking action electronically.

Councilmember Daysog stated PSBA's budget has basically nothing set aside for design and economic revitalization; there should be some approach to address design and economic revitalization.

Mr. Ratto stated economic design and revitalization money is issued every year and any money identified as extra is spent by the Board on issues that have arisen; PSBA might have design money to address the garbage and recycle can problem in the future.

Vice Mayor Ezzy Ashcraft inquired what WABA needs to become more robust.

Councilmember Daysog stated that he would abstain from voting on the WABA item because his home is next to Webster Street; inquired whether the issues could be addressed separately.

The City Attorney responded in the affirmative; stated although a question is being raised on the next agenda item, Council would vote on the items separately.

In response to Vice Mayor Ezzy Ashcraft's inquiry, the Community Development Director stated WABA would probably change its district boundary to include Alameda Landing during the next year, which will infuse some new vitality as well as revenues; the economy has been picking up over the past year; many retailers are interested in locating in Alameda; that she is optimistic the area will continue to grow and improve.

Patricia Young, WABA, stated WABA does not have funds for an Executive Director; the board is working on the issues raised and hopes to incorporate Alameda Landing; however, the businesses will have to vote to join the BIA; discussion with Catellus had been underway; WABA is trying to recruit businesses for the empty spaces within the Webster Street District; membership has increased almost 8% in the past year and half; WABA is reviewing options and working with City staff.

Vice Mayor Ezzy Ashcraft inquired whether Ms. Young could keep the Council updated,

to which Ms. Young responded in the affirmative.

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

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

(13-138) Recommendation to Approve the Webster Street Business Improvement Area's Annual Assessment Report; Resolution No. 14783, "Resolution of Intention to Levy an Annual Assessment on the Webster Street Business Improvement Area of the City of Alameda for FY 2013-2014." Adopted; and Set a Public Hearing for May 7, 2013 to Levy an Annual Assessment on the Webster Street Business Improvement Area.

Councilmember Daysog recused himself.

Councilmember Tam moved approval of the staff recommendation, including adoption of the resolution.

Vice Mayor Ezzy Ashcraft seconded the motion, which carried by the following voice votes: Ayes: Councilmembers Chen, Ezzy Ashcraft, Tam and Mayor Gilmore – 4. Abstention: Councilmember Daysog – 1.

REGULAR AGENDA ITEMS

(13-139) Resolution No. 14784, "Appointing Dania Alvarez-Morrone as a Member of the Planning Board." Adopted;

(13-139 A) Resolution No. 14785, "Appointing Stanley Tang as a Member of the Planning Board." Adopted; and

(13-139 B) Resolution No. 14786, "Appointing Michael Robles-Wong as a Member of the Social Service Human Relations Board." Adopted.

Councilmember Tam moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented Certificates of Appointment to Ms. Alvarez-Morrone, Mr. Tang, and Mr. Robles-Wong.

(13-140) Resolution No. 14787, "Resolution of Intention to Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Alameda to Provide the Option for Local Fire Members to Purchase Service Credit for Permanent Career Civilian Federal Firefighter or Permanent Career State Firefighter Service." Adopted; and

(13-140 A) Introduction of Ordinance Amending the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Alameda to Provide the Option for Local Fire Members to Purchase Service Credit for Permanent Career Civilian Federal Firefighter or Permanent Career State Firefighter Service. Introduced.

The Assistant City Manager gave a brief presentation.

Councilmember Daysog stated he was a little confused by the item; inquired whether the provision would apply to firefighters who came from the Naval Air Station (NAS) and whether the provision would allow federal service years to count towards retirement.

The Assistant City Manager responded in the affirmative.

Vice Mayor Ezzy Ashcraft stated the NAS closed in 1996; the issue was addressed in the 2011 Memorandum of Understanding (MOU); inquired why the matter took so long to arise.

The Assistant City Manager responded the matter was negotiated; stated the firefighters had to request including the amendment in the MOU, which was negotiated back in 2011.

The City Manager stated the matter was one of many issues discussed for years which sat at loggerhead; the matter was finally resolved in 2011; the subject came up again and again in negotiations and just had not gone anywhere.

Vice Mayor Ezzy Ashcraft inquired about an exhibit amended December 31, 2012 which references the Housing Authority.

The Senior Management Analyst responded a previous PERS contract amendment removed the Housing Authority; stated Section 11J has been added.

Vice Mayor Ezzy Ashcraft inquired whether Council is only addressing Section 11J addressing public service credit for career federal/state firefighter service, to which the Senior Management Analyst responded in the affirmative.

Councilmember Chen inquired whether the matter was approved by the previous Council in the 2011 MOU, to which the Senior Management Analyst responded in the affirmative.

Councilmember Chen inquired whether the vote was unanimous, to which the Senior Management Analyst responded that she did not know.

Councilmember Chen inquired whether the eligible 15 to 20 employees would have to purchase the service credit, to which the Senior Management Analyst responded in the affirmative.

Councilmember Chen inquired whether the City gained from the employees' experience serving the federal facility.

The Senior Management Analyst responded in the affirmative; stated the experience is the same as the City hiring from another agency with similar firefighting skills.

In response to Councilmember Chen's inquiry regarding the number of firefighters asking for the service buy back, the Senior Management Analyst stated the City estimates 15 to 20 firefighters will apply.

In response to Councilmember Chen's further inquiry, the Senior Management Analyst stated a number of firefighters came over at the time of Base closure in 1997 and firefighters who came over a couple of years before Base closure might be eligible as well.

Councilmember Chen inquired whether an equivalent federal requirement also applies to said employees.

The Senior Management Analyst responded the employees are not eligible for a federal pension; stated upon leaving the NAS, contributions in the federal system had to be cashed out; noted the employees were civilian Firefighters not eligible for a military pension either.

Councilmember Chen inquired whether PERS would be the employees' only retirement fund, to which the Senior Management Analyst responded in the affirmative.

The City Manager stated the City is not paying for the service credit and is just providing Firefighters with the opportunity to purchase service credit.

Expressed concern over CalPERS not performing actuarial studies, which is a City Charter violation: Ken Peterson, Alameda.

Provided background information on the provision: Jeff DelBono, International Association of Firefighters.

Vice Mayor Ezzy Ashcraft requested an explanation of why the purchase amount varies.

Mr. DelBono responded that he based the amount off of Oakland Firefighters being quoted about \$7,000 a year plus interest; stated the amount varies depending on the cost during the time the firefighters were working at the Base.

Mayor Gilmore inquired whether there is window of time in which the employee has to purchase the rights or if the time is open ended, to which Mr. DelBono responded pension reform requires employees to have submitted applications by January 1; stated 15 to 20 employees submitted applications to retain the option; about three quarters

probably do not have the money to purchase the time right now and others are too young to want to purchase the time; only about 3 or 4 of members right now want to purchase time.

Mayor Gilmore inquired whether those too young to retire can do it later.

Mr. DelBono responded in the affirmative; stated applications had to be submitted by January 1 because of pension reform.

Councilmember Tam stated the City submitted the request to CalPERS on January 30, 2013; inquired how the action would dovetail with pension reform.

The Assistant City Manager responded that she does not believe pension reform would affect the action.

The Senior Management Analyst concurred with the Assistant City Manager; stated staff had already begun the process and submitted documents for the amendment, therefore, she does not believe pension reform would have any impact.

Councilmember Tam moved adoption of the resolution.

Councilmember Tam stated honoring the MOU is important.

Vice Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Vice Mayor Ezzy Ashcraft stated the action would bring everyone onto the same level playing field; having people who have worked for the City the same amount of time, just in a different capacity, not being entitled to the same amount of retirement does not seem fair, which she believes is a reason the legislature passed the law.

Councilmember Daysog stated that he would abstain in order to obtain more information prior to final passage.

On the call for the question, carried by the following voice vote – 4. Abstention: Councilmember Daysog – 1.

Councilmember Chen moved introduction of the ordinance.

Councilmember Tam seconded the motion, which carried by the following voice vote – 4. Abstention: Councilmember Daysog – 1.

(13-141) Public Hearing to Consider Resolution No. 14788, "Certifying the Final Environmental Impact Report (EIR) for the North Park Street Regulating Code (State Clearinghouse #2011052058);

(13-141 A) Introduction of Ordinance Amending Various Sections of the Alameda Municipal Code Contained in Chapter XXX (Development Regulations) Related to the North Park Street Planning Area. Introduced; and

(13-141 B) Resolution No. 14789, "Approving Citywide Design Manual Amendments. (This project regulates development within the area bounded by the Oakland-Alameda Estuary, Tilden Way, Lincoln Avenue, and Oak Street)." Adopted.

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Vice Mayor Ezzy Ashcraft and Councilmember Tam left the dais at 8:14 p.m. and returned at 8:16 p.m.

* * *

The City Planner gave a Power Point presentation.

Councilmember Chen stated the issue is not just height limit, but is also aesthetic; the area is the gateway to Alameda and is what visitors see coming across the Park Street bridge; the height limit is coming down from 100 feet to 60 feet; inquired why the old zoning allowed 100 feet.

The City Planner responded the height is really a reflection of changing attitudes; the 1960 General Plan for Alameda has beautiful drawings, which are almost Jetson style showing 10-story office buildings and shopping districts all the way down Park Street with a bridge from the South Shore end of Park Street across to South San Francisco; there was a totally different vision of what the people of Alameda thought Alameda should be; throughout all of the East Bay, and probably California, the 1970s environmental movement, Save the Bay, the realization of environmental impacts and constricting development completely changed attitudes about what is appropriate development, but the changing to zoning very often lags; Measure A immediately put a halt to multi-types of development; completing the zoning has taken 6 years.

Councilmember Chen stated that he understands the importance of economic development; the gateway district is a beginning to help generate sales tax that the City lost when car dealerships closed; he does not want Alameda to turn into a Bay Street like Emeryville with 60 feet building on both sides of the street, which becomes a tunnel; inquired what safeguards are in place in the event developers want to build rows of 60 foot buildings along Park Street.

The City Planner responded one thing that does not change over time very often is parcel size; provided an example of large parcels in Jack London Square, which do not require accumulation of multiple properties to create a pad; stated one large parcel allows a big building; there are only a handful of sites to that would fit parking and tenants and banks requirements for a 60 foot building on Park Street; having a whole row of 60 foot buildings down Park Street is highly unlikely because of lot patterns; the economics on Park Street are not there; in the past 10 years, not one single developer has proposed a 6 to 10 story building; the economics in the area do not support such

buildings; Measure A and the prohibition of multi-family has been a factor over the years; questioned whether the City wants to have a 40 foot limit that would not allow a building that looks as nice as the Masonic Lodge, which is beautifully designed and needs to be 50 to 55 feet; stated the City has a manual on how to get projects approved; the Planning Board is not going to approve ugly buildings; design review in Alameda is rigid; Council can call projects for review; that he does not believe a floodgate would be opened.

Councilmember Chen stated the intention is for North Park Street to be more pedestrian oriented, with more retail shops to allow people to walk, shop and dine in Alameda; inquired what is the logic in building stories that go vertical instead of horizontal.

The City Planner responded the first floor facing Park Street would be pedestrian friendly retail, which requires at least a 12 or 15 foot height, not 10 feet; stated to be transit- and pedestrian-oriented, people live above the first floor and there might be office use upstairs; the parcels are not deep enough to go horizontal; the only way to go is up; banks are going to require parking even if City does not; the parcel sizes are such that there are very few options to have large 4 or 5 story buildings.

Councilmember Tam stated that she appreciates the hours of work that went into the matter since 2006; the City Planner headed in a direction that Council directed 6 years ago because the area had problems; the City did not have any marketing interest and was hearing that Alameda is not business friendly; the City thought providing form based certainty would stimulate the economy; the City has had the 100 foot limit since 1990; inquired whether an application for a 100 foot building has been received in the 23 years.

The City Planner responded not to his knowledge.

Councilmember Tam inquired whether no one reaches the [height] limit due to the [parcel] area ratios and the marketability of the space not being what people need.

The City Planner responded there are a variety of factors; stated people with some familiarity of Alameda know the City is not going to approve a 10 story building on Park Street even though the height limit is 100 feet; the proposed zoning regulations are an effort to stop sending a mixed signal regarding the 100 foot height limit; a 10 story building is not desired on Park Street; the zoning sets standards and ensures staff and the community are clear about what is desired for Park Street; then, the development community and property owners might find it worth exploring the ideas outlined because meeting the design manual standard allows a specific height; the City wants to have one voice and be clear about what is desired and not desired.

Councilmember Tam inquired about down zoning of the School District site; stated that she appreciates having mitigation credits, such as requiring developers to provide open space and helping assist with land purchases; Project Leaf and community organizers suggested purchasing the School District site for a community garden or open space;

there was suggestion that the organizers fundraise to help buy the property from the School District; inquired about the reaction to the suggestion.

The City Planner responded Project Leaf people are smart and understand the challenges; raising money as a nonprofit neighborhood organization is hard; buying residentially zoned property in Bay Area cities is very expensive; Project Leaf members understand the hurdles and the need to raise money; the City has been very clear that funds are not available; the City has other major park efforts underway, like the Beltline, to create more open space; Project Leaf starting to generate revenue or resources might create opportunities to partner with the City; during conversations with Project Leaf representatives, staff has suggested that the group reorient its thinking and continue to raise money to buy the School District site, but the City will not down zone the property because down zoning is dangerous for the City; the School District giving the property to Project Leaf or selling the property for a reduced price is an issue between the group and the District; staff also informed Project Leaf that another piece of property in the neighborhood might be a lot cheaper to purchase because it is zoned industrial, has no active use, and has an owner who would love to sell the land; although the City does not currently have funds, plans include acquiring a piece of the land for Clement Avenue extension, which is a long term effort; a lot of work and energy would be required, but a partnership to purchase the land is a potential to pursue.

Councilmember Tam stated that she knows the matter is a subject for another day; inquired whether the School District has indicated its desires or plans for the site.

The City Planner responded staff has been working with the School District on a number of issues; stated that he believes the School District would like to sell the site; the Alameda Housing Authority has funding for affordable housing and has expressed interest in purchasing the property.

Vice Mayor Ezzy Ashcraft inquire whether Park Street north of Lincoln Avenue has a minimum sidewalk width.

The City Planner responded the regulations address private property, not the public right of way, and assume the existing sidewalk on Park Street.

Vice Mayor Ezzy Ashcraft inquired what the minimum sidewalk width is for Park Street, to which the City Planner responded that he believes 12 feet.

Vice Mayor Ezzy Ashcraft stated that she met with several Alameda Architectural Preservation Society (AAPS) members and Wedge neighborhood residents; one concern raised was that buildings with zero setback limits prohibit increased pedestrian safety or sidewalk cafes if the sidewalk is wide enough.

The City Planner stated that he believes the Park Street sidewalk is wide enough; some businesses have sidewalk cafes; however, more successful sidewalk cafes are actually on side streets.

Vice Mayor Ezzy Ashcraft stated another issue raised by the people she meet with was the City of Santa Cruz Downtown Recovery Plan; Santa Cruz's maximum height limit is 75 feet, but going above 50 feet requires meeting criteria, which is essentially design review; inquired whether something similar was contemplated.

The City Planner responded something similar could be integrated into the plan; stated Oakland has a similar approach with design review up to a certain height and taller buildings require a conditional use permit; the requirements make it clear that special design is expected.

Vice Mayor Ezzy Ashcraft stated that she would introduce the language that Santa Cruz uses as part of the discussion tonight; people want buildings sensitively designed and not overwhelming; inquired whether the area is a historic district.

The City Planner responded the historic district ends at Lincoln Avenue; the area is not part of the Park Street historic district.

Vice Mayor Ezzy Ashcraft inquired whether doing a project on one of the historic buildings on Park Street would go to the Historical Advisory Board, to which the City Planner responded in the affirmative; stated if the building is one of the contributors, and most are, design review would need to be done by staff or the Planning Board and a certificate of approval would be needed from the Historical Advisory Board.

Councilmember Daysog stated that he is excited about having residential units above businesses; the changes for the area of Park Street are really exciting; the public involvement has been good; the attempt to make the area pedestrian friendly is also an exciting element, which should be conducive in the zoning; ground floors should have a minimum height of 20 feet; building height issues can be worked through; there could be three residential stories above the ground floor; zoning should be conducive to economics, which have to be considered.

Mayor Gilmore stated Councilmember Daysog's point of view made her think in three dimensions; that she was thinking about the building appearance from the outside and trying to picture a 60 foot building next to existing buildings; an interior ceiling height of 15 or 20 feet should be reviewed; ground floor space should be welcoming to pedestrians; volume tends to be more inviting; during her time on the Planning Board, some big issues were office and professional uses going into what had residential neighborhoods, which required use permits; inquired whether the zoning permits offices, professionals spaces as a right.

The City Planner responded in the affirmative.

In response to Mayor Gilmore's further inquiry, the City Planner stated the use is permitted; most mixed use areas have building that look residential, but are actually businesses; the zoning has been commercial manufacturing for over 50 and

businesses, by right, have been going into buildings that look residential; outlined differences in the zoning areas; stated a key question of the Planning Board subcommittee was how to continue to encourage businesses in mixed use areas; Park Street is the City's best transit corridor, with a lot of buses and is a great place for small businesses.

Mayor Gilmore stated neighbors would be upset about the parking requirements when businesses in the mixed use zone would convert a residential building into a doctor's office; inquired how the matter is addressed since office and professional uses are allowed as a right.

The City Planner responded allowing use by right does not trigger parking review; stated current regulations allow existing buildings designed as residences that may not have parking to be converted to businesses.

Councilmember Daysog requested staff to outline the difficulties of mixed use developments.

The City Manager stated mixed use development is difficult; doing either a straight residential or straight commercial project is much easier; Alameda would like to see mixed use on Park Street, similar to the Starbucks building; a lot of accomplished developers can do it; ground floor retail does not pay for development, the residential above covers the cost.

Councilmember Daysog inquired about lenders, to which the City Planner responded lenders do not like to deal with mixed use, which is what Alameda wants; only a limited number of lenders and developers would build mixed use projects; when looking at all Bay Area cities, Alameda wants to be able to tell developers the area is a great place for mixed use and getting through the development process will go quickly.

Vice Mayor Ezzy Ashcraft stated there is a line item for grocery stores under retail uses; inquired why the mixed use and residential boxes are blank.

The City Planner responded the blanks are a typographic error; stated nothing should be left blank; the not permitted box should be checked.

Submitted information and urged revisions be made to the ordinance: Patricia Paul, Alameda.

Urged moving forward with the ordinance: Robb Ratto, Park Street Business Association.

Expressed concern over the height limit and traffic; urged a 40 foot height limit: Nancy Gordon, Alameda.

Urged a 40 foot height limit; stated Clement should not be open to Tilden Way: Erik

Miller, Alameda.

Expressed support for a 40 foot height limit: Janice Miles, Alameda.

Submitted and read an e-mail from Woody Minor: Dick Rutter, Alameda.

Expressed support for the 40 foot limit; stated that he does not want Alameda to emulate Berkeley: David Baker, Alameda.

Expressed support of the Alameda Architectural Preservation Society (AAPS) recommendations; encouraged adding green space requirements; provided background information on the Island High site and encouraged reconsidering placing housing on the site: Melanie Wartenberg, Alameda resident and Project LEAF.

Encouraged green and recreation uses be added: Kristoffer Koster, Alameda resident and Project LEAF.

Expressed support of Project Leaf, the 40 foot height limit and a green use of the Island High site: Lear Blitzstein, Alameda.

Urged setting building height at 40 feet and rare exceptions be allowed and urged Island High be used for green space: Doree Miles, Alameda

Urged Alameda's character be maintained and a 40 foot height limit; expressed concern over vacancies: Gretchen Lipow, Alameda Citizens Task Force.

Urged more work be done and a 40 foot height limit: Jon Spangler, Alameda.

Expressed concern over not having green space in the area; urged gateway projects be considered; urged 40 foot height limit: Tina Blaine, Alameda resident and Rythmix Cultural Works.

Submitted a letter on behalf of the Alameda Unified School District teachers in support of the School District retaining the Island High site: Laura DiDonato, Alameda.

Encouraged charm be enhanced in the wedge neighborhood: Nanette Burdick, Alameda.

Expressed concern with use permit requirements and encouraged retail be required on the first floor: Donna Layburn.

Expressed support of the staff recommendation and encouraged moving forward and using a similar model in other areas: Karen Bey, Alameda.

Discussed and showed pictures related to height limit; urged 60 feet not be allowed by right: Christopher Buckely, AAPS.

* * *

(13-142) Vice Mayor Ezzy Ashcraft moved approval of considering the recommendation to implement the Biological Opinion [paragraph no. 13-144] after 10:30 p.m.

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

* * *

Encouraged including a green area and the height limit be set at 40 foot with an exception to go higher: Trish Spencer, Alameda.

Urged Island High be designated for green space: Joe DiDonato, Alameda.

Mayor Gilmore stated there is a lot of concern about the 60 foot height limit being allowed as a right; requested an explanation of the interplay between having a 60 foot height limit as a right and design review; inquired what prevents the City from getting a square block building.

The City Planner responded the concept of by right is not being used correctly; stated technically, the City does not have anything by right because every building has to go through a discretionary design review process; the issue arises all the time with residential construction; the City has a 30 foot height limit; large, unsightly designs come in and people argue meeting the 30 foot height limit requires approval; staff explains design review approval is needed, that findings must be made that the design is appropriate for the site, creates good transitions for the neighboring buildings and the house needs to be 25 feet to make the findings for design review even though the height limit is 30 feet; staff would have to make findings to approve a 60 foot building; somebody cannot just build a box because it meets the height limit.

Mayor Gilmore inquired whether people might not come in with a 60 foot building proposal due to not wanting to waste time by being at the height limit.

The City Planner responded in the affirmative; stated currently, developers come in and ask what the City will approve; developers do not want to spend time and money going after a wild goose chase if the project is not going to be approved; setting the height limit at 40 feet sends the message that the City is not interested in any building over said height even if the project is beautifully designed.

Vice Mayor Ezzy Ashcraft inquired whether the objective of sending a message would be better realized by having guidelines in writing similar to Santa Cruz, which outline the criteria to go beyond perhaps a 50 foot height limit; stated the counter staff are individuals; there are variations; from her time on the Planning Board, she understood people who do not hear what they want from one Planner, come back another day and ask for another Planner.

The City Planner responded the short answer is yes, which is the reason for the 100 page design review manual; stated additional design guidelines can be added to clarify buildings above 40 or 50 feet, but less than 60 feet, have additional design guidelines and standards that must be met.

Vice Mayor Ezzy Ashcraft stated that she is not shying away from the 60 foot height limit, but understands the speakers concerns; provided examples of varying height limits working and not working; stated many speakers expressed a desire for a 40 foot height limit, but did the speakers review the design manual and examples of what can be done; higher does not necessarily mean uglier; there are examples of ugly one and two story buildings.

Councilmember Chen thanked the speakers; stated not a lot of developers have asked for 60 feet, or even 50 feet; economic development and aesthetically pleasing structures are not mutually exclusive; there is a way to have economic vitality coupled with an appealing, charming structure in line with the rest of Alameda; residents in and around the area are going to be directly impacted and should be heard; language could set the limit at 40 feet and not discourage developers by offering exceptions if certain guidelines are followed; there should be an extra layer of scrutiny; projects could be taken on a case by case basis; staff could come up with a solution to the open space problem; the area needs open space.

Vice Mayor Ezzy Ashcraft stated speakers mentioned the City and School District have discussed swapping the Island High site for Housing Authority use; requested an explanation of the matter.

The City Manager stated discussions have been held over the past several years; staff has been attempting to negotiate issues with the School District.

Vice Mayor Ezzy Ashcraft inquired whether the discussion has included the Island High property, to which the City Manager responded in the affirmative; stated discussion involve a number of properties; the City would like to address each property individually and the School District wants a comprehensive solution for all the properties throughout the City; the issue is money.

Vice Mayor Ezzy Ashcraft stated that she understands the issue raised about green space; that she has walked the area; there are some wonderful, creative ideas; however, money is needed and is the missing link; hopefully, the grant application, which the City did not help with a couple of years ago was not the last chance to obtain funding; the City is facing a budget deficit and does not have extra cash; that she believes the City would be a more willing partner in grant application now; encouraged considering the Union Pacific area, which has potential of being acquired; stated a row of hedges or trees would buffer Tilden Way; Council should not get timid on the height limit; she would urge 50 feet conditions to go to 60 feet because there are historic buildings over 50 and 60 feet that add character; provided examples; stated that she would like to include language from Santa Cruz and read an excerpt; stated speakers

seemed more concerned about ugly buildings, than 40 foot buildings; questioned whether people like the appearance of the area; stated the City can do better; the matter has been studied for years; the proposed ordinance moves forward with exciting potential.

* * *

(13-143) Vice Mayor Ezzy Ashcraft moved approval of continuing past 11:00 p.m.

Councilmember Chen seconded the motion, which carried by the following voice vote:
Ayes: Councilmembers Chen, Daysog, Ezzy Ashcraft and Mayor Gilmore – 4.
Abstention: Councilmember Tam – 1.

Councilmember Chen left the dais at 10:53 p.m. and returned at 10:55 p.m.

* * *

Councilmember Daysog thanked the speakers; stated the City wants to improve the Park Street gateway; that he raised the issue of the Webster Street gateway back in December, 2006; East End residents want a gateway to be proud of; the zoning creates rules and guidelines under which property owners, developers or whomever have assurances as to how the gateway should be developed; the discussion is not just among residents and business owners, but requires understanding the market and what is feasible; Councilmembers listen to residents, as well as understand economics; mixed use projects are not easy; expressed appreciation for the materials, coloring and attention to detail in Berkeley projects; the design guidelines allow well designed mixed use in the City of Alameda; everyone is concerned about preserving Alameda's historic character; that he is okay with 4 to 5 story structures going up to 60 feet; the City Planner explained nothing is allowed by right; that he supports language which is clear and provides guidance; that he understands the thought behind Santa Cruz's language; however, the language adds an element of uncertainty which the City wants to avoid; zoning gives clear direction as to what the community expects; there are ways to address the 40 foot issue; 60 feet should be the goal; the design guidelines exist not just to create buildings, but to create beautiful buildings with ground floors conducive to commercial and livable pedestrian oriented activity; inquired whether or not Park Street has a minimum ground floor height.

The City Planner responded the design guidelines have a lot of guidance for the first floor; stated one story buildings have a minimum height.

Councilmember Daysog stated the guidelines emphasize that the ground floor should be taken seriously.

Councilmember Tam expressed her appreciation of the speakers; stated everyone has been heard loud and clear regarding not wanting to see a canyon effect with 60 foot buildings; the ordinance and design guidelines have specific safeguards to address the matter; that she would be open to hearing additional safeguards; safeguards are included in the design guidelines; the ordinance has the ability to change over time to

meet needs; zoning allows for an educational facility, a school garden or open space; the issue is funding; that she does not have a sense of whether or not the School District has heard directly from the community and teachers on building an educational facility; the area is in need of open space and the City wants to work with the community; maybe East Bay Regional Park District could purchase the property; the City needs to move forward with a cohesive, consistent vision.

Councilmember Tam moved adoption of the resolution certifying the EIR.

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

Mayor Gilmore expressed her appreciation of the speakers; stated the neighborhood has a deficit of green space; the desired property is very complicated for a whole host of reasons involving the School District, the City and housing requirements; that she would be interested in talking to residents about possibly partnering with the City on the railroad property; the comments on height limits have been good; part of the issue is economic development and part is what residents want; people wish there were more and different types of businesses; unfortunately, the economy is really bad and most businesses have not been in a position to expand or to strike out into new areas; all cities are seeking businesses willing to take the risk; getting a business of any kind to come into the City is highly competitive; the City got VF Outdoor to locate here by offering incentives other cities could not match; although a height limit is not an incentive, anything which makes the City more competitive and easier to locate in should be considered; design review is not easy in Alameda; the ordinance can change; that she is not afraid of the 60 foot limit because she does not think a 60 foot box will be built.

Vice Mayor Ezzy Ashcraft read an excerpt from Exhibit 1A of the guidelines with the reason for the provisions; moving forward is important; that she would favor including something similar to Santa Cruz to assure the public that criteria are included; ordinances can change; however, staff is busy and years have been spent on the proposed zoning, which should have staying power.

Councilmember Chen stated that he cannot support motion with the current language; expressed his appreciation of staff's efforts; stated that wants to see the gateway district move forward; however, the language should be changed to include a 40 foot height restriction with exceptions; some developers might need 5 to 20 feet, which should be addressed on a case-by-case basis.

Vice Mayor Ezzy Ashcraft inquired whether Councilmember Chen is referring to the Santa Cruz language.

Councilmember Chen responded Vice Mayor Ezzy Ashcraft mentioned 50 feet; that he could live with 50 feet.

Vice Mayor Ezzy Ashcraft inquired whether the 60 foot limit could be retained and conditions could be included about what it would take to get to 60 feet.

The City Planner responded that the City should be very careful from a process stand point and should not include vague ideas between first and second reading of the ordinance; stated very specific could be addressed and come back for the second reading; however, he thinks the design guidelines could be amended; Council would approve the package tonight with direction; there is an addendum sheet because the Planning Board had other changes for staff; the ordinance would not change; Council could direct staff to include additional guidelines in the design manual for the top 20 feet over 40 feet.

Mayor Gilmore inquired whether the design guidelines would go back to the Planning Board.

The City Planner responded in the affirmative; stated the Planning Board would approve the changes before approving any 60 foot buildings.

Vice Mayor Ezzy Ashcraft inquired whether the ordinance would be changed [to indicate the design manual include additional criteria to go above 50 feet].

The City Planner responded that he does not think an ordinance change is necessary; stated everyone has to review the design manual whether the building is 10, 20, 30, 40, or 50 feet; the design manual would be supplemented to the Santa Cruz design concepts to indicate a tall building has to be beautiful; something special is required to go over 40 feet; the Planning Board and staff would work on supplemental guidelines, which would not have to return to Council.

Vice Mayor Ezzy Ashcraft stated that she is fine with allowing 50 feet without requiring extra criteria.

Councilmember Daysog inquired whether Vice Mayor Ezzy Ashcraft is proposing the additional criteria would only be required to go above 50 feet.

Vice Mayor Ezzy Ashcraft responded additional language would be added to the design guidelines.

The City Planner stated the ordinance is not changing; Council is directing staff to work with the Planning Board on additional design guidelines and the special architectural and design features that the City wants for 60 foot buildings.

Mayor Gilmore inquired whether the conversation with someone designing a 55 foot building would address that something really special is required as outlined in the design guidelines.

The City Planner responded in the affirmative; stated staff provides the design manual regardless of building height; the architect will have all the information; a subsection in the design manual will provide additional guidelines to be aware of to go up to 60 feet; 30 foot building proposals would ignore the section; the idea is to try to give some additional design guidance for tall buildings.

The City Manager clarified buildings under 50 feet still go through design review; stated something special is required to go above a certain limit.

Vice Mayor Ezzy Ashcraft inquired whether the matter would be addressed in the resolution adopting the Citywide design manual amendments.

The City Planner responded in the affirmative; stated Council has two more items to consider: 1) the ordinance that sets a 60 foot height limit, which he does not recommend changing; and 2) the design manual, which would be adopted with one amendment creating additional guidelines addressing design features for buildings over 50 feet.

Councilmember Tam expressed support for the approach outlined by the City Planner.

Councilmember Tam moved introduction of the ordinance.

Councilmember Daysog seconded the motion.

Under discussion, Mayor Gilmore clarified that the motion is to approve the ordinance with the 60 foot limit.

On the call for the question, the motion carried by the following voice: Ayes: Councilmembers Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 4. Noes: Councilmember Chen – 1.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution approving the Citywide Design Manual Amendments with amendment.

The City Planner clarified the amendment would be that staff would work with the Planning Board to create additional design guidelines for buildings over 50 feet.

Councilmember Daysog stated the amendment begins to address the canyon issue; top floors could set back a little bit.

Councilmember Daysog seconded the motion, which carried by the following voice: Ayes: Councilmembers Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 4. Noes: Councilmember Chen – 1.

* * *

Mayor Gilmore called a recess at 11:24 p.m. and reconvened the meeting at 11:37 p.m.

* * *

(13-144) Recommendation to Implement the Biological Opinion on the Proposed Naval Air Station Alameda Disposal and Reuse Project by Approving (1) a Memorandum of Understanding (MOU) by and between the United States of America, Acting by and through the United States Fish and Wildlife Service and the City of Alameda for Funding of the Predator Management Plan; and (2) a Memorandum of Agreement by and between the United States of America, Acting by and through the Department of Veterans Affairs and the City of Alameda for Implementing Lighting Measures for the Protection of the Endangered Least Tern.

The Chief Operating Officer – Alameda Point gave a brief presentation.

Vice Mayor Ezzy Ashcraft stated the MOU with US Fish and Wildlife Service pledges an adequate funding mechanism to ensure predator management activities are provided in perpetuity from March 25th through August 5th, the breeding season; however, February 27th is also mentioned; the City also entered into an agreement with the US Department of Agriculture (USDA) to preform predatory management activities for the next three years; inquired whether the City has funding responsibility in perpetuity, to which the Chief Operating Officer – Alameda Point responded in the affirmative.

In response to Vice Mayor Ezzy Ashcraft's further inquiry, the Chief Operating Officer – Alameda Point stated the contract with USDA would come back to Council assuming it could be continued.

Councilmember Tam stated the estimated annual cost is \$24,500; a 30-day reserve is required; funds come from lease revenues, not the General Fund; inquired whether the funds would come from lease revenue in perpetuity; and whether lease revenues would not continue in perpetuity.

The Chief Operating Officer – Alameda Point responded a provision in the MOU contemplates transfer of the obligation to a third party subject to a review by the US Fish and Wildlife Service, which would want an endowment or some sort of agreement with a private entity ensuring that predator management services would be provided in perpetuity; the City has to go through an additional negotiation, which US Fish and Wildlife Service knows is likely to happen.

Councilmember Chen stated the two MOU's agree to predator management; inquired whether \$24,000 is the total cost of the management or just the City's portion.

The Chief Operating Officer – Alameda Point responded the amount is just the City's portion; stated the VA would have a contract to manage its parcel and the colony; the MOU ensures that the City would not have predators on its property that are creating a potential threat to the least terns.

Vice Mayor Ezzy Ashcraft moved approval of the Memorandum of Understanding by and between the United States of America, Acting by and through the United States Fish and Wildlife Service and the City of Alameda for Funding of the Predator Management Plan.

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

Councilmember Tam moved approval of the Memorandum of Agreement by and between the United States of America, Acting by and through the Department of Veterans Affairs and the City of Alameda for Implementing Lighting Measures for the Protection of the Endangered Least Tern.

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

CITY MANAGER COMMUNICATIONS

(13-145) The City Manager announced an upcoming special budget meeting on the City's first two-year budget; encouraged anyone interested to attend; announced a Commercial Broker event to showcase real estate and development opportunities in Alameda; stated the Navy has confirmed that \$10 million will be allocated to the continuing environmental cleanup of Alameda Point; the Navy has already spent \$480 million and the City is very glad to receive an allocation this fiscal year.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(13-146) Consideration of Mayor's Nominations for Appointment to the Housing Authority Board of Commissioners.

Mayor Gilmore nominated Joy Pratt for reappointment to the Housing Authority Board of Commissioners.

(13-147) Councilmember Chen encouraged people to listen to a talk show that he and a San Leandro Councilmember would be participating in on April 3rd.

(13-148) Mayor Gilmore stated the City is actively working with the School District to provide cost effective feasible solutions to the pools; a joint subcommittee of the City and School Board met last week and received a proposal from City staff with cost

estimates on a three-phase approach to improving both Encinal and Emma Hood pool facilities, which includes cosmetic improvements for Encinal and a two- phase process for the Emma Hood facility improvements; the District and City staff are working on the matter; the joint use agreement for the use and management of the pools is up for renewal in June.

ADJOURNMENT

(13-149) There being no further business, Mayor Gilmore adjourned the meeting at 11:50 p.m. in memory of former Mayor Terry LeCroix.

Respectfully submitted,

Lara Weisiger
City Clerk

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