

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY - - MAY 3, 2005 - -7:30 P.M.

Mayor Johnson convened the regular meeting at 9:29 p.m.

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

Absent: None.

AGENDA CHANGES

(05-196) Mayor Johnson addressed the Resolutions Appointing Members of the Golf Commission [paragraph no. 05-207, 05-207A, 05-207B] after Special Orders of the Day.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-197) Proclamation declaring May as "Older Americans Month."

Mayor Johnson read and presented the proclamation to Don Oransky, President, Mastick Advisory Board.

Mr. Oransky thanked the Council for the proclamation.

(05-198) Update on the new main library project.

The Project Manager gave a brief project update.

Vice Mayor Gilmore commended the Project Manager and staff for keeping the project running smoothly by putting out many fires daily.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so adopted or enacted are indicated by an asterisk preceding the paragraph number.]

(\*05-199) Minutes of the Regular City Council Meeting held on April 19, 2005; and the Special City Council Meeting held on April 21, 2005. Approved.

(\*05-200) Ratified bills in the amount of \$ 2,201,788.60.

(\*05-201) Recommendation to authorize Call for Bids for Legal Advertising for the Fiscal Year ending June 30, 2006. Accepted.

(\*05-202) Recommendation to accept the Quarterly Investment Report for period ending March 31, 2005. Accepted.

(\*05-203) Recommendation to accept the Quarterly Financial Report for the period ending March 31, 2005 and approve third quarter budget adjustments. Accepted.

(\*05-204) Recommendation to set Hearing to establish Proposition 4 Limit for Fiscal Year 2005-06 for May 17, 2005. Accepted.

(\*05-205) Recommendation to accept the work of SpenCon Construction, Inc., for Repair of Portland Cement, Concrete Sidewalk, Curb, Gutter, Driveway and Minor Street Patching Phase 5, Fiscal Year 2004-05, No. P.W. 08-04-08. Accepted.

(\*05-206) Recommendation to approve an Agreement with Alameda County to continue participation in the Alameda HOME Consortium and authorize the Acting City Manager to negotiate and execute necessary documents. Accepted.

#### REGULAR AGENDA ITEMS

(05-207) Resolution No. 13836, "Appointing Ray A. Gaul as a Member of the Golf Commission." Adopted.

(05-207A) Resolution No. 13837, "Appointing Bill T. Schmitz as a Member of the Golf Commission." Adopted.

(05-207B) Resolution No. 13838, "Appointing Jane Sullwold as a Member of the Golf Commission." Adopted.

Vice Mayor Gilmore moved adoption of the resolutions.

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

The City Clerk administered the Oath and presented certificates of appointment to the Golf Commission members.

(05-208) Ordinance No. 2940, "Reclassifying and Rezoning Certain Property within the City of Alameda by Amending Zoning Ordinance No. 1277, N.S., from R-5 (General Residential) Zoning District to C-C (Community Commercial) Zoning District, for that Property Located at 2507 Central Avenue at Everett Street." Finally passed.

Councilmember Daysog moved final passage of the ordinance.

Councilmember deHaan seconded the motion, which passed by unanimous voice vote -5.

(05-209) Recommendation to accept the West Alameda Neighborhood Improvement Concept Plan.

The Community Programs and Housing Division Manager gave a Power Point presentation on the Plan.

Mayor Johnson stated the Plan would make important changes to the area; requested staff to review ways to accelerate the Plan; stated that a member of the Housing Task Force Committee recommended that the Committee review the Plan, provide input, and delay the vote.

Councilmember deHaan stated that the quality of life at the West End is important because of the high population density; the Boys' and Girls' Club brings positive steps to the area; funding sources are important; he is always concerned with transportation issues; the Transportation Commission needs to be engaged; requested to see more detail on the sources of estimates for varied activities; stated that he has no problem with delaying the acceptance of the Plan; inquired whether the Plan could be delayed.

The Community Programs and Housing Division Manager responded there has been an extensive public comment process; the draft plan was presented at a community meeting in February; Board and Commission input has been requested; there is no problem in delaying the acceptance; acceptance of the conceptual Plan is requested; different components would be brought back to Council at various times.

Councilmember deHaan inquired whether the short-term, simple projects could be accomplished quickly.

The Community Programs and Housing Division Manager responded in the affirmative; stated there is funding available for planting additional trees on an infill basis, and installation of trash receptacles at the Webster Street and Poggi Street corridor.

Mayor Johnson inquired whether the trash receptacles would be selected by Public works.

The Community Programs and Housing Division Manager responded that BMS Design would select the trash receptacles; BMS Design is familiar with materials and installations throughout the City;

connection is critical to Webster Street, the Bayport property, and Alameda Point.

Councilmember Daysog stated that he does not see the Plan as West Alameda, but as the Woodstock/Buena Vista corridor; more could be done south of Pacific Avenue and Lincoln Avenue.

Councilmember deHaan concurred with Councilmember Daysog; stated the West End is reaching passed Webster Street.

The Community Programs and Housing Division Manager stated that another name could be used.

Jon Spangler, Alameda, stated that the Plan is great; suggested purchasing the property between Main Street and Webster Street on Appezzato Parkway; stated that he hopes that there will be Class 2 bike lanes on the Marshall/Lincoln/Pacific Avenue section; urged acceptance of the Plan.

Vice Mayor Gilmore stated that she is not in favor of the Housing Task Force Committee reviewing the Plan; there has been extensive public input; the Plan is only conceptual; there will be further opportunity for public input; the Council's charge to the Housing Task Force Committee was to specifically review ways to prevent mass evictions and tackle affordable housing within 60 days; the Task Force needs to remain focused in order to meet the deadline.

Councilmember Matarrese stated that he was in favor of delaying acceptance of the Plan until the Housing Task Force Committee report is received; the Committee's and recommendations would be important to shaping the concept within the Plan; the street trees and trash cans should be equitably distributed throughout the City; the high density apartment buildings and the Harbor Island Apartments are critical to the improvement of the census tract.

Councilmember Daysog stated that he would support having the Task Force review the Plan if there are community meetings with adjacent neighborhoods to ensure that the Plan includes all of the West End.

Councilmember deHaan inquired whether Councilmember Daysog's suggestion was to expand the overall scope of the Plan, to which Councilmember Daysog responded in the affirmative.

Mayor Johnson inquired why the census tract was selected and why the Plan was not broader.

The Community Programs and Housing Division Manager responded the census tract has the highest concentration of minorities and low

income; the priority was to work with residents to bring more services into the neighborhood using Community Development Block Grant (CDBG) funds; residents voiced concern about not being able to walk freely through the neighborhood because of the Harbor Island Apartment and Chipman Middle School; the area to the south is not a low to moderate income neighborhood.

Councilmember Daysog stated the Plan could be used as a tool to identify City resources that could be used to improve neighborhoods; the sidewalks are in horrible condition; the paving on Santa Clara Avenue is odd.

Mayor Johnson stated the name of the Plan can be changed to be more specific; there are sidewalk, street, tree, and lighting issues everywhere in the City; there is nothing more odd than the paving on Gibbons Drive; increased sidewalk maintenance funding and more aggressive repair schedules need to be reviewed; CDBG funds could not be used if the Plan was expanded and could result in a thirty-year Plan instead of a ten-year Plan; that she does not have a problem with delaying acceptance until the Housing Task Force Committee report is received; suggested direction be provided to rename the Plan.

Councilmember deHaan stated expanding the scope cannot be done with the existing funding; the West End could be reviewed further at a later date; that he is uncertain what the impact would be in deferring acceptance until after the Housing Task Force Committee review.

Mayor Johnson inquired whether there are projects that are ready to move forward; stated the Plan could be accepted with direction to bring the matter back to Council after receiving the Housing Task Force Committee report.

The Community Programs and Housing Division Manager responded that tree, trash can, and bus shelter locations could begin to be determined; staff could synchronize with the Housing Task Force Committee and report back to Council; the Plan provides a vision of the future and encourages residents to participate and not allow development which might become an impediment to the implementation of the Plan.

Mayor Johnson requested staff to review ways to accelerate the Plan.

The Acting City Manager stated that Council could accept the Plan with the caveat that the Plan be brought back to Council; the Plan is dynamic; there needs to be equality in the Public Works

infrastructure and repairs; Public Works would provide an infrastructure report at the next City Council Meeting; Council would receive a model showing the performance of the budget over a period of ten years in late July or early August; reports will outline what needs to be done to correct problems; funding recommendations can be discussed.

Councilmember Daysog stated that he would not be on the Council if not for the support of residents south of Pacific Avenue and Lincoln Avenue; many people needed to sell their homes with the Base closure; the neighborhood faces a lot of development; Council would be missing an opportunity if there is no coordination with activities occurring north of Pacific Avenue and Lincoln Avenue.

Councilmember Matarrese moved approval of accepting the Plan, modifying the title to reflect the Plan's intent to target the most needy census tract in the City and requiring that the Plan return to Council coinciding with the Task Force report to revise concepts in the Plan if needed.

Councilmember deHaan stated that there is \$500,000 in resources that can go towards activities right away; going forward and accepting the Plan is prudent; the elements within the first and third year are very straightforward.

Councilmember deHaan seconded the motion.

Under discussion, Mayor Johnson stated that she is very concerned with the infrastructure everywhere in Alameda; the sidewalks and streets are not in the same condition as a few years ago; Council needs to address the issues and set priorities on the infrastructure deficit.

Councilmember Daysog stated re-designating the name is important; he is fine with remaining north of Pacific Avenue and Lincoln Avenue if the Plan is not opened up to Harbor Island Task Force.

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

#### ORAL COMMUNICATIONS, NON-AGENDA

(05-210) Wilbur Richards, Alameda, complimented the Council on the quality of City services.

(05-211) Michael John Torrey, Alameda, stated the President is proposing to put oil refineries on closed military bases, which should not occur in Alameda.

(05-212) Rob Siltanen, Alameda, submitted a letter requesting that the Alameda Point vision include sensible traffic solutions, middle class housing, and a small town Alameda feel.

(05-213) Jon Spangler, Cross Alameda Trail Steering Committee, stated that Saturday, June 4, is National Trails Day; there will be a trail walk between Main Street and Webster Street.

#### COUNCIL COMMUNICATIONS

(05-214) Vice Mayor Gilmore stated that she and Councilmember deHaan attended the Association of Bay Area Government conference regarding casinos last week; there appears to be a one size fits all negotiation strategy; there is no recognition of the obvious differences between urban and rural casinos; the Governor's negotiator promised that the Governor would take a hard look at Indian tribes looking to have land restored; the negotiator was not aware of anything pertaining to the Koi proposal on Swan Way; stated tribal lobbying efforts have not made it all the way up the ladder.

(05-215) Councilmember Matarrese stated that there is a special June election for a Measure A parcel tax; the tax would allow the School District to extend the current parcel tax; requested that Council give direction to place the matter on the next City Council meeting agenda; stated there is a gap in School District funding; a County Financial Advisor would be required if the School District slips into financial disarray; the City does not need a County person advising how money is spent.

(05-216) Councilmember deHaan stated that he is concerned that the reservation shopping battle has just begun; some cities want to move forward with casinos because of economic woes.

(05-217) Councilmember deHaan requested staff to review costs and funding sources to centralize City administration, particularly the Public Works and Development Services Departments.

Mayor Johnson stated that she would support the idea.

Councilmember Matarrese stated that he assumed that the matter would be addressed with the budget and the ten-year outlook.

(05-218) Mayor Johnson requested that the Recreation Commission matter [expansion of Commission size] be placed on the next City Council Meeting agenda.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:38 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 3, 2005- -5:30 P.M.

Mayor Johnson convened the Special Meeting at 5:45 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-190) Public Employee Performance Evaluation; Title: City Attorney.

(05-191) Worker's Compensation Claim; Claimant: James MacKey; Agency Claimed Against: City of Alameda.

(05-192) Conference with Labor Negotiators; Agency Negotiators: Human Resources Director and Craig Jory; Employee Organizations: International Brotherhood of Electrical Workers (IBEW) and Management and Confidential Employees Association (MCEA).

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Public Employee Performance Evaluation, the Council discussed the City Attorney's performance; regarding Worker's Compensation Claim, the Council gave instructions to Legal Counsel; and regarding Conference with Labor Negotiators, the Council gave instructions to Labor Negotiators.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:45 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 COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY - - - MAY 3, 2005 - - - 7:05 P.M.

Chair Johnson convened the Special Meeting at 7:45 p.m.

Roll Call - Present: Commissioners Daysog, deHaan, Gilmore,  
Matarrese and Chair Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-019) Conference with Legal Counsel - Anticipated Litigation;  
Initiation of litigation pursuant to subdivision (c) of Section  
54956.9; Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened  
and Chair Johnson announced that the Commission obtained briefing  
from staff and Legal Counsel and gave direction.

Adjournment

There being no further business, Chair Johnson adjourned the  
Special Meeting at 8:00 p.m.

Respectfully submitted,

Lara Weisiger  
Secretary, Community Improvement  
Commission

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

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND  
COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY - - - MAY 3, 2005 - - - 7:25 P.M.

Mayor/Chair Johnson convened the Special Joint meeting at 8:08 p.m.  
Councilmember/Commissioner Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog,  
deHaan, Gilmore, Matarrese, and  
Mayor/Chair Johnson - 5.

Absent: None.

MINUTES

(05-193CC/05-020CIC) Minutes of the Special Joint City Council and  
Community Improvement Commission Meeting held on April 19, 2005.  
Approved.

Councilmember/Commissioner Daysog moved approval of the minutes.

Councilmember/Commissioner deHaan seconded the motion, which  
carried by unanimous voice vote - 5.

AGENDA ITEMS

(05-194CC/05-021CIC) Joint Public Hearing to consider authorizing  
the City Manager/Executive Director to enter into a Disposition and  
Development Agreement with Alameda Entertainment Associates, L.P.,  
approval of the 33433 Report, and adoption of a Mitigated Negative  
Declaration for the Alameda Theater, Cineplex and Parking Structure  
Project (State Clearinghouse #2004-122-042);

(05-194A/CC) Resolution No. 13834, "Approving and Authorizing  
Execution of a Disposition and Development Agreement Between the  
Community Improvement Commission and Alameda Entertainment  
Associates, L.P., and Adopting a Mitigated Negative Declaration and  
Mitigation Monitoring Program." Adopted; and

(05-021A/CIC) Resolution No. 05-134, "Approving and Authorizing  
Execution of a Disposition and Development Agreement Between the  
Community Improvement Commission and Alameda Entertainment  
Associates, L.P., Approving Certain Mitigation Measures for the  
Project, and Adopting a Mitigation Monitoring Program." Adopted.

The Business Development Division Manager gave a Power Point  
presentation.

The Development Services Director provided a brief update on the project.

Councilmember/Commissioner deHaan inquired about the traffic remediation requirements.

The Development Services Director responded there was one major traffic improvement to upgrade a signal at Santa Clara Avenue and Oak Street; there are struggles with traffic improvements at the intersection; modifications need to be made to all of the equipment at the intersection because the equipment is old; the estimate to do the work is about \$100,000; the design plan will provide a nice public environment to half the block of Oak Street by extending the public sidewalk from eight feet to fourteen feet and providing garage and theatre outside lighting to accommodate people, cars and bicycles entering and exiting the garage.

Councilmember/Commissioner deHaan inquired whether determining the scope is an on-going process, to which the Development Services Director responded in the affirmative.

Mayor/Chair Johnson opened the public portion of the Hearing.

Proponents: Christopher Buckley, Alameda Architectural Preservation Society; Susan Decker, Alameda; Lars Hanson, Park Street Business Association (PSBA); Pauline Kelly; Barbara Marchand, Alameda Civic Light Opera; Cathy Leong, Alameda Chamber of Commerce; Mike Corbett, Harsch Investments; and Robb Ratto, PSBA.

Opponents: Gary McAfee, Alameda; Jennifer Van Airsdale, Alameda; Joan Steber, Alameda; John McNulty, Alameda; John F. Ruake; Zach Kaplan, Alameda; and Lucy Gigli, Bike Alameda (submitted handout).

Expressed concern with bike safety on Central Avenue between Oak and Walnut Streets: Robert Van de Walle, Alameda; Andy Cutright, Alameda; Alameda; Jon Spangler, Alameda; Mark Haskett; and Jillian Saxty, Alameda.

There being no further speakers, Mayor/Chair Johnson closed the public portion of the Hearing.

Councilmember/Commissioner deHaan stated that the Council should follow through with the commitment to reconfigure the parking [on Central Avenue between Oak and Walnut Streets] to the original parallel state at the former historic Alameda High School.

The Acting City Manager stated that the need for diagonal parking

was created because of the new gymnasium, City Hall moving into the east wing of the high school, and the Library moving into the middle wing of the high school; parking was increased from 32 spaces to 58 spaces; Council approved an ordinance modification for diagonal parking; the Recreation and Park Department is the only part of City Hall remaining in the east wing and will be moving out within a month; the Library is projected to move out within 17 or 18 months; much of the parking demand will be eliminated; the parking garage construction provides an opportunity to move back to parallel parking; a parking plan would need to be brought back to Council for approval.

Vice Mayor/Commissioner Gilmore stated that she has great sympathy for bicyclists; a large segment of the youth population will either ride bikes or take the bus to the theatre.

Councilmember/Commissioner deHaan stated the dollar value of parking spaces is understood now.

Mayor/Chair Johnson stated that the parking structure would solve a lot of the parking problems.

Councilmember/Commissioner Daysog stated that the project is good for all of Alameda, especially the youth.

Councilmember/Commissioner Matarrese stated the theatre project is important for the whole City; dollars would be kept in town; the historic theatre will rot if the project does not move forward.

Vice Mayor Gilmore moved adoption of the Resolution Approving and Authorizing Execution of a Disposition and Development Agreement Between the Community Improvement Commission and Alameda Entertainment Associates, L.P., and Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program [paragraph no. 05-194CC].

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

Commissioner Matarrese moved adoption of the Resolution Approving and Authorizing Execution of a Disposition and Development Agreement Between the Community Improvement Commission and Alameda Entertainment Associates, L.P., Approving Certain Mitigation Measures for the Project, and Adopting a Mitigation Monitoring Program [paragraph no. 05-021CC].

Commissioner deHaan seconded the motion, which carried by unanimous

voice vote - 5.

Mayor/Chair Johnson directed staff to bring the Central Avenue bike lane issue back to Council.

(05-022CIC) Resolution No. 05-135, "Approving and Authorizing Payment of Certain Public Improvements to the Park Street and Otis Drive Intersection." Adopted; and

(05-195CC) Resolution No. 13835, "Approving and Authorizing Execution of a Public Improvements Construction Agreement Between the City and Harsch Investment Corporation." Adopted.

Councilmember/Commissioner Matarrese stated the project is critical to Alameda's economic engine.

Councilmember/Commissioner Matarrese moved adoption of the resolutions.

Councilmember/Commissioner Daysog seconded the motion.

Under discussion, Councilmember/Commissioner deHaan inquired what type of funding would be used.

The Development Services Director responded that staff recommends using Community Improvement Commission funds for the project; the primary benefit finding is required because the intersection is just outside the formal boundaries of a redevelopment project area; the improvements are tied to the form and function of the rest of the redevelopment project area; Redevelopment Law has a provision that recognizes that there are projects that may be outside the boundaries which are a primary benefit to the function of the rest of the project area.

Councilmember/Commissioner deHaan inquired whether other funding sources were considered.

The Development Services Director responded that there was a discussion about using some sales tax dollars from the new South Shore Shopping Center development.

Councilmember/Commissioner deHaan inquired how the two-third, one-third cost sharing was derived.

The Development Services Director responded that the formula was a result of negotiations with the developer; there was a dispute over the assignment of the impact of the intersection; the developer

felt that he should not be responsible for making all the improvements to the intersection; traffic modeling shows that there are other background projects not yet developed, but approved, which would also impact the intersection; the negotiation used the actual number of trips coming off the project and the impact on the intersection.

Councilmember/Commission deHaan stated that there might be further requirements for further entitlements; inquired what the affect would be on the traffic remediation.

The Development Services Director responded that the entitlements received for the project anticipate 112,000 square feet of new retail square footage at the South Shore Shopping Center and would likely increase; circulation issues related to the gas station would need to be examined independently; additional improvements can always be made; a need for further improvements is anticipated by 2020.

Councilmember/Commissioner deHaan stated that he was concerned that the same [redevelopment] funds are being used for many issues; inquired whether there is a detailed breakdown of where redevelopment funding stands.

The Development Services Director responded that there are sufficient funds; anticipated improvements can be made with existing tax increments and not bonds.

The Acting City Manager stated that at the next meeting staff would provide a Community Improvement Commission multi-year budget to show how much money remains.

Councilmember/Commissioner Matarrese stated the project is very important; the rationale and logic fits into the true meaning of redevelopment; that he defends the approach of taking redevelopment funds for the Library project; his motion to adopt the resolutions stands.

Councilmember/Commissioner Daysog stated the investment is necessary if the money means that the City would have stores such as Borders or Chicos.

Mayor/Chair Johnson stated that the City needs to be frugal with redevelopment money but also needs to use the money wisely; moving forward with projects that help continue the redevelopment and revitalization of Alameda business areas is an appropriate use of funds.

Councilmember/Commissioner deHaan stated that he is comfortable with delaying other major retail developments to allow South Shore Shopping Center to mature; he supports and looks forward to the renewed Center, but has concerns with funding.

Commissioner Matarrese moved adoption of the Resolution Approving and Authorizing Payment of Certain Public Improvements to the Park Street and Otis Drive Intersection [paragraph no. 05-022CIC].

Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Matarrese moved adoption of the Resolution Approving and Authorizing Execution of a Public Improvements Construction Agreement Between the City and Harsch Investment Corporation [paragraph no. 05-195CC].

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

(05-023CIC) Recommendation to approve an Amended Contract with Architectural Resources Group, Inc., by increasing the Contract amount an additional \$44,275 to provide additional pre-planning services for the proposed Alameda Theatre Project.

Commissioner Daysog moved approval of the staff recommendation.

Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Meeting at 9:28 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, Community Improvement  
Commission

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