

MINUTES OF THE REGULAR CITY COUNCIL MEETING
MONDAY- -JANUARY 14, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:07 p.m.

ROLL CALL - Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-013) Proclamation Recognizing T. David Edwards for over 25 Years of Excellent Service on the Alameda County Mosquito Abatement District Board.

Mayor Gilmore read and presented the proclamation to Mr. Edwards.

(13-014) The City Attorney introduced the new Assistant City Attorney, Alan Cohen.

ORAL COMMUNICATIONS, NON-AGENDA

(13-015) Jon Spangler, Alameda, discussed the lawsuit filed by East Bay Regional Park District.

CONSENT CALENDAR

Mayor Gilmore announced that the resolutions regarding alternate and reduce work time options [paragraph no 13.-024] were removed from the Consent Calendar for discussion.

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

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

(*13-016) Minutes of the Special City Council Meetings Held on December 11, 2012; and the Special and Regular City Council Meetings Held on December 18, 2012. Approved.

(*13-017) Ratified bills in the amount of \$5,305,239.49.

(*13-018) Recommendation to Approve a Contract with David Sams for Management of Golf Course Improvements. Accepted.

(*13-019) Recommendation to Accept the Work of Ranger Pipelines, Inc. for Cyclic Sewer Repair Project, Phase 9, No. P.W. 03-11-05. Accepted.

(*13-020) Recommendation to Accept the Work of Fort Bragg Electric, Inc. for the Dublin Sewer Pump Station Backup Generator Installation Project, No. P.W. 04-10-10. Accepted.

(*13-021) Recommendation to Accept the Work of Mountain Cascade, Inc. for the Upgrade of the City of Alameda Sewer Pump Stations, Bay Farm Island Pump Station Rehabilitation, No. P.W. 12-10-35. Accepted.

(*13-022) Recommendation to Allocate \$29,120 in Contingencies and Award a Contract in the Amount of \$194,280 to Harris & Associates for Engineering Consulting Services Related to Alameda Landing. Accepted.

(*13-023) Resolution No. 14761, "Appointing Ryan Clausnitzer as Trustee to the Alameda County Mosquito Abatement District Board." Adopted.

(13-024) Adoption of Resolution to Establish an Alternate Work Arrangement Policy. Not adopted; and

(13-024 A) Adoption of Resolution to Establish a Reduced Work Time Option Policy." Not adopted.

The Human Resource Director gave a brief presentation.

In response to Councilmember Tam's inquiry, the Senior Management Analyst responded employees would have the two-thirds and three-quarters options because PERS health requires employees to work a minimum of 20 hours per week; if the employee has a 36-hour work week, reduction to 50% would be 18 hours, which does not meet the PERS healthcare requirement.

Councilmember Tam inquired if a 40-hour work week reduced by 50% would meet the PERS requirement of 20 hours, to which the Senior Management Analyst responded in the affirmative.

Councilmember Tam stated the reason Fair Labor Standards Act (FLSA) exempt employees get administrative days and additional compensation is because they do not get overtime; she struggles considering the benefit for FLSA exempt employees versus hourly employees; if an FLSA employee wants to work two-thirds or three-quarters, or even 50%, succession planning and promotional opportunities would be beneficial.

The Senior Management Analyst stated the City would not be prevented from assigning employees to different type of work; the City would still have flexibility to to assign employees to particular projects or programs.

Councilmember Tam inquired if another employee within the same department, but different classification, would have the opportunity to take on some of the projects of an FLSA employees who decides to reduce to two-thirds time.

The Senior Management Analyst responded the City would retain the right to assign employees to various work; stated if work not being covered by the employee on the alternate work arrangement could be reassigned to another employee, provided it is within the employee's classification and job responsibilities.

The City Manager stated the policy is intended to provide more flexibility for the employees; the City wants to accommodate the reduced work schedule to keep from losing the employee's talent, experience, and institutional memory.

Mayor Gilmore inquired if the policy would require the City to allow an employee not included in a protected category to go to three-quarter time.

The Senior Management Analyst responded in the negative; stated the request has to be approved by the Department Head and City Manager after review by Human Resources.

Mayor Gilmore inquired whether an employee doing the work of a reduced-time employee would be promoted before the reduced-time employee if the City needs somebody in the position.

The City Manager responded in the negative; stated that if the City needs somebody in the position full time, the person would not have been granted a reduced schedule.

Mayor Gilmore stated said scenario assumes needs stay static, which is not the case.

The City Manager stated an alternative work arrangement is not intended to be a permanent arrangement.

The Human Resources Director stated the person would have the right to return to full time.

Mayor Gilmore inquired if there is a specified time frame, to which the Senior Management Analyst responded in the affirmative; stated reduced schedules can be for no more than the one fiscal year and cannot go on in perpetuity; the employee would have to submit an application for each fiscal year.

The City Manager stated the reduced schedule can be for less than one fiscal year, not longer.

Councilmember Tam stated the issue is about job sharing and creating succession planning; an employee on half-time can share the job with another person who happens to have a lot of potential.

The City Manager stated the policy protects the person on the reduced hours; succession planning is a separate issue because the policy is an option, not a right.

Vice Mayor Ezzy Ashcraft inquired whether the City would limit the number of employees who could be on an alternative work arrangement at one time.

The City Manager responded circumstances would differ depending on a department's workload.

In response to Vice Mayor Ezzy Ashcraft's inquiry, the City Manager stated approval of a reduced time request is on a case-by-case basis and is entirely at the City's discretion.

Councilmember Chen inquired if anyone can apply for the reduced work schedule, to which the Human Resources Director responded in the affirmative; stated applying is voluntary and each department examines the issues the request creates.

Councilmember Chen inquired if losing one employee to the reduced schedule would cause efficiency issues, to which the Human Resources Director responded the City could always deny the request.

In response to Councilmember Chen's inquiry, the City Manager responded the policy does not create a right or an entitlement; the City would only approve requests which serve the City and the employee.

Councilmember Chen stated that he was still not comfortable with not setting criteria about who can apply; there has to be a valid reason for an employee to work reduced hours, such as taking care of a sick baby or senior, or some other valid reason.

Councilmember Tam stated policies are in place; noted a previous City Attorney requested part time and ended up working for another city; inquired whether there are outside employment restrictions.

The Senior Management Analyst responded all employees with outside employment are required to submit an application; stated the City's approval process is driven by the City's needs.

Councilmember Daysog inquired whether other cities have a similar reduced work policy in place, to which the Senior Management Analyst responded in the affirmative; stated other cities have prorated benefits for part-time employees but Alameda does not.

Councilmember Daysog moved adoption of the resolutions.

Vice Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Gilmore inquired whether the City has regular part-time employees that work more than 20 hours, to which the Senior Management Analyst responded in the affirmative.

Mayor Gilmore noted if the policy is approved, regular employees working 20 hours will receive benefits, while part-time employees working more than 20 hours would not receive benefits.

The Senior Management Analyst noted the program is only available for non-sworn, regular employees who have passed probation; the full time employees seeking the reduced work hours have all been through the civil service process to be appointed.

Councilmember Chen stated that he is very supportive of accommodating staff needs but cannot support the work arrangement as written because there is no defined criteria and there is not limit on the number of employees who can be on the program at the same time; his concern is efficiency in each department.

On the call for the question, the motion FAILED by the following voice vote Ayes: Councilmembers Daysog and Ezzy Ashcraft – 2. Noes: Councilmembers Chen, Tam and Mayor Gilmore – 3.

Mayor Gilmore requested staff to make revisions and bring the matter back.

The City Manager requested direction on what areas the Council wants staff to change.

Mayor Gilmore stated that staff should address the issue of different treatment; requested an illustrative list of activities that would be considered if an employee wants reduced work hours.

(*13-025) Resolution No. 14762, “Approving an Amendment to the Alameda City Employees Association Salary Schedule for Early Morning Street Sweeper.” Adopted.

REGULAR AGENDA ITEMS

(13-026) Resolution No. 14763, “Approving a Complete Streets Policy, in Accordance With Requirements from the Metropolitan Transportation Commission and the Alameda County Transportation Commission.” Adopted.

The Public Works Director gave a brief presentation.

Stated the City was ahead of other cities in implementing policies; urged adoption: Jon Spangler, Alameda.

Councilmember Tam moved adoption of the resolution.

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

(13-027) Recommendation to Approve the Revised Draft Prioritized Transportation Project Lists.

The Public Works Director gave a brief presentation.

* * *

Councilmember Chen left the dais at 7:56 p.m. and returned at 7:58 p.m.

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In response to Mayor Gilmore's inquiry regarding public participation and acceptance, the Public Works Director responded there are two mechanisms: 1) the annual review would be publicized and provide the public an opportunity to give feedback, and 2) grant applications require a collaborative public outreach process.

Vice Mayor Ezzy Ashcraft requested an explanation of the lifeline project designation.

The Public Works Director stated lifeline terminology is used by CalTrans for bridge structures identified as usable after a credible, sizable seismic event; none of Alameda's bridges currently meet said criteria.

Vice Mayor Ezzy Ashcraft requested an explanation of the "Estuary Crossing Minor Modifications to the tube" project.

The Public Works Director stated several years ago the City went through a feasibility study for improving the estuary crossing for the Posey and Webster Tubes; several different alternatives, the short term and long term were identified; Council accepted the short term alternative and the City has worked with Caltrans; the intent is to bow the railing on the West side of the bike lane to widen it; the long term option is to provide a separate facility for bikes and pedestrians and to make sure that transit is accommodated.

Stated the list is good and will continue to improve; urged approval: Jon Spangler, Alameda.

Councilmember Tam moved approval of the staff recommendation.

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

CITY MANAGER COMMUNICATIONS

(13-028) The City Manager encouraged feedback on the City's new website; and announced meetings are being held on the Alameda Beltline.

ORAL COMMUNICATIONS, NON-AGENDA

(13-029)

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(13-030) Discussion of Mayor's Appointments to Outside Agencies.

The Deputy City Manager provided a handout and gave a brief presentation.

Mayor Gilmore appointed Vice Mayor Ezzy Ashcraft to serve on the Alameda County Transportation Commission (ACTC) and selected Councilmember Chen as the ACTC alternate; selected Councilmember Daysog as the alternate for the AC Transit Inter-Agency Liaison Committee.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
SUCCESSOR AGENCY OF THE COMMUNITY IMPROVEMENT
COMMISSION (SACIC) OF THE CITY OF ALAMEDA MEETING
MONDAY- -JANUARY 14, 2013- -6:59 P.M.

Mayor/Chair Gilmore convened the meeting at 7:05 p.m.

ROLL CALL – Present: Councilmembers / Commissioners Chen, Daysog,
Ezzy Ashcraft, Tam and Mayor/Chair Gilmore – 5.

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmember/Commissioner Tam moved approval of the Consent Calendar.

Vice Mayor/Commissioner Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(13-011 CC/13-003 SACIC) Minutes of the Special Joint City Council, City of Alameda Financing Authority, and SACIC Meeting Held on December 18, 2012. Approved.

(13-004 SACIC) Recommendation to Approve a Form of Gas Pipeline Easement Agreement between the Northern California Power Association and the Successor Agency to the Community Improvement Commission of the City of Alameda for a Portion of a Gas Pipeline at the Former Fleet Industrial Supply Center and Authorize the City Manager to Execute the Agreement; and

(13-012 CC) Recommendation to Approve a Form of Gas Pipeline Easement Agreement between the Northern California Power Association and the City of Alameda for a Portion of a Gas Pipeline at the Former Fleet Industrial Supply Center and Authorize the City Manager to Execute the Agreement. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Gilmore adjourned the meeting at 7:07 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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