

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 5, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:31 p.m.

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

Absent: None.

AGENDA CHANGES

(13-489) Mayor Gilmore announced that the Resolution Approving the Term Sheet [paragraph no. 13-506] would not be heard.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-490) Mayor Gilmore read and presented a proclamation to Mark Sorensen.

(13-491) Presentation by Chindi Peavey, District Manager, Alameda County Mosquito Abatement District (ACMAD) and Ryan Clausnitzer, ACMAD Trustee for the City.

Ms. Peavey gave a Power Point presentation.

Councilmember Chen stated the District's staff is professional and does a good job.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Vice Mayor Ezzy Ashcraft moved approval of the Consent Calendar.

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

(*13-492) Minutes of the Special City Council Meeting Held on September 24, 2013; the Joint City Council and Planning Board Meeting Held on September 25, 2013; the Special and Regular City Council Meetings Held on October 1, 2013; and the Special City Council Meeting Held on October 10, 2013. Approved.

(*13-493) Ratified bills in the amount of \$3,788,798.69.

(*13-494) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending March 31, 2013 Collected During the Period Ending June 30, 2013. Accepted.

(*13-495) Recommendation to Accept the Quarterly Report on Litigation and Liability Claims Settlements Paid During the Period July to September 2013. Accepted.

(*13-496) Recommendation to Approve a Five Year Professional Services Agreement with George Hills Company for Third Party Liability Claims Administrator Services for an Annual Amount of No More Than \$63,500 Per Year. Accepted.

(*13-497) Resolution No. 14865, "Authorizing the City Manager to Acquire Temporary Construction Easements in Relation to the Sewer Pump Station Renovations for Reliability and Safety Improvements Project (All Groups)." Adopted.

(*13-498) Resolution No. 14866, "Amending the City of Alameda Executive Management (EXME) Compensation Plan to Establish the Classification of Administrative Services Director and Modify the Chief Operating Officer - Alameda Point Salary Range." Adopted.

(*13-499) Resolution No.14867, "Amending the Management and Confidential Employees Association (MCEA) Salary Schedule and Establishing the Classifications of Assistant Community Development Director, Economic Development Manager, Media and Communications Coordinator, Compliance Superintendent, and System Operations and Field Service Superintendent." Adopted.

REGULAR AGENDA ITEMS

(13-500) Resolution No. 14868, "Approving a General Plan Text Amendment to the Land Use Policies in the MU-2 Mariner Square Specified Mixed Use Area to Facilitate the Development of an Assisted Living Facility at 2400 Mariner Square Drive." Adopted.

The Supervising Planner gave a brief presentation.

Vice Mayor Ezzy Ashcraft stated that she thinks Mariner Square Drive is a great location for an assisted living facility; she voted against a proposal for office space at the location when on the Planning Board; the special needs and challenges of dementia need to be met and this facility will provide for said needs.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam concurred with Vice Mayor Ezzy Ashcraft that the site is a highly compatible use for an assisted living facility.

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

(13-501) Resolution No. 14869, “Amend Master Fee Resolution No. 12191 to Revise the Community Development Department, Public Works Department, and Fire Department Fee Schedules.” Adopted.

The Building Official gave a brief presentation; outlined proposed changes to the appeals fee.

Councilmember Tam inquired why the Planning and Building Department’s recommendation is still short of the full cost recovery.

The Building Official responded there is not a full cost recovery because of the reduction in fees for solar permits and online permits.

Councilmember Tam inquired why the Public Works and Fire Departments are also recommending less than full cost recovery.

The Public Works Administrative Services Manager responded Public Works chose an 85% cost recovery and would move full cost recovery in phases fashion so the increases are not too steep; there is subsidy from other funds.

Councilmember Tam inquired if the Fire Department would also phase cost recovery.

The Fire Chief responded in the affirmative; stated the Department looked at the proposed fees and does not think the consultant’s recommendation is appropriate; a majority of the Department’s fees are direct costs on businesses; increasing inspection fees would impose an undue burden on businesses; the Department chose an appropriate 50% level, which is an industry standard and comparable to other cities.

Vice Mayor Ezzy Ashcraft stated the Fire Department charges a fine for reporting false fire alarms; she supports the idea of phasing; inquired whether Palo Alto was included in the fee comparison in order to raise the average.

Greta Davis, NBS Consulting, responded there was a consensus between Planning and Building and Public Works staff to select the cities included in the fee comparison; stated selection of cities for the fee comparison is based on like-jurisdictions in terms of proximity, population, and land development issues, not whether a city is progressive or has high fees.

Vice Mayor Ezzy Ashcraft inquired if staff selected Palo Alto, to which Ms. Davis responded in the affirmative.

Vice Mayor Ezzy Ashcraft inquired if median income and median residential prices have been taken into account, to which Ms. Davis responded in the negative; stated specific demographic information was not considered.

Councilmember Chen concurred with Vice Mayor Ezzy Ashcraft on phasing fee increases; inquired why excavation fees are above the average on the fee comparison.

The Construction Inspection and Survey Supervisor responded the amount includes traffic review, technology fees, and is based on information from the permit center.

Councilmember Chen inquired what is the current fee for excavation, to which the Construction Inspection and Survey Supervisor responded \$850.

Councilmember Chen inquired why the excavation fees were the only fees selected to be increased.

The Construction Inspection and Survey Supervisor responded typically the excavation fees do not apply to single families or property owners and is charged to utilities or developers; stated the amount takes in consideration the time spent on the inspection of and staff's hourly rate.

Councilmember Chen inquired if the 25% operating fund balance is for minimum staffing levels.

The Building Official responded in the affirmative; stated the Department does not receive General Fund money; the fees pay for the Department; the idea is to develop a reserve to keep the Department staffed adequately for core services in the event the economy declines.

Councilmember Daysog inquired whether fees automatically adjust for inflation.

The Building Official responded in the affirmative; stated the standard practice is to include an automatic cost of living increase annually.

Thanked the Fire Chief for explaining the Fire fees; stated the increase is reasonable: Robb Ratto, Park Street Business Association (PSBA).

Stated Palo Alto should not have been used as a comparison: Allen Shiu, Alameda.

The Building Official stated the appeals fees are: Planning and Building: Residential - \$250 flat fee plus a \$500 deposit, Commercial - \$350 flat fee plus \$2500 deposit; Public Works - \$147 fee and the Director can set a deposit for more complex projects.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution with the appeal fee amendments.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated the General Fund pays for services which do not fully recover costs.

Mayor Gilmore stated she would like to see a cap on the Public Works appeal fee.

The Public Works Director responded the fee will be capped at \$1000.

Vice Mayor Ezzy Ashcraft inquired whether an applicant is charged the \$250 appeal fee each time an appeal is filed to a different body.

The Building Official responded in the affirmative; stated the current resolution states \$250 plus a deposit is charged for an appeal to the Planning Board and an additional \$250 would be charged for an appeal to the City Council.

Vice Mayor Ezzy Ashcraft and Councilmember Tam agreed to amend the motion to include the \$1000 cap for the Public Works appeal for deposits.

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

(13-502) Receive a Presentation on the Planning and Building Divisions' Ongoing Customer Service Initiatives.

The Building Official gave a Power Point presentation.

Councilmember Chen inquired what is the current Code Enforcement caseload for Alameda.

The Building Official responded there are approximately 1,200 active or unclosed cases; life-safety issues are a priority; staff does not have time to address some low-priority cases.

Suggested the negative survey feedback be shared: Allen Shiu, Alameda.

(13-503) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease Amendment with Turn Key Show Productions, for Two Years in Building 459 Located at 101 West Tower Avenue at Alameda Point. Introduced.

The Economic Development Division Manager gave a brief presentation.

Councilmember Daysog moved introduction of the ordinance.

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

(13-504) Introduction of Ordinance Amending Various Sections of the Municipal Code to Allow Portable Freestanding Signs Under Certain Conditions, Including Sections 30-6.7 Signs Exempt, 30-6.9 Prohibited Signs, 6-3.2 Advertising Prohibited or Restricted, and 22-21.5 Obstruction of Sidewalk by Boxes and Other Objects. Introduced.

The Contract Planner gave a brief presentation.

Mayor Gilmore inquired if Code Enforcement of the signs falls under Public Works.

The Contract Planner responded in the affirmative; stated the Planning and Building Department would defer enforcement to Public Works if they receive the complaint initially.

Mayor Gilmore inquired what priority level Code Enforcement would consider signs.

The Building Official responded the priority would not be high unless the sign poses a life-safety issue.

Vice Mayor Ezzy Ashcraft inquired what is the enforcement process.

The Building Official responded there are three administrative steps included in the normal process: 1) a letter is sent to the property owner to resolve a valid complaint, 2) a second letter is sent if there is no compliance, stating the City may issue citations, 3) citations are issued if the property owner does not comply.

Vice Mayor Ezzy Ashcraft inquired whether bicycles parked in racks on the sidewalk were considered, to which the Contract Planner responded in the affirmative.

Councilmember Daysog inquired if human-held signs are covered under the ordinance amendment, to which the Contract Planner responded in the negative.

Councilmember Chen stated the first enforcement letter should include a dollar amount; inquired what is the penalty for non-compliance.

The Building Official responded the initial citation is \$250.

Mayor Gilmore inquired whether the ordinance amendment was triggered by a problem with rogue signs, or a desire of the business owners for the signs, or both.

The Contract Planner responded the issue came from the business community; stated a survey indicated business owners wanted a legal avenue to advertise businesses.

Vice Mayor Ashcraft stated the public should have been surveyed in addition to the businesses; the signs can be a hazard to pedestrians and should not extend more than three feet.

The Building Official clarified the current Code allows merchandise within the first three feet of the sidewalk; signs would replace merchandise; business would not have an additional three feet.

Councilmember Tam inquired what modifications were recommended by Bike Alameda.

The Contract Planner responded the modifications included restricting the signs to the three feet immediately adjacent to the buildings and the signs should be stable; stated there was concern that the originally considered area next to the curb, would interfere with car doors.

Councilmember Chen inquired if multiple business owners in one building would saturate the sidewalks with signs.

The Contract Planner responded the condition does not exist on the applicable streets; stated the tenants are limited to two signs, but Councilmember Chen's concerns would be taken under advisement.

Stated PSBA is happy with the proposed ordinance, will participate in outreach and try to self-regulate: Robb Ratto, PSBA.

Stated that he supports the ordinance: Jon Spangler, Alameda.

Discussed the West End: Allen Shiu, Alameda.

Councilmember Tam moved introduction of the ordinance.

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

(13-505) Ordinance adopts new technical building and fire regulations consistent with the California Building Standards Code.

Introduction of Ordinance Amending the Alameda Municipal Code to (A) Amend Chapter XIII (Building and Housing) by Repealing Article I (Uniform Codes Relating to Building, Housing and Technical Codes) in its Entirety and Adding a New Article I (Uniform Codes Relating to Building, Housing and Technical Codes) to Adopt the current version of the California Building Code, the current version of the California Residential Code, the current version of the California Historical Building Code, the current version of the California Electrical Code, the current version of the California Plumbing Code, the current version of the California Mechanical Code, the current version of the California Energy Code, the current version of the California Green Building Standards Code, the 1997 Uniform Housing Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, Amending Article IV by repealing Sections 13-12 and 13-13 in their Entirety and Retitling Article IV "Vacant Buildings" and (B) Amend Chapter XV (Fire Prevention) by Repealing Section 15-1 in its Entirety and by Adding a New Section 15-1 to Adopt the current version of the Edition of the California Fire Code. Introduced.

The Chief Building Official gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired if the restriction of one outlet in a storage unit would create a fire hazard.

The Building Official responded he is not aware of any cases of fires caused by overloading an outlet.

The Fire Chief stated that he is not aware of any cases, either.

Vice Mayor Ezzy Ashcraft inquired if the requirement for one outlet in a storage unit is okay as it stands, to which the Fire Chief responded in the affirmative.

Councilmember Tam moved introduction of the ordinance.

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

(13-506) Adoption of Resolution Approving Term Sheet Between the City and Alameda Unified School District and Authorizing City Manager to Negotiate the Encinal Swim Center Site and Facilities Leases. Not heard.

(13-507) Provide Direction on the Request for Proposals for Leasing and Property Management at Alameda Point and Other City Properties.

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Councilmembers Chen and Tam left the dais at 9:18 p.m. and returned at 9:20 p.m.

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The Economic Development Division Manager gave a Power Point presentation.

Councilmember Tam inquired why California Capital Investment Group (CCIG) retaining existing property management staff is viewed as a strength, while PM Realty Group's (PMRG) incumbency was deemed a weakness.

The Economic Development Division Manager responded retaining existing property management staff was considered a strength for the CCIG because there would be consistency and lack of ramp-up time on a complex property; stated PMRG's incumbency worked against them and was viewed as negative based on past performance.

Councilmember Tam stated the panel sought a hybrid and asked for merger; inquired why one of the companies would not be willing to merge.

The Economic Development Division Manager responded the company preferred to manage the property on their own as one entity; stated the company was concerned about coordination efforts with another party.

In response to Councilmember Chen's inquiry regarding staff on the panel, the

Economic Development Division Manager stated the City Attorney and the Interim Community Development Director were on the panel.

Councilmember Chen inquired whether both teams found a negotiated rate acceptable.

The Economic Development Division Manager responded scores were based on proposed rate.

Discussed his background and historic restoration: Phil Tagami, CCIG.

Provided background information on CCIG: Damien Fink, CCIG.

Stated CCIG believes it could be more effective on its own rather than combining with PM Realty; provided background information on CCIG: Mark McClure, CCIG.

Expressed support for CCIG and urged the contract be awarded to CCIG: Doug Bloch, Teamsters Joint Council 7 and Alameda Building and Trades Council.

Provided background information on current leases: Rick Jones, PMRG.

Provided background information on PM Realty: Jim Proehl, PMRG.

Provided background information on Cushman & Wakefield (C&W); stated having property managers and leasing companies work together is common and seamless: John McManus, C&W.

Stated building teams is common and the existing team works well; noted the importance of PM Realty's background knowledge: Ted Anderson, Alameda resident and C&W employee.

Vice Mayor Ezzy Ashcraft how the C&W/PMRG team would manage the relationship between the leasing partner and the management partner.

Mr. McManus responded the team goes through a collaborative process daily; stated property management expertise includes identifying available buildings and helping tenants navigate through the process; there is constant communication through written reports and periodic meetings; depending on the project's phase, meetings can be weekly; meetings are held on a project-specific basis.

Vice Mayor Ezzy Ashcraft inquired if C&W has experience working with buildings in the same condition as buildings at Alameda Point.

Mr. McManus responded in the affirmative; stated that he has been with C&W since 1991 and has experience with buildings in all conditions.

Councilmember Tam inquired about the unique and different leasing potentials at

Alameda Point.

Mr. McManus responded Alameda Point is a blend of raw land and existing buildings; stated the existing buildings can begin to be leased immediately; although the approval process for leasing is different with the City, the leasing process is the same.

Councilmember Tam stated there is more potential and more incentives for investments without the time constraints of the Lease in Furtherance of Conveyance (LIFOC); inquired if the type of tenants would change.

Mr. McManus responded in the affirmative; stated Alameda Point has tremendous growth opportunity.

Councilmember Tam stated leasing partnerships are typical; inquired whether C&W has experienced any divorces.

Mr. McManus responded in the affirmative; stated divorces usually happen when there is a change in personnel, when the project is fully leased or the property sells; if a partnership fails for any other reason, it is most likely due to a communication failure.

Councilmember Tam inquired if C&W experienced a failed partnership with PMRG, to which Mr. McManus responded in the negative.

Councilmember Tam inquired how the City could be assured Alameda Point will be a priority over the Oakland Army Base.

Mr. Tagami responded CCIG does not see a conflict between Alameda and Oakland; stated CCIG has a team of 148 professionals working on the Oakland Army Base project; CCIG will demonstrate the same sophisticated comprehensive responsibility in Alameda; the owners of the company would be in close proximity with various professional staff available.

Councilmember Tam inquired the different types of tenants and development at Oakland Army Base versus Alameda Point.

Mr. Tagami responded Oakland is a rail-served train logistics facility; stated Oakland is primarily heavy industrial, commodity, high velocity, fulfillment tenants; Alameda has a different direction.

Vice Mayor Ezzy Ashcraft inquired if CCIG will be able to adhere to the conflict of interest laws outlined in the management services contract and not want to develop the historic corridor of Alameda Point.

Mr. Tagami responded in the affirmative; stated CCIG brings a breadth of experience unique to the property and would respect the process and the limitations.

Mayor Gilmore inquired what PMRG's approach would be to lease and market the historic structures at Alameda Point.

Mr. McManus responded marketing of historic buildings would be different and would move away from interim use; the method of reverse engineering the buildings would be used to identify the appropriate users, such as residential, office, or educational components.

Vice Mayor Ezzy Ashcraft stated there have been issues in the past regarding looting and break-ins; inquired how PMRG intends to protect the property assets moving forward.

Mr. Jones responded PMRG has sophisticated motion detector systems that triggers a call system; calls are received all hours of the day and night; monitoring personnel respond, as well as the Police Department; there are also roving security guards; PMRG is doing everything possible, given the budget constraints.

Vice Mayor Ezzy Ashcraft inquired what more would PMRG do to protect property assets if money were no object.

Mr. Jones responded the number of motion detector systems and security guards would be increased.

Mayor Gilmore inquired if there were Council recommendations.

Councilmember Chen and Vice Mayor Ezzy Ashcraft expressed support for PMRG.

* * *

(13-508) Vice Mayor Ezzy Ashcraft moved approval of considering the remaining agenda items.

Councilmember Chen seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Chen, Daysog, Ezzy Ashcraft and Mayor Gilmore – 4. Noes: Councilmember Tam – 1.

* * *

Councilmembers Daysog and Tam, and Mayor Gilmore expressed support for PMRG.

Vice Mayor Ezzy Ashcraft moved approval of selecting PMRG and C&W for the leasing and property management of Alameda Point and other city properties.

Councilmember Tam requested the motion provide more flexible direction to staff to negotiate with PMRG on the terms of the agreement.

Vice Mayor Ezzy Ashcraft amended the motion to approve directing staff to pursue an agreement with C&W and PMRG for the leasing of Alameda Point and other city

properties.

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

(13-509) Presentation on Exclusive Negotiation Agreements (ENA) for Alameda Point Development Projects.

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Councilmembers Tam left the dais at 10:37 p.m. and returned at 10:39 p.m.

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The Chief Operating Officer – Alameda Point gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired how do you determine the appropriate length of an ENA.

The Chief Operating Officer – Alameda Point responded the complexity, size, and location of the proposed projects will determine an appropriate length of the ENA.

The City Manager stated other agencies involvement is another factor in determining the length of the ENA; there is a second public process of whether or not to engage in the DDA.

The Chief Operating Officer – Alameda Point concurred with the City Manager; stated the business cycle is on an upswing and Alameda needs to be aggressive about timelines.

In response to Vice Mayor Ezzy Ashcraft's inquiry, the Chief Operating Officer – Alameda Point stated development at Alameda Point is risky, uncertain, and expensive; completing due diligence will require funding; that she would recommend charging a nominal deposit; the project is unique; the amount should not be set so high that potential parties may be dissuaded.

Vice Mayor Ezzy Ashcraft inquired whether some of the deposit would apply to cost recovery, to which the Chief Operating Officer – Alameda Point responded in the affirmative.

Councilmember Chen inquired what is the process for a potential developer to get an appointment with the City Manager or the Chief Operating Officer – Alameda Point.

The Chief Operating Officer – Alameda Point responded anyone can make an appointment with her and/or the City Manager by calling or emailing.

Councilmember Chen stated Alameda is using an ENA process instead of an RFQ process; inquired if Alameda would be able to reach out to all the local, regional and international developers through an ENA process.

The Chief Operating Officer – Alameda Point responded there has been a lot of press about Alameda Point; the Lawrence Berkeley National Laboratory process put Alameda on the map; now, with the certainty about the property management and leasing team at Alameda Point, the word will continue to spread.

The City Manager concurred with the Chief Operating Officer – Alameda Point; stated Alameda Point's outreach is global, many inquiries have come from China, England, the Philippines, Italy, and Sweden; there has been press in the Wall Street Journal, and Business Journal; the development community monitors opportunities and an opportunity like Alameda Point rarely comes along.

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(13-510) Councilmember Chen moved approval of continuing past 11:00 p.m.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Chen, Daysog, Ezzy Ashcraft and Mayor Gilmore – 4. Noes: Councilmember Tam – 1.

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Mayor Gilmore shared a story of a gentleman she met on the bike tour who expressed interest in development opportunities at Alameda Point; stated the man indicated an RFP should not be done because he would not want to present his ideas in public with his ideas and have them stolen.

Councilmember Tam stated the Planning Board has difficulty serving as an advisory body without knowing specific use is being contemplated; definitive projects may warrant an RFP process; the more challenging areas, such as the historic districts that need a lot of investment and creative financing, would warrant public discussion; that she recommends a hybrid approach to maximize opportunities for them to understand what is happening at Alameda Point.

The City Manager inquired what staff would be taking to the Planning Board in the process Councilmember Tam discussed.

Councilmember Tam responded it is not about taking anything to the Planning Board; it is about creating a forum and opportunity for residents to comment on the types of uses contemplated.

The City Manager stated the heart of the disagreement is that staff does not believe there should be prescriptive zoning; there is nothing wrong with having the public comment when the ENA is public; he expressed concern of losing the market cycle.

Vice Mayor Ezzy Ashcraft concurred with the City Manager; inquired how Council would get as much information as possible before entering into an ENA.

The City Manager responded an RFP is not going to help if the City is looking for innovation and a mix of uses; stated the site is challenging and does not have infrastructure in place; an RFP produces ideas that are not economically implementable, which sets up a series of unrealistic expectations.

Mayor Gilmore stated that she was hearing two different things: 1) the Council needs more information about the developer entity before deciding to enter into an ENA, and 2) there needs to be a process to determine whether or not a particular proposal fits where Council thinks it should.

Councilmember Tam outlined the process proposed by Planning Board Member John Knox White; stated Mr. Knox White suggests that staff identify the specific special innovative use that would be brought to the Council; the first meeting would be an open session so the public would be afforded an opportunity to comment on whether the proposed use is desired, appropriate, and what conditions should be considered; the Council would vote whether or not to go into closed session to discuss the specifics and determine whether to hold the hearing on the ENA; then, a second open session would be held to vote on an ENA.

The City Manager stated having staff bring a project with a secret developer to the Council in an open session is a very odd twist on transparency; staff has to identify the developer if the matter goes into closed session; that he does not think a developer would bring an innovative idea to be presented publicly without their name attached to it.

Councilmember Daysog stated residents need to see the rationale behind why one company is selected over another to enter an ENA; an RFP could be structured very specifically; an ENA process is acceptable to him; the public needs to be involved in the process.

Mayor Gilmore cautioned Councilmember Daysog about presupposing that companies he wants to do business with are public companies; stated that she does not want to prevent the opportunity of doing business with a private company because they are not publicly traded and their financial information is not available; reviewed Councilmember Daysog's spreadsheet on the process; inquired what the Blue Ribbon Task Force would do that the Planning Board is not already set up to do.

Councilmember Daysog responded for a project as complex as Alameda Point, there should be many more eyes on the project before an ENA; the Planning Board would be involved after an ENA process.

(13-511) Recommendation to Approve Evaluation Criteria for Alameda Point Development Proposals.

The Chief Operating Officer – Alameda Point gave a brief presentation.

* * *

Councilmembers Chen left the dais at 11:29 p.m. and returned at 11:35 p.m.

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Vice Mayor Ezzy Ashcraft requested an explanation of the phrase: “an applicant’s demonstrated financial capacity for proposed development, including company structure that promotes timely responsiveness to city relationship and concerns”.

The City Manager responded there will be challenges at Alameda Point; stated staff would not want to be with a company that is not responsive because of its corporate structure.

Councilmember Tam suggested the evaluation criteria include a good history of Project Labor Agreements (PLA) and a track record of successful development.

Stated November 2nd Bike Tour at Alameda Point should be repeated at other locations; that he supports an RFP and public weigh-in process prior to an ENA process; a record of architectural distinctiveness should be added to criteria: Chuck Kapelke, Alameda.

Stated that he supports an RFP process; criteria is too general in current process: Jon Spangler, Alameda.

Stated the City has earned right to be the developer; urged moving rapidly: Karen Bey, Alameda.

* * *

Councilmembers Daysog left the dais at 11:46 p.m. and returned at 11:48 p.m.

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The City Attorney clarified that price and terms of payment are the issues discussed in closed session; the evaluative criteria would be open and discussed in public.

Councilmember Chen stated that he would like to add an applicant’s sensitivity to environmental protection to the criteria.

The Chief Operating Officer-Alameda Point stated all public/private partnerships are required to meet a minimum LEED certification and bay friendly landscape guidelines; Alameda has adopted the California Green Building Code and is implementing a “Purple Pipeline” - a recycled pipeline; in terms of Environmental Protection, the Navy made sure Alameda comply with the Biological Opinion; the EIR requires every developer to comply with biological mitigations.

Councilmember Daysog moved approval of the staff recommendation with the addition of the questions he presented in the exhibit.

Mayor Gilmore summarized the motion is to approve the staff recommendation with the addition of Councilmember Daysog's questions, Councilmember Tam's additional criteria on the PLA, and Councilmember Chen's bullet point about environmental sensitivity.

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

CITY MANAGER COMMUNICATIONS

(13-512) The City Manager discussed East Bay Regional Park District's extended hours.

ORAL COMMUNICATIONS, NON-AGENDA

(13-513) Irma Garcia-Sinclair, Alameda, submitted a handout; expressed concern about Bobac having hazardous materials.

(13-514) Michael Grubman, Bobac, submitted a handout; provided background information about Bobac.

(13-515) Bob Haydari, Owner of Bobac, provided background information on his company; stated his company does not deal with hazardous materials.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(13-516) Consideration of Mayor's Nomination for Appointment to the Youth Advisory Commission.

Mayor Gilmore nominated Elizabeth Wong for appointment to the Youth Advisory Commission.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 12:17 a.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 PUBLIC UTILITIES BOARD MEETING
TUESDAY- -NOVEMBER 5, 2013- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:04 p.m.

Roll Call – Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore; Board Members Hamm, McCormick, Russo, Sutter, and President Deaton – 10.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(13-484 CC/PUB) Conference with Legal Counsel – Existing Litigation (54956.9); Case Name: Nuveen v. City of Alameda; United States District Court, Northern District of California Case No. CV 08-04575-SI; and Case Name: Vectren v. City of Alameda; United States District Court, Northern District of California Case No. CV 08-03137 SI

(13-485 CC) Conference with Real Property Negotiators (54956.8); Property: 1535 Buena Vista Avenue; Negotiator: John Russo, City Manager; Negotiating party: Fortmann Marina; Under negotiation: Price and terms of payment. Not heard.

(13-486 CC) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Position Evaluated: City Attorney - Janet Kern.

(13-487 CC) Conference with Legal Counsel – Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9; Number of cases: One (As Plaintiff - City Initiating Legal Action)

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Existing Litigation, the Council and Board received a briefing; and regarding Anticipated Litigation, direction was given to staff.

* * *

Mayor Gilmore called a recess at 7:24 p.m. and reconvened the meeting at 12:25 a.m.

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Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Performance Evaluation, the meeting was continued.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 12:52 a.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) MEETING
TUESDAY- -NOVEMBER 5, 2013- -6:59 P.M.

Mayor/Chair Gilmore convened the meeting at 7:30 p.m.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmember/Agency Member Tam moved approval of the Consent Calendar.

Councilmember/Agency Member Chen seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*13-019 SACIC) Minutes of the Joint City Council and Successor Agency to the Community Improvement Commission Meeting (SACIC) Meeting Held on June 11, 2013 and the SACIC Meeting Held on September 17, 2013. Approved.

(*13-488 CC/13- 020 SACIC) Recommendation to Accept the Fourth Quarter Financial Report for the Period Ending June 30, 2013. Accepted.

ADJOURNMENT

There being no further business, Chair Gilmore adjourned the meeting at 7:31 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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