

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JULY 5, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:28 p.m.

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

Absent: None.

AGENDA CHANGES

(11-348) Mayor Gilmore announced that Resolutions of Appointment [paragraph no. 11-353] would be heard after Oral Communications [paragraph no. 11-370].

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-349) Proclamation Recognizing Deputy Fire Chief Mike Fisher Upon His Retirement.

Mayor Gilmore read and presented the Proclamation to Mike Fisher.

(11-350) Proclamation declaring July 5th as Alameda South Shore Center Day.

Mayor Gilmore read and presented the Proclamation to Brad Wick, South Shore Center General Manager.

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Councilmember Johnson left the dais at 7:37 p.m. and returned at 7:38 p.m.

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ORAL COMMUNICATIONS, NON-AGENDA

(11-351) Roderick Coleman, Alameda, thanked the Housing Authority Executive Director and Councilmember deHaan for help with issues he had at the former Naval Base.

(11-352) Richard Neveln, Alameda, stated the lights shining on the flag are out and should be fixed.

Councilmember Johnson stated someone should be in charge of checking the light bulb.

REGULAR AGENDA ITEM

(11-353) Resolution No. 14584, "Reappointing Peter Horikoshi as a Member of the Civil

Service Board.” Adopted;

(11-353A) Resolution No. 14585, “Reappointing Linda McHugh as a Member of the Civil Service Board.” Adopted;

(11-353B) Resolution No. 14586, “Reappointing Susan T. Deutsch as a Member of the Commission on Disability Issues.” Adopted;

(11-353C) Resolution No. 14587, “Reappointing Steve R. Fort as a Member of the Commission on Disability Issues.” Adopted;

(11-353D) Resolution No. 14588, “Reappointing Kelly Harp as a Member of the Commission on Disability Issues.” Adopted;

(11-353E) Resolution No. 14589, “Reappointing Leslie A. Krongold as a Member of the Commission on Disability Issues.” Adopted;

(11-353F) Resolution No. 14590, “Reappointing Audrey Lord-Hausman as a Member of the Commission on Disability Issues.” Adopted;

(11-353G) Resolution No. 14591, “Reappointing Cullen L. Jones as a Member of the Housing Commission.” Adopted;

(11-353H) Resolution No. 14592, “Reappointing Michael E. Hartigan as a Member of the Library Board.” Adopted;

(11-353I) Resolution No. 14593, “Reappointing Gail Wetzork as a Member of the Library Board.” Adopted;

(11-353J) Resolution No. 14594, “Reappointing Arthur Autorino as a Member of the Planning Board.” Adopted;

(11-353K) Resolution No. 14595, “Reappointing Marilyn Ezzy Ashcraft as a Member of the Planning Board.” Adopted;

(11-353L) Resolution No. 14596, “Reappointing Gregory L. Hamm as a Member of the Public Utilities Board.” Adopted;

(11-353M) Resolution No. 14597, “Reappointing Lola Brown as a Member of the Recreation and Park Commission.” Adopted;

(11-353N) Resolution No. 14598, “Reappointing Gina Mariani as a Member of the Recreation and Park Commission.” Adopted;

(11-353O) Resolution No. 14599, “Reappointing Cathy Nielsen as a Member of the Social Service Human Relations Board.” Adopted;

(11-353P) Resolution No. 14600, “Reappointing Henry Villareal as a Member of the Social Service Human Relations Board.” Adopted; and

(11-353Q) Resolution No. 14601, “Reappointing Jeanette Mei as a Member of the Youth Advisory Commission.” Adopted.

Councilmember Tam moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented certificates of appointment to Mr. Horikoshi, Ms. McHugh, Ms. Deutsch, Mr. Fort, Ms. Krongold, Mr. Jones, Mr. Wetzork, Mr. Hamm, and Ms. Mariani.

### CONSENT CALENDAR

Mayor Gilmore announced that Bills [paragraph no. 11-355], the Agreement with Holland + Knight [paragraph no. 11-356], the Resolution Approving an Agreement with the California State Coastal Conservancy [paragraph no. 11-362], and the Resolution Authorizing the City Manager to Close City Hall on Fridays [paragraph no. 11-366], were removed from the Consent Calendar for discussion.

Councilmember deHaan 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.]

(\*11-354) Minutes of the Special and Regular City Council Meetings and Special City Council Meeting held on June 21, 2011. Approved.

(11-355) Ratified bills in the amount of \$3,359,712.50.

Councilmember deHaan stated the amount for consulting services is large; more information should be provided; questioned whether the \$609,719 for PERS Health is for the quarter or year.

Councilmember deHaan moved approval of the staff recommendation.

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

(11-356) Recommendation to Approve an Agreement with Holland + Knight in the Amount of \$144,000 for Federal Legislative Advocacy Services.

The Assistant City Manager gave a brief presentation.

Speaker: Richard Bangert, Alameda.

Councilmember Johnson moved approval of the staff recommendation incorporating Mr. Bangert's suggestion [incorporating wetlands at Alameda Point to the list of priorities, specifically the northwest territories and 400 plus acres that the Veterans Administration would take over and not use for facilities or grounds]; stated Holland + Knight has done an excellent job for the City; the City would not have received exposure to funding from

the federal government without Holland + Knight's assistance.

Councilmember deHaan stated an additional \$4,000 per month was added to the Contract in January 2011; inquired what type of activity has taken place.

The Assistant City Manager responded staff is working on an Office of Economic Adjustment grant for planning at Alameda Point; stated the Mayor had some very productive meetings in January and May; approximately a year and a half ago, Council supported Congresswoman Jackie Spear's bill on wetlands; unfortunately, the bill did not go anywhere; when an issue came up with the Federal Drug Administration regarding closing its office in Alameda approximately two or three years ago, Holland + Knight was able to prevent the closure; the scope of service changes as things come up.

Councilmember deHaan stated Alameda Point was specifically considered when the additional amount was added to the Contract; seconded the motion, which carried by unanimous voice vote – 5.

The City Manager stated three weeks ago, he had a conference call with Holland + Knight regarding preparing for his lobby visit in September.

Vice Mayor Bonta inquired whether the Contract amount would not change by adding the wetlands to the scope, to which the Assistant City Manager responded in the affirmative.

The City Manager stated needs cannot be predicted in the legislative process; adding the wetlands would not be a problem.

Councilmember Johnson stated the list is not limited; Holland + Knight watches out for the City.

Mayor Gilmore stated the City is getting a good value for the money.

(\*11-357) Recommendation to Appropriate \$21,484 in Transportation System Management/Transportation Demand Management Fund (Fund 225) and Award a Contract in the amount of \$204,611, Including Contingencies, to transMetro, Inc. for the Estuary Crossing Shuttle Service. Accepted.

(\*11-358) Recommendation to Accept the Work of W. R. Forde Associates for the Cyclic Sewer Replacement Project, Phase 8, No. P.W. 01-10-03. Accepted.

(\*11-359) Recommendation to Approve a Consultant Agreement with Pacific Waste Services, Inc. for Professional Services to Operate and Maintain the Alameda Doolittle Landfill. Accepted.

(\*11-360) Recommendation to Approve a Consultant Agreement with AMEC for Professional Services to Complete Semi-Annual Field Monitoring, Sampling, and

Reporting for the Alameda Doolittle Landfill. Accepted.

(\*11-361) Resolution No. 14602, "Authorizing the City Manager to Submit Two Grant Applications to Caltrans for the Cycle 3 Federal Safe Routes to School Program and Execute All Necessary Documents." Adopted.

(11-362) Resolution No. 14603, "Approving an Agreement with the California State Coastal Conservancy for Funding to Implement Spartina Eradication and Mitigation Measures and Authorize the City Manager to Execute All Required Documents." Adopted.

Councilmember deHaan inquired whether treatment would be ongoing.

The City Engineer responded the City and Conservancy have partnered to implement treatment measures for the past six years; the same Contract has been renewed every year; the Conservancy wants a new Contract instead of amending the Contract repeatedly; the Spartina population is down to less than 2%; funds have been budgeted for two years.

Councilmember deHaan stated the staff report notes that the City would provide up to \$30,000 in staff support, which seems disproportionate to \$60,000 in grants.

The City Engineer stated the amount is higher than might be needed; however, public noticing and labor cross checks might be needed.

Councilmember Johnson stated the program is very good; a large portion of the Bay has been reclaimed through the treatment; the City should continue with treatment and not stop too early.

Councilmember Tam moved adoption of the resolution.

Councilmember Tam echoed Councilmember Johnson's comments; stated the Conservancy enables the City to leverage resources.

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

(\*11-363) Resolution No. 14604, "Approving a Revised Executive Management Compensation Plan for the Period Commencing June 21, 2009 and Ending June 16, 2012." Adopted.

(\*11-364) Resolution No. 14605, "Delegating Authority to the City Manager to Act on Behalf of the City Council for Employee Benefit Matters Relating to the California State Association of Counties – Excess Insurance Authority." Adopted.

(\*11-365) Resolution No. 14606, "Authorizing an Open Market Purchase Pursuant to Section 3-15 of the Alameda City Charter for the Purchase of Three Parking

Enforcement Vehicles.” Adopted.

(11-366) Resolution No. 14607, “Authorizing the City Manager to Close City Hall and Other City Administrative Offices on Fridays.” Adopted.

The Assistant City Manager gave a brief presentation.

Speaker: Robb Ratto, Park Street Business Association.

Councilmember Tam stated Friday closures could be in perpetuity; the City went to a thirty-six hour, four-day workweek for a lot of employees, which has never been reversed and may never be reversed.

The City Manager stated nothing would be permanent; the four day workweek has been the standard for twenty years; no one knows where the City will be in two or three years and whether the four day workweek will still exist; that he believes a real savings would exist by having everyone on the same four day workweek; having an organization fully staffed three days a week is foolish.

Councilmember Tam stated that she is more concerned with the thirty-six hour workweek; the City might not get back to a forty-hour workweek.

The Assistant City Manager stated the issue could be raised during labor negotiations; staff decided to forego raises in favor of the shorter workweek [20 years ago].

Councilmember Johnson stated that she prefers a five-day workweek; she would not support the Friday closure if better public service were not provided.

Vice Mayor Bonta stated the proposed Friday closure seems practical and sensible; however, Friday closure would not be crystallized forever and is the best approach under the current circumstances.

Councilmember deHaan stated that he prefers a five day workweek; the Friday closure would provide a savings because of part-time staffing; the five day workweek option should not be taken away; six of the thirteen holidays fall on a Monday; service would be three days per week during a holiday week; that he recommends having the four day workweek be from Tuesday through Friday; that he would like to have further discussion on the matter.

Councilmember Johnson stated the matter has been discussed a number of times over a long period of time; language could be added to the resolution stating that the intent would not be to further support the four day workweek.

Councilmember deHaan inquired how many employees are already on a four-day workweek.

The Assistant City Manager responded that she does not have an exact number; stated the vast majority of Management Confidential Employees Association members are on a four day workweek; some Alameda City Employees Association members are on a five day workweek schedule.

Councilmember deHaan suggested having the matter come back to Council for review in six months.

Councilmember Johnson stated the public hardly ever comes to City Hall on Fridays; closing City Hall on Mondays would seem like a three-day workweek.

Councilmember Johnson moved adoption of the resolution with the caveat of adding a statement that the intent is not to re-affirm or strengthen the four days, thirty-six-hour workweek concept.

Councilmember Tam stated that she is comfortable with adding said language; staff intends to have significant public outreach before September 9<sup>th</sup>.

Mayor Gilmore suggested checking on the matter in a year, not six months.

The Assistant City Manager stated the matter could be reviewed as part of the budget next year.

Councilmember Johnson's motion was amended to include Mayor Gilmore's suggestion that the matter come back for review in six months.

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

(\*11-367) Introduction of Ordinance Amending Sections 2-1.1 and 2-1.5 of Article I (The City Council and Meetings of the City Council) of Chapter II (Administration) to Modify the Meeting Time and Deadline for Submission of Matters. Introduced.

#### REGULAR AGENDA ITEM

(11-368) Public Hearing to Consider Resolution No. 14608, "Approving Tentative Parcel Map 10006 (File No. PLN11-0077) at 2601 to 2901 Harbor Bay Parkway." Adopted.

The Planning Services Manager gave a brief presentation.

Councilmember deHaan inquired how much SRM Associates paid per acre, to which Joe Ernst, SRM Associates, responded that he would provide information.

Councilmember Tam moved adoption of the resolution.

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

## CITY MANAGER COMMUNICATIONS

(11-369) Operational Update on the Fire Department's Water Rescue, Commercial Inspection, and Senior Safety Programs

The Fire Division Chief gave a brief presentation.

Councilmember Tam inquired how long it would take to get the 14-foot inflatable boat ready and deployable.

The Fire Division Chief responded the boat is on a trailer and permanently attached to a tow vehicle; stated the boat would have a fifteen-minute response time anywhere in Alameda.

Councilmember Tam stated past discussions have involved marinas providing the Fire Department with access to a berth; inquired whether future inflatable boats could be stationed near houseboat areas.

The Fire Division Chief responded previously, the Fire Department had rigid hull inflatable boats in addition to the fireboat; having inflatable boats near houseboat areas would be a great idea as the budget allows.

Councilmember deHaan inquired how much the 14-foot inflatable boat cost, to which the Fire Division Chief responded \$13,000.

Councilmember deHaan inquired whether the Fire Department would consider purchasing additional boats, to which the Fire Division Chief responded in the affirmative, if resources allow.

The City Manager stated the 14-foot inflatable boat was purchased on his authority within existing budget allocations; purchasing additional boats would be difficult considering the budget that was just passed; Councilmember deHaan is working with the Interim Fire Chief on a donation of another boat.

Vice Mayor Bonta thanked staff for moving the programs forward; stated the approach to the Senior Safety Program is a great; inquired whether the inflatable boat has wheels that would allow a fire fighter to pull the boat down to the shoreline, to which the Fire Division Chief responded in the affirmative.

Vice Mayor Bonta inquired how many inflatable boats would be optimal and at what locations.

The Fire Division Chief responded that he would have to defer to the Water Rescue Program Committee.



The City Manager stated staff could come back with an answer in sixty days when the possible donation of a second boat would be known.

Councilmember Johnson stated the Coast Guard and the East Bay Regional Park District are other resources; additional resources should be identified.

Councilmember Tam stated the [Fire Department] General Operations Bulletin, which addresses water rescue operations, requires periodic training exercises involving the Coast Guard, Police Department, and other agencies; that she is not concerned with buying a boat, but is concerned with maintenance; the last boat ended up dry docked.

The Fire Division Chief noted the last boat was built in 1974 and was purchased for \$1 from the Coast Guard.

Councilmember deHaan inquired whether a Zodiac type boat has been available to the Fire Department in the past.

The Fire Division Chief responded the Fire Department had a rigid hull inflatable boat; stated recently, a 24-foot boat has been decommissioned; the boat was very time consuming.

Speaker: Jon Spangler, Alameda.

The City Manager stated staff has retained the services of retired State Fire Marshall Ruben Grijalva to conduct a formal, independent review regarding facts and circumstances of the Crown Memorial Beach incident; the Crown Memorial Beach issue implicates both Police and Fire service; Chief Grijalva is the only person in the history of California to hold the job of State Fire Marshall and Director of California Department of Forestry and Fire; Chief Mr. Grijalva's credentials are impeccable; some people believe that a citizen commission should be formed; such a commission is not a recipe for discovering the truth but is a recipe for grand standing, politics, and a series of facts that may be facts or may support pre-existing conclusions about direction the City should take; the City is taking the approach to hire the most qualified person available; the marching orders are to conduct a review of how Alameda got to Crown Memorial Beach that day and to look at the history; having a set of common facts is important; the report will include a minute by minute chronology of what took place on Memorial Day; a report will be prepared examining the steps that have been taken since Memorial Day and to advise about potential weaknesses; the investigation will not be a determination whether or not Alameda needs to have its own water rescue capacity; a decision has already been made in the affirmative; the public will have at least twelve days to examine the public report; the report will be online and in the Council packet twelve days prior to the Council meeting; Chief Grijalva will be in a position to react to public comment; the selection process has involved speaking to people in various organizations, the Oakland fire service, online research, and a personal interview; Chief Grijalva will be paid \$195 per hour; Chief Grijalva estimates the report will take 100 hours; that he thinks the report will take longer in order to produce a detailed document;

he is confident Chief Grijalva will do a great job.

Mayor Gilmore thanked the City Manager for the chronology.

Councilmember deHaan stated incident reports have been done in the past; that he is glad that everyone will be given the opportunity to review the matter; now is the time for reflection, which is called a stand down in the military; all safety and labor operations are reviewed in a stand down; a thorough review is needed to provide opportunities to improve all aspects of the Fire and Police Departments; Chief Grijalva would bring all information to the table, but action might be needed afterwards.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(11-370) Consideration of Mayor's Appointment to the Rent Review Advisory Committee.

Mayor Gilmore appointed Natascha H. Fraser.

(11-371) Councilmember deHaan stated that he attended the Associated Community Action program (ACAP) Board Meeting last Thursday; closure has been extended to September; Alameda County has audited the books; the audit should be made public in three to four weeks; action was taken to obtain legal support for a lawsuit submitted by the Executive Director, any legal action would cost more money.

Councilmember Johnson inquired whether County liability is still being investigated, to which Councilmember deHaan responded the audit would provide more clarification.

#### ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 8:52 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,  
COMMUNITY IMPROVEMENT COMMISSION (CIC), AND  
HOUSING AUTHORITY BOARD OF COMMISSIONERS (HABOC) MEETING  
TUESDAY- -JULY 5, 2011- -6:59 P.M.

Mayor/Chair Gilmore convened the meeting at 7:12 p.m. Commissioner Allen led the Pledge of Allegiance.

ROLL CALL – Present: Commissioner Allen, Councilmembers /  
Commissioners Bonta, deHaan, Johnson, Tam and  
Mayor/Chair Gilmore – 6.

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Mayor/Chair Gilmore announced that the First Amendment to the Owner Participation Agreement [paragraph no. 11-033 CIC/HABOC] was removed from the Consent Calendar.

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

Vice Mayor/Commissioner Bonta seconded the motion, which carried by unanimous voice vote – 6. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*HABOC) Minutes of the Regular Board of Commissioners Meeting held on April 5, 2011. Acceptance is Recommended; and

(\*11-031 CIC) Minutes of the Annual CIC Meeting held on June 21, 2011. Approved.

(\*11-347 CC/11-032 CIC/HABOC) Recommendation to Approve an Amendment to a \$150,000 Ten-Year Agreement with Resources for Community Development, the Community Improvement Commission, and the Housing Authority to Implement the Housing Authority's Obligations Pursuant to the Declaration of Reciprocal Easements, Covenants, and Restrictions for the Breakers at Bayport Townhomes, Modifying the Consultant Compensation Schedule, and Assigning the Community Improvement Commission's Obligation to Pay Pursuant to the Agreement to the City of Alameda and to have the City Council Accept the Obligation to Pay. Accepted.

(11-033 CIC/HABOC) Recommendation to Approve a First Amendment to the Owner Participation Agreement (OPA) for 2428 Central Avenue, Redirecting the Community Improvement Commission Housing Bond Proceeds to Resources for Community Development for Acquisition of the Property at 2428 Central Avenue, and Amending the Form of the Promissory Note to Increase the Principal Amount from \$1 Million to \$9 Million, and Authorize the Executive Director/Chief Executive Officer to Execute All Required Documents; and

(11-033A CIC) Recommendation to Approve a Form of a Partnership Agreement Between the Housing Authority, RCD Housing, LLC, and 112 Alves Lane, Inc. and Authorize the Chief Executive Officer to Execute the initial Partnership Agreement and the Amended Agreement to Include Additional Limited Partners.

The Acting Legal Counsel stated that the CIC/HABOC action to amend the OPA would not be addressed because of new redevelopment legislation passed last week.

Commissioner Bonta moved approval of the staff recommendation regarding the Partnership Agreement.

Commissioner Tam seconded the motion, which carried by unanimous voice vote – 6.

(HABOC) Resolution No. 833, “Amending the Housing Authority Budget to Increase the Fiscal Year 2012 CIP GF3 Budget by \$93,600 to \$613,141 for the Expansion of the Housing Authority Office Building and Additional Architectural Services (Budget Revision No. 4); Amending and Increasing the Architectural Contract by \$32,800 to \$65,800, Including Contingencies; Awarding the Contract to N.S. Construction and Paining in the Amount of \$580,800, Including Contingencies; and Authorizing the Executive Director to Execute the Contract and Amendment.” Adopted.

#### AGENDA ITEM

(HABOC) Recommendation to Approve the Housing Commission’s Recommendation to Name the Proposed Affordable Housing Project at 2216 Lincoln Avenue Jack Capon Villa.

The Housing Authority Executive Director gave a brief presentation.

Speakers: Arthur Kurrash, Housing Commission; Bernie Fitzgerald, Alameda Special Olympics; Mathew Fitzgerald, Team of Alameda Special Olympics; Lanay Eastman, Special Olympics; Barbara Capon, Alameda; Darin Lounds, Housing Consortium of the East Bay.

Commissioner deHaan moved approval of the staff recommendation.

Commissioner Johnson seconded the motion, which carried by unanimous voice vote –

6.

ADJOURNMENT

There being no further business, Mayor/Chair Gilmore adjourned the meeting at 7:27 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk  
Secretary, CIC

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

SPECIAL MEETING OF THE CITY COUNCIL  
TUESDAY- -JULY 5, 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 meeting was adjourned to Closed Session to consider:

(11-345) Conference with Real Property Negotiators (54956.8); Property: Alameda Marina, 1815 Clement Avenue; Agency negotiator: Nanette Mocanu; Negotiating parties: Pacific Shops, Inc., dba Alameda Marina and City of Alameda; Under negotiation: Price and terms.

(11-346) Conference with Labor Negotiators (54957.6); Agency negotiators: Human Resources Director; Employee organizations: All bargaining units.

Following the Closed Session, the meeting was reconvened and Mayor Gilmore announced that regarding Property, the negotiator briefed Council and received direction; regarding Labor, Council was briefed on Alameda Police Management Association, Alameda Fire Managers Association, and Executive Management Employees.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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