

MINUTES OF THE ADJOURNED REGULAR CITY COUNCIL MEETING  
THURSDAY- -NOVEMBER 6, 2008- -7:30 P.M.

Mayor Johnson reconvened the Adjourned Regular Meeting at 7:56 p.m.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*08-463) Minutes of the Special and Regular City Council Meetings held on October 21, 2008. Accepted.

(\*08-464) Ratified bills in the amount of \$6,279,171.57.

(\*08-465) Recommendation to award Contract in the Amount of \$140,603, including contingencies, to NorCal Pipeline Inspection for Citywide Sewer Mains and Laterals Video Inspection, Phase 2, No. P. W.07-08-19. Accepted.

(\*08-466) Resolution No. 14281, "Approving the Final Map and Accepting Associated Dedications and Easements for Tract 7723 (Grand Marina)." Adopted.

(\*08-467) Resolution No. 14282, "Ordering Vacation of a Portion of an Existing 10' Wide Power Easement, Series No.79-196972, Recorded October 2, 1979, O.R., Alameda County Recorder within Parcel 2 of Parcel Map 2542 Filed Map Book 102, Pages 51 and 52, Recordation of Quitclaim, and Acceptance of Fifteen New Power Easements within Parcel 2 of Parcel Map 2542 (Alameda Towne Centre)." Adopted.

## CITY MANAGER COMMUNICATIONS

(08-468) The City Manager discussed advanced planning activities.

Councilmember Matarrese inquired whether the condominium conversion ordinance update would be discussed early next year.

The Supervising Planner responded the condominium conversion ordinance would be part of the subdivision regulations.

Councilmember Matarrese inquired whether Safeway Gas has bio-diesel gas.

The City Manager responded Safeway Gas anticipated having bio-diesel gas, but the State has not identified standards for bio-diesel gas tanks.

The Supervising Planner stated the State Water Quality Board has prohibited the use of underground tanks for bio-diesel until rules are promulgated.

Mayor Johnson stated there is concern with methyl tert-butyl ether (MTBE) contaminating water supplies.

The City Manager stated that Safeway Gas is committed to having bio-diesel gas once the State defines the requirements.

Mayor Johnson inquired when the soft-story ordinance would come to Council.

The Building Official responded property owners are concerned about spending money at this time; stated targeting buildings would make it almost impossible to sell or insure property; the process would be to develop retrofitting standards and identify buildings; staff would identify the buildings and come back to Council when there is a better idea of the number of buildings; staff anticipates spending six months to a year identifying the buildings.

Mayor Johnson requested that the proposed time line come back to Council; stated the matter is a public safety issue; other communities have a soft-story ordinance; the process should not be long and drawn-out.

The Building Official stated addressing the matter in phases would not make the process any longer; identifying and categorizing buildings would require six or nine months.

Councilmember deHaan inquired whether other cities have adopted a

soft-story ordinance.

The Building Official responded the proposed soft-story ordinance is being modeled after the City of Berkeley; stated Fremont adopted an ordinance requiring mandatory retrofitting after two years [of being identified].

Councilmember deHaan inquired whether State or federal funding is available, to which the Building Official responded that he is not aware of any.

Mayor Johnson inquired whether the proposed soft-story ordinance could be brought to Council by March, to which the Building Official responded definitely.

Councilmember Matarrese requested that staff provide information and pictures on areas that have incurred damage when the soft-story ordinance is presented.

Mayor Johnson stated the building on Central Avenue near Encinal High School seems to be rotting away; permits were pulled to do work, but nothing seems to be happening.

The Building Official stated the process has been very slow; the building could be a candidate for enforcement.

Mayor Johnson inquired whether the building is protected.

The Building Official responded the building is secured; stated the building will need to be tarped this winter; the building has changed ownership three times.

Mayor Johnson requested that the proposed soft story ordinance and schedule for implementation come back for Council discussion and that data be provided on areas that have incurred [structural] damage.

#### REGULAR AGENDA ITEMS

(08-469) Adoption of Resolution Appointing Douglas Biggs as a Member of the Social Services Human Relations Board. **Continued.**

(08-470) Recommendation to select an Interim Operator to provide management, operations and maintenance for the Chuck Corica Golf Complex.

The Interim Golf Manager gave a brief presentation.

The City Manager clarified the proposal presented by Alameda City Employee Association (ACEA).

Councilmember Gilmore inquired how much is in the Golf Reserve fund and the best estimate in burning through said amount.

The Interim Finance Director responded the cash reserve was approximately \$1.5 million at the close of June 30, 2008; stated the Fiscal Year 2008-2009 budget was balanced with approximately \$700,000 of the \$1.5 million; \$1.5 million will last approximately two years.

Councilmember Gilmore inquired whether the Contract with the Interim Operator would be for one year starting January 1, 2009, to which the Interim Golf Manager responded in the affirmative.

Mayor Johnson opened the public portion of the meeting.

Speakers: Jane Sullwold, Alameda Golf Commission; Alan Elnick, ACEA; Greg McFann, Management Confidential Employee Association (MCEA); Terry Flippo, ACEA.

There being no further speakers, Mayor Johnson closed the public portion of the meeting.

Councilmember deHaan inquired how many maintenance positions are in the Golf and Recreation and Park Departments.

Mr. Elnick responded the Golf Department has sixteen positions and the Recreation and Park Department has thirteen positions; stated the Public Works Department has maintenance workers also; the proposal addresses working out internal mechanisms whereby maintenance workers could internally compete for Public Works maintenance positions.

Councilmember deHaan inquired whether classifications are the same, to which the Human Resources Director responded the classifications are different.

Councilmember deHaan inquired whether classifications are represented by the same union, to which the Human Resources Director responded in the affirmative.

Councilmember Matarrese inquired whether July through October numbers reflect increases in revenue and play compared to the previous year, to which the Interim Golf Manager responded in the affirmative.

Councilmember Matarrese inquired whether fees were increased, to which the Interim Golf Manager responded in the affirmative.

Councilmember Matarrese inquired whether projections were based upon a ten percent decrease and no fee increases, to which the Interim Golf Manager responded in the affirmative.

Councilmember Matarrese inquired where the line intersects when reserves are not drawn down anymore.

The Interim Finance Director responded \$75,000 has been drawn from the reserves within the last 120 days even with increased fees.

Councilmember Matarrese inquired what it would take to break even if only overhead was paid, and not any surcharge, Payment in Lieu of Taxes (PILOT) or Return on Investment (ROI); stated Kemper Sports is not a non-profit company.

The Interim Finance Director responded expenses need to be reduced; stated a policy decision would need to be made on what could be forgiven to break even.

Councilmember Matarrese stated that he would like to fix the structure rather than taking a hybrid approach; that he would hate to lose direct control.

Mayor Johnson inquired whether projections include any deferred maintenance or infrastructure, to which the Interim Golf Manager responded in the negative.

Mayor Johnson inquired what is the amount for deferred maintenance and infrastructure, to which the Interim Golf Manager responded the amount is substantial.

Councilmember Matarrese inquired whether Kemper Sports' proposal includes deferred maintenance and infrastructure.

The Interim Golf Manager responded in the negative; stated a long-term plan would be developed during the year; Requests for Proposals would include capital improvements, lease payments, etc.

Councilmember deHaan inquired whether surcharge, PILOT, and ROI payments would be at the same level during the interim operation, to which the Interim Golf Manager responded in the affirmative.

Councilmember Gilmore stated General Fund departments support the Golf Course; services would need to be contracted out if the Golf Course was a stand-alone business.

Councilmember Matarrese stated the Planning and Building Department has overhead costs for Human Resources, legal, and Information Technology (IT).

Vice Mayor Tam stated the difference between the Planning and Building Department and Golf Department is that Planning and Building does not have an asset and does not have to pay PILOT.

Councilmember deHaan inquired how many maintenance workers Kemper Sports would have.

Mark Luthman, Kemper Sports Retail Director, responded fifteen or sixteen.

Councilmember deHaan inquired how many are seasonal workers, to which Mr. Luthman responded four.

Councilmember deHaan inquired what is the current number of workers at the Golf Course, to which the Interim Golf Manager responded sixteen.

Councilmember deHaan inquired whether there are seasonal employees.

The Interim Golf Manager responded there are four seasonal employees in addition to the sixteen.

Councilmember deHaan inquired whether Kemper Sports' cost savings would come from paying less staff a lower wage, to which Mr. Luthman responded in the affirmative.

Councilmember deHaan inquired why current staffing is not at a lower level.

The Interim Golf Manager responded the National Golf Foundation recommended the current level of employees; stated the range is seven to nine employees per eighteen holes.

Councilmember deHaan inquired whether Kemper Sports may have underestimated the number of needed employees.

The Interim Golf Manager responded the proposed Agreement has performance standards which would be monitored.

Mayor Johnson stated that she is willing to consider the proposal; the proposal is reasonable and is an appropriate way to deal with staff reductions.

Councilmember Gilmore inquired how much the Golden Handshake and medical insurance proposal would cost; further inquired whether the cost would come out of the Golf reserve fund.

The Human Resources Director responded medical insurance would cost approximately \$7,000 per year for single party coverage up to twelve months.

Councilmember Gilmore inquired how much the Golden Handshake would cost.

The Human Resources Director responded the full cost would be approximately \$482,000 if everyone took advantage of the Golden Handshake; stated costs are amortized over twenty years and are rolled into the employer PERS contribution rate.

Councilmember Matarrese inquired what would be the impact of extending the same opportunities to MCEA employees.

The Human Resources Manager responded MCEA employees are included in the \$482,000 cost; stated medical benefit costs would be approximately the same.

Councilmember deHaan inquired whether Kemper Sports would handle payroll and Human Resource services, to which Mr. Luthman responded in the affirmative.

Councilmember deHaan inquired whether other department layoffs have been calculated, to which the Interim Finance Director responded in the negative.

Councilmember deHaan inquired what would happen after the interim period.

The City Manager responded a long-term contract would be negotiated.

Councilmember deHaan stated that he would like to see a cost allocation breakdown.

The Interim Finance Director stated cost allocations can be provided.

Councilmember Gilmore stated staff recommends contracting management and operations to Kemper Sports; there is an opportunity to provide Golden Handshakes for ACEA and MCEA employees; the only difference between the proposals is medical care costs for MCEA employees.

The Human Resources Director stated MCEA only has the Golden Handshake, not the medical benefit; the cost to provide medical benefits to MCEA would be approximately \$14,000 if both eligible MCEA employees take the Golden Handshake.

Councilmember Gilmore stated Kemper Sports would have their own employees if they took over the whole operation; inquired why the City would be paying addition costs if ACEA workers are employed for part of the year.

The City Manager responded the original proposal included replacement of all maintenance workers on day one; the unknown is the difference between the two proposals' cost; the proposal to keep City employees until they retire would be an additional cost

The Interim Golf Manager stated Kemper Sports' initial proposal was for everything; Kemper Sports came back with a proposal to just provide management; Kemper Sports would not be replacing any maintenance workers.

Mayor Johnson stated that Kemper Sports' staffing level for the entire operation would be sixteen employees and four seasonal employees.

Mr. Luthman stated seasonal employees are included in the sixteen.

Councilmember deHaan stated that he does not have enough detailed information to make a good decision; that he is not in a position to make a decision tonight; management is not spelled out for the draw down of personnel.

The City Manager stated the original ACEA proposal stated that ACEA would work under the direction and control of the private operator; the current proposal clarifies parameters and timing of work force reductions.

The Human Resources Director stated any eligible employee could retire under the window of the Golden Handshake, which would be up to 180 days; eligible employees could retire and receive two years service credit to the PERS calculation for retirement; an added incentive would be the medical insurance at the single party 2009 Kaiser rate; medical insurance would be provided for twelve months only; any eligible employees who chooses to wait until later to retire risks having the premium reduced by one month for each month they wait; the proposal includes an early January notification for one ACEA lay off related to the Mif Albright Course closure; layoff notifications would be sent if not enough members retire during the



first ninety days; notification would be given to any remaining employees prior to the end of 2009.

Councilmember deHaan inquired whether the Human Resources Director is comfortable with the projected costs.

The Human Resources Director responded the projected costs seem reasonable; stated medical benefit costs are fairly close; the Golden Handshake cost for an ACEA member is approximately \$30,000 and approximately \$40,000 for a MCEA member.

Mayor Johnson inquired whether employees who are being offered the Golden Handshake are already eligible for retirement under PERS, to which the Human Resources Director responded in the affirmative.

Councilmember deHaan stated the Golden Handshake is usually offered to employees who have fifteen to twenty years of service so that an employee with less years of service can be retained; inquired how many years of service eligible employees have.

The Human Resources Director responded eligible employees have nineteen to thirty plus years of service.

Mayor Johnson stated lack of medical benefits is an issue for some employees that are eligible for retirement; the City's contribution for medical benefits for the eligible employees will be going up to \$90 per month.

The Human Resources Director stated the increase would be a little more than \$90 per month; the City is required to pay the minimum employer contribution; the cost will be increased by the cost of living amount.

Mayor Johnson stated some employees would need to cover medical costs for a number of years.

The Human Resources Director stated that current economic times have caused concern regarding the possibility of retirement.

Mayor Johnson stated that employees could get coverage through PERS, which is very expensive.

The Human Resources Director stated the rates are the same as what the City currently pays for employees; employees can enroll in a Medicare supplement when they reach Medicare age; the rates are slightly lower but not significantly.

Mayor Johnson stated that some less expensive plans might be

available for eligible employees, but there may be a problem with a pre-existing condition.

Councilmember Gilmore stated Council has tried to get a hold on Golf operation costs and revenues in order not to blow through the Golf reserve fund in two years; the goal is to preserve Golf for the City; the proposal provides a way to reduce expenses and allows time to figure out the next steps; thanked ACEA for being very creative and proactive; affected employees would have a year to come to a resolution with the City or find other employment; overhead would be reduced; that she is in favor of ACEA's proposal; that she would like to offer the same Golden Handshake and medical benefits to MCEA members.

Mayor Johnson concurred with Councilmember Gilmore.

Vice Mayor Tam extended her appreciation to the Golf Commission and ACEA for helping the City develop some alternatives to get through dire economic circumstances in order to preserve golf in the City; stated the City needs to get a grip on dealing with decline in the rounds and erosion in the reserve fund in order to make sure golf is viable and sustainable long term; golf is an important asset in Alameda and provides a beautiful open space at Harbor Bay; Kemper Sports' proposal includes putting in a Director of Marketing and Sales in addition to a Controller; the City has been limping along for the last year; the Interim Golf Manager has done a fantastic job; that she appreciates ACEA helping the City to review options for increased savings; it is important for the City to provide the best scenario for a soft landing for employees; ACEA's hybrid proposal would help to achieve some savings, although not as much as the staff recommendation, and would help to move into the transition period while testing out the viability of an interim operator.

Vice Mayor Tam moved approval of: 1) selecting Kemper Sports as the Interim Operator; 2) directing the City Manager to amend the ACEA Memorandum of Understanding (MOU) so that it is consistent with the terms and conditions outlined in ACEA's November 6, 2008 proposal; 3) identifying the estimated cost and presenting the amendment to the City Council at the December 2, 2008 City Council meeting; 4) directing the City Manager to negotiate and execute any agreements necessary with Kemper Sports; and 5) authorizing the City Manager to provide the single party health insurance reimbursement at the 2009 Kaiser premium rate for a maximum of twelve months to MCEA employees who retire under the Golden Handshake.

Councilmember Gilmore seconded the motion.

Under discussion, Councilmember deHaan inquired whether staff would come back with a cost analysis for the second part of the motion.

The City Manager responded the proposed changes require a MOU amendment; stated the amendment would be prepared and presented for consideration along with identifying cost estimates based upon a better understanding of who would accept the Golden Handshake.

Councilmember deHaan inquired whether the cost analysis would come back to Council for review.

Vice Mayor Tam responded in the negative; stated that she would like to direct the City Manager to make the necessary amendment in the MOU; stated the MOU would help provide some definition on specific savings and would come back to Council; inquired whether a report could be provided on the savings.

The City Manager responded the MOU amendment staff report would identify the changes as well as identify the savings.

Councilmember Matarrese stated that he has some concerns; Kemper Sports' staffing levels are lower than the City's staffing level; that he does not have a solid feel for City staffing levels; questioned whether the staffing level is necessary to maintain the Golf Course; stated the budget is projected with a 10% decline in play, but play is increasing; the one year hit for golf carts should be spread over three years; that he would like to have an evaluation of capital improvement funding paid for through a PILOT, surcharge, and ROI; having a Golf Director who's core profession, vocation, and expertise is running a golf course is a very good idea; that he would like to discuss hiring a Golf Director on a performance bonus basis first; Kemper Sports has a great reputation; the Chabot Golf Course was contracted out and the story is not pretty.

Councilmember deHaan stated staffing levels are a concerning factor; that he was hoping to hear that ACEA would be bringing staffing levels down.

Mayor Johnson stated that she hopes affected Golf employees who do not take the Golden Handshake during the next year will have an opportunity to work in Public Works or Housing Authority positions.

The City Manager stated the intention is to provide a soft landing for displaced employees.

Councilmember deHaan inquired whether the Golden Handshake proposal would come back to Council.

The Human Resources Director stated the second reading of the Golden Handshake proposal would be presented in two weeks and would open the window that allows employees the opportunity to take advantage of the Golden Handshake.

The City Manager stated the two week period needs to be extended to the December 2, 2008 City Council Meeting because of tonight's adjourned meeting.

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

Councilmember Gilmore inquired whether Kemper Sport's would not be operating the Mif Albright Course, to which the Recreation and Park Director responded in the affirmative.

Councilmember Gilmore stated the land (Golf Course) is all zoned for open space and recreation; there is a dire need for active sport fields; requested that staff provide Council with other possible recreational uses for the Mif Albright Course.

Councilmember deHaan inquired whether Kemper Sports would be looking at the Mif Albright Course as a viable operation, to which the Interim Golf Manager responded in the negative.

Mayor Johnson stated having a nine hole course is a good, long-term idea and should be considered.

The Interim Golf Manager stated that he would look into the matter.

Mayor Johnson stated Poppy Ridge Golf Course has three nine hole courses which creates two eighteen hole courses.

Councilmember Matarrese thanked ACEA for crafting a proposal that is beneficial to the City; stated there is no profit component, nor is there a component to address deferred maintenance and capital needs for the Golf Course; that he was heartened to hear that the Fiscal Sustainability Committee was reviewing the matter; that he is still not convinced that the City cannot run the Golf Course operation; that he looks forward to the Fiscal Sustainability Committee's recommendations.

Mayor Johnson stated that the Interim Golf Manager has done a great job; Council appreciates the dedication in helping to formulate a long-term, sustainable plan to keep golf in Alameda.

(08-471) Recommendation to receive a Report on proposed PERS Golden

Handshake Retirement under California Government Code Section 20903.

The Human Resources Director gave a brief presentation.

Councilmember deHaan inquired whether the Golden Handshake would be extended beyond Recreation and Park.

The Human Resources Director responded the Golden Handshake is for the Golf Complex and Recreation and Park maintenance portion only.

Councilmember Matarrese moved approved of the staff recommendation.

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

#### ORAL COMMUNICATIONS, NON-AGENDA

(08-472) Former Councilmember "Lil" Arnerich inquired how the Alameda Theater and parking structure are doing financially.

Mayor Johnson responded both are doing very well; stated jobs have been created; theater, the BurgerMeister Restaurant and Wine Bar revenues are higher than expected.

The City Manager stated that she would be happy to provide an update under City Manager Communications.

Former Councilmember Arnerich outlined the accounting procedures at the Swim Club; stated that he requested financial information on the Alameda Theatre and parking garage and has not received any information; the public has not received any information.

Mayor Johnson stated that she would be very happy to share information with the public; the City Manager would provide information at the next Council meeting; Council would like to share the good news with the public.

(08-473) Deborah James, Alameda, discussed oversight at the Alameda Boys and Girls Club.

(08-474) Mark Wagner, Kid's Chalk Art Project, submitted handout; thanked the City for supporting the project; stated the chalk drawing was 90,000 square feet; 6,000 people worked on the project for two weeks at the former Base; thanked the City for waiving rental fees and helping with obtaining a special permit; stated putting positive, creative energy into children is a great way to invest in the future; the handout has contact information if anyone

is interested in knowing more about the organization which was formed as a result of the non-profit project.

Mayor Johnson stated the project was very successful; inquired whether the picture is a satellite photo, to which Mr. Wagner responded the picture is a kite photograph.

#### COUNCIL REFERRALS

(08-475) Discussion of referring the Public Safety Memorandums of Understanding to the Fiscal Sustainability Committee for review and consideration.

Mayor Johnson stated the City needs to have a long-term vision on how community and public safety services will be provided and paid for; the State will be balancing an \$11.2 billion budget deficit in the next seven months; a five to ten year vision is needed; people have a misunderstanding of public safety service costs; the public needs to be provided with information to better understand public safety costs; the City needs to be very proactive in providing future community services; the City Manager proposed to reduce the amount of money transferred from the Golf Course to the General Fund; public safety will always be a priority; Library hours have been cut continually; the Library should be more available to the public; other options need to be reviewed with a long-term approach; some cities have special districts for Recreation and Park and are not at risk for being cut every year to pay for public safety; it is important to have well informed public input.

Domenick Weaver, Alameda Firefighters, stated the community needs to know that public safety costs are high; the International Association of Firefighters (IAFF) is hosting town hall meetings; that he does not want public safety Contracts going to the Fiscal Sustainability Committee; agreements should be made at the bargaining table.

Mayor Johnson stated that she does not intend to have another committee work on negotiations; the intent is to start public discussions on paying for future levels of service.

Councilmember Matarrese stated the community needs the facts; the Fire Chief gave a very clear presentation on fire vehicle deployment and staffing; associated costs are missing; there is a big disconnect in running the City; he would like to have management and bargaining units put together a primer for costs; the structure of the City has been changed by separating out Planning and Building; goals should be established rather than sending MOU's to the Fiscal Sustainability Committee.

Mr. Weaver stated all public safety bargaining groups need to have some level of participation in the decision making and educating the community.

Mayor Johnson stated that she does not expect any decisions to be made; public safety participation is important; a road map needs to be created.

Councilmember deHaan stated the Fiscal Sustainability Committee has a pretty full agenda; the Committee is scheduled to report back to Council in February or March; that he does not feel the Committee is the right vehicle to initiate discussion.

Mayor Johnson stated that she does not see the Committee finishing their job in February because of the current economic times.

Councilmember Matarrese stated the Committee will need the output from an education effort in order to make a judgment on the sustainability of the City; that he took the list of potential cuts to Mastick Senior Center and Cardinal Point; people stepped up to the plate once service costs were explained.

Vice Mayor Tam stated that the community still needs a lot of education; a lot of budget cuts have been made; the City Manager commissioned a study that reviewed service levels and statistics based on the number of calls; that she would like to get some information on timing to allow for a public forum involving public safety bargaining units.

The City Manager stated the consultant should be providing information by the end of December or beginning of January.

Mr. Weaver stated that the report he handled out at the last Council Meeting is a graphic interface study outlining response time and deployment.

Vice Mayor Tam inquired whether there is any opportunity to branch out and have a subcommittee that deals with public safety sustainability.

Councilmember Matarrese responded that he would need to discuss the matter with the City Treasurer and City Auditor.

Councilmember deHaan stated the finished product is to have a public effort to be able to inform the public in layman's terms.

Mayor Johnson suggested that the City Treasurer and City Auditor discuss the matter and provide recommendations on how to achieve the goal.

Councilmember Matarrese stated pieces need to be put together in order for people to understand the connection between response time and current and future costs.

Mayor Johnson requested that the Fiscal Sustainability Committee review the Public Safety Memorandums of Understanding and provide input on the best way to proceed.

The City Manager suggested that the matter be placed on an agenda.

#### COUNCIL COMMUNICATIONS

(08-476) Consideration of Mayor's nomination for appointment to the Historical Advisory Board (Architect Seat).

Mayor Johnson nominated Dennis M. Owens.

(08-477) Councilmember Gilmore stated that she and Vice Mayor Tam attended the Association of Bay Area Governments (ABAG) Fall General Assembly; the big topic was regional water land use planning; the State of California has contracts for eight and a half times the water supply on hand; newer housing developments use more water because of landscaping.

(08-478) Vice Mayor Tam stated incoming Senate President pro Tempore-elect Darrell Steinberg was present [at the Fall General Assembly] and provided an accurate depiction of how the legislature came up with drafting SB 375, which is legislation that tries to integrate land use that uses a stick and carrot approach, reduces greenhouse gas emissions, and looks at resource conservation; transit oriented development projects would be exempt from the California Environmental Quality Act (CEQA) in the future; no Environmental Impact Report (EIR) would be required if all parameters are met.

(08-479) Councilmember Gilmore stated that she attended the Water Emergency Transit Authority (WETA) meeting last week; WETA expects the first ferry boat to sail in December, but the engineer thinks it could be as early as some time this month; the first new ferry terminal will be in South San Francisco and will be operational in 2010; SB 1093 and SB 976 require a transition plan outlining how WETA would take over the Vallejo and Alameda ferries; transition and emergency response plans have to be completed by July 1, 2009; public hearings are expected to start in February, 2009; WETA



believes that there will be \$28 million available from Homeland Security for operations; the next ferry terminal site is Berkeley/Albany; the first EIR hearing is scheduled for November 18, 2008; WETA is looking at other sites such as Hercules, Richmond, Redwood City, Antioch, and Martinez; WETA is looking for a maintenance facility and refueling station and would prefer somewhere in the East Bay.

Councilmember deHaan inquired whether the Harbor Bay Ferry replacement was discussed.

Councilmember Gilmore responded discussions were not that specific.

The Deputy City Manager stated the Gemini and Pisces would be coming on line within the next several months; the Gemini would go to the Alameda/Oakland Ferry Service; the Pisces would go to the Harbor Bay Ferry Service.

Mayor Johnson inquired whether WETA is operating the service now, to which the Deputy City Manager responded in the negative.

Mayor Johnson stated WETA has more access to funding than the City; hopefully, service can be expanded.

Councilmember deHaan inquired whether fees would be lowered because of lower fuel prices.

The Deputy City Manager responded the City had a two-step fare increase; stated the plan is not to implement the second step.

#### ADJOURNMENT

There being no further business, Mayor Johnson adjourned the adjourned Regular Meeting at 11:09 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  
THURSDAY- -NOVEMBER 6, 2008- -7:25 P.M.

Mayor Johnson convened the Special Meeting at 7:36 p.m. Councilmember deHaan led the Pledge of Allegiance.

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

Absent: None.

AGENDA ITEM

(08-462) Ordinance No. 2985, "Urgency Ordinance Making Findings and Establishing a Forty-Five Day Moratorium on the Establishment or Expansion of Medical Marijuana Dispensaries." Passed.

The Supervising Planner gave a brief presentation.

Mayor Johnson opened the public portion of the meeting.

(Proponents: In favor of Ordinance): Robb Ratto, Park Street Business Association; Nick Cabrel, Alameda.

(Opponents: Not in favor of Ordinance): Isao Taguchi, Alameda; Bruce Rose, Alameda; Fred Gardner, Alameda; Kevin Good, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the meeting.

Vice Mayor Tam stated that she appreciates tonight's comments; serving on the Alameda County Planning Commission gave her some experience from a land use prospective; Alameda is fairly new to the issue; Alameda is trying to provide safe access but is also looking at issues experienced by other jurisdictions; Alameda County's unincorporated areas have three medical marijuana dispensaries; one dispensary closed because 100 pounds of marijuana and \$500,000 were on site; the situation prompted the District Attorney's office to look into the second dispensary, which is about to close; Alameda is an island; the parameters of school proximity and neighborhood safety need to be reviewed; a moratorium would allow reviewing the matter in a methodical, comprehensive way.

Vice Mayor Tam moved passage of the ordinance.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated marijuana has not been found to be safe and affective by the Federal Drug Administration; all aspects need to be reviewed before the matter is sanctioned or prohibited.

Councilmember Gilmore stated the City is in the fortunate position of not being the first community to address the issue; reviewing other community experiences is important; access and safety issues need to be addressed.

Councilmember deHaan stated that he echoes the same concerns; lessons need to be learned from mechanisms used by other communities.

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

#### ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:56 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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