

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 17, 2012- -7:00 P.M.

Acting Mayor Bonta convened the meeting at 7:04 p.m. Councilmember deHaan led the Pledge of Allegiance.

ROLL CALL – Present: Councilmembers deHaan, Johnson, Tam, and Acting Mayor Bonta – 4.

Absent: Mayor Gilmore – 1.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(12-018) Doug Siden, East Bay Regional Park District, discussed a proposed medical marijuana dispensary in Oakland.

CONSENT CALENDAR

Councilmember Tam moved approval of the Consent Calendar.

Councilmember Johnson seconded the motion, which carried by unanimous voice vote – 4. [Absent: Mayor Gilmore – 1.]

(*12-019) Minutes of the Special Joint City Council and Community Improvement Commission, and Special and Regular City Council Meetings held on December 20, 2011. Approved.

(*12-020) Ratified bills in the amount of \$879,734.89.

(*12-021) Recommendation to Authorize the City Manager to Execute the Lead-Based Paint Hazard Reduction Agreement with the Alameda County Lead Poisoning Prevention Program and Any Amendments with Substantially Similar Terms for Additional Funds, which May Become Available in the Future. Accepted.

(*12-022) Resolution No. 14644, “Authorizing the City Manager to Support the Bicycle Friendly Community Application Submitted to the League of American Bicyclists.” Adopted.

(*12-023) Resolution No. 14645, "Authorizing Examination of Sales, Use and Transactions Tax Records in Connection with City Claims Against the State of California." Adopted.

(*12-024) Resolution No. 14646, "Authorizing the City Manager to Execute the Grant Contract Between the State of California Department of Boating and Waterways and the Alameda Police Department for the Purchase of Marine Patrol Equipment." Adopted.

REGULAR AGENDA ITEMS

(12-025) Resolution No. 14647, "Appointing Michele Bellows as a Member of the Transportation Commission." Adopted,

(12-025 A) Resolution No. 14648, "Christopher A. Miley as a Member of the Transportation Commission." Adopted, and

(12-025 B) Resolution No. 14649, "Rajiv Sharma as a Member of the Transportation Commission." Adopted.

Councilmember Johnson moved adoption of the resolutions.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 4.
[Absent: Mayor Gilmore – 1.]

The City Clerk administered the Oath of Office and presented Certificates of Appointment to Ms. Bellows and Mr. Miley.

CITY MANAGER COMMUNICATIONS

(12-026) The City Manager and Community Development Director made brief comments on the customer service improvements in Building Services.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(12-027) Councilmember Tam welcomed the new City Attorney.

(12-028) Acting Mayor Bonta stated that he has been working with a coalition of transportation advocates regarding the Alameda County Transportation Commission Transportation Expenditure Plan.

ADJOURNMENT

There being no further business, Acting Mayor Bonta adjourned the meeting at 7:20 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 AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -JANUARY 17, 2012- -7:01 P.M.

Acting Mayor/Chair Bonta convened the meeting at 7:21 p.m.

ROLL CALL – Present: Councilmembers/Commissioners deHaan, Johnson,
Tam and Acting Mayor/Chair Bonta – 4.

Absent: Mayor/Chair Gilmore – 1.

ORAL COMMUNICATIONS, NON-AGENDA

None.

MINUTES

(*12-001 CIC) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority and CIC Meeting Held on December 6, 2011; and the Joint City Council and CIC Meeting Held on December 20, 2011. Approved.

Commissioner Tam moved approval of the minutes.

Commissioner Johnson seconded the motion, which carried by unanimous voice vote – 4. [Absent: Chair Gilmore – 1.]

AGENDA ITEM

(12-002 CIC) Resolution No. 12-185, “Adopting an Amended Enforceable Obligation Payment Schedule Pursuant to Section 34169(g) of the California Health and Safety Code.” Adopted.

The Housing Development and Programs Manager gave a brief presentation.

Commissioner deHaan stated other cities are going through the same situation.

The Executive Director stated an Alameda County City Manager’s meeting is scheduled for tomorrow at 10:30 a.m. to discuss steps other cities are taking.

Acting Chair Bonta inquired whether some cities have opted out of being a successor agency.

The Housing Development and Programs Manager responded Los Angeles is the only city that she is aware of.

Jerry Ramiza, Burke, Williams and Sorsensen, LLP, stated fifteen cities statewide have opted out of being a successor agency; Los Angeles is the largest and most noteworthy; the other cities did not have an active redevelopment program.

The Housing Development and Programs Manager noted fifteen out of 400 cities opted not to be a successor agency.

Mr. Ramiza stated a few more cities have opted out of the housing functions; said cities did not have cash housing assets available to distribute to the community.

Commissioner Johnson inquired whether a list of obligations would need to be submitted every six months, to which the Housing Development and Programs Manager responded in the affirmative.

Mr. Ramiza stated third party obligations would be discussed with the Oversight Board; the Oversight Board would have the ability to allow a successor agency to enter into new agreements or amend existing agreements.

In response to Commissioner Tam's inquiry, the Housing Development and Programs Manager stated the School District receives 40% of the City's 20% Business and Waterfront Improvement Project (BWIP) funds; the School District has yet to spend any of the money for affordable housing; approximately \$4 million has been set aside.

Commissioner Tam stated having the School District engage in a partnership with the Housing Authority to fulfill the obligation would be preferable; in the past, the City has discussed how it could help with legislation to provide the School District with some flexibility so that it does not have to build affordable housing; inquired whether the School District would lose the funding if the City does not become successor agency.

The Housing Development and Programs Manager responded the Oversight Board could sweep the money for distribution to tax entities.

The Executive Director stated staff has talked to the School District regarding the issue; current legislation does not let anyone off the hook for affordable housing obligations; the School District wants to find a way to access the money but does not want to be a housing developer.

In response to Commissioner deHaan's inquiry, the Housing Development and Programs Manager stated adopting the amended Enforceable Obligation Payment Schedule (EOPS) by January 31st is recommended.

Commissioner deHaan inquired whether everything has been scrubbed and captured, to which the Housing Development and Programs Manager responded in the affirmative.

Commissioner Bonta inquired whether a potential bill would allow an extension and EOPS could be amended or whether the City would be tied into what is outlined now.

Mr. Ramiza responded that he is not sure; stated he is not optimistic that an extension bill would pass; the legislator is considering extending the February 1st dissolution date to April 15th; the EOPS could be amended if other obligations are found.

Commissioner Johnson inquired whether property in the Northern Waterfront Project that is suppose to go to the School District and property at the former Naval Base should be included; further inquired whether the proposed resolution could be adopted tonight and obligations found after tonight's meeting could be added before the end of the month.

The Housing Development and Programs Manager responded neither property has enforceable obligations; obligations could be added.

Mr. Ramirza stated the City is party to the Mastick Agreement, not the Community Improvement Commission (CIC).

The Executive Director stated said property is not Redevelopment Agency related; the termination of redevelopment would not impact the City's contractual obligations.

In response to Commissioner Johnson's inquiry, the Housing Development and Programs Manager stated there would be an enforceable obligation if the CIC had an obligation to contribute funding to build a school facility at the Base; the Mastick Settlement Agreement does not deal with a funding obligation: the Alameda Reuse and Redevelopment Agency (ARRA) has an obligation to provide land for the School District.

Discussed the School District housing funds: Gretchen Lipow, Alameda.

Proponent: Jon Spangler, Alameda.

Commissioner Tam requested clarification on Ms. Lipow's comments regarding School District funding.

The Housing Development and Programs Manager stated the affordable housing fund balance would be swept along with the non-affordable housing fund balance and used pursuant to the law if the urgency legislation that is making its way through the Senate is not approved; the School District fully intends to have affordable housing for district employees; the School District has job classifications that qualify for affordable housing; the classifications might not be filled currently; the money cannot be spent for anything other than affordable housing.

The Executive Director inquired whether the money is in a separate account, to which

the Housing Development and Programs Manager responded the School District housing fund is in 204.1.

Commissioner Bonta inquired how much is in fund, to which the Housing Development and Programs Manager responded approximately \$4 million.

The Housing Development and Programs Manager stated the funds would go into the Auditor-Controller's new Redevelopment Trust Fund if the Oversight Board found that the obligation would not be enforceable; funds would be distributed in the following order: 1) pass through agreements; 2) bond obligations; 3) enforceable obligations; and 4) successor agency administrative costs; anything left would be distributed to tax entities.

Commissioner Tam moved adoption of the resolution with authorization for the Executive Director to add additional enforceable obligation payments to the schedule prior to January 31st.

The City Attorney stated the following would be added to Section 1: "The Community Improvement Commission further delegates authority to the Executive Director to amend Exhibit A as necessary to add any additional enforceable obligations discovered subsequent to the effective date of this resolution and to correct any clerical error that may be necessary".

In response to Commissioner Bonta's inquiry, the Executive Director stated January 31st would not be included in the resolution in case the date changes.

Commissioner Tam moved adoption of the resolution with additional language as outlined by the City Attorney.

Commissioner deHaan seconded the motion.

Under discussion, the Executive Director stated the Chief Operating Officer was on a call with cities that have similar base reuse issues; the cities are working together to get a seat at the table when changes come down to ensure that the former Naval Air Station has a separate financing mechanism.

On the call for the question, the motion carried by unanimous voice vote – 4. [Absent: Chair Gilmore – 1.]

COUNCIL COMMUNICATIONS

(12-029 CC) Consideration of Mayor's Nominations for Appointment to the Planning Board.

Acting Mayor Bonta announced Mayor Gilmore's nominations to the Planning Board are

John Knox White and Kristoffer Köster.

ADJOURNMENT

There being no further business, Acting Mayor/Chair Bonta adjourned the meeting at 7:59 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, CIC

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