

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 1, 2013- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:00 p.m.

Roll Call – Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

[Note: Councilmember Chen arrived at 6:01 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(13-428) 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)

(13-429) Public Employee Performance Evaluation; Pursuant to Government Code § 54957; Position Evaluated: City Clerk – Lara Weisiger

(13-430) Public Employee Performance Evaluation; Pursuant to Government Code § 54957; Position Evaluated: City Attorney – Janet Kern

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Anticipated Litigation, the Council gave direction to staff.

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Mayor Gilmore called a recess at 7:15 p.m. and reconvened the meeting at 10:20 p.m.

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Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding City Clerk, the Council completed the performance evaluation; and regarding City Attorney, the matter was continued to October 15, 2013.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 12:20 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -OCTOBER 1, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:22 p.m. Councilmember Chen led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

(13-431) Mayor Gilmore announced that the Ordinance approving a Lease Amendment with Turn Key Show Productions [paragraph no. 13-448] would not be heard.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-432) Proclamation Declaring October 6th through 12th as Public Power Week.

Mayor Gilmore read the proclamation and presented it to Madeline Deaton, Public Utilities Board, and the Alameda Municipal Power General Manager.

(13-433) Proclamation Declaring October 9th as Walk and Roll to School Day.

Mayor Gilmore read the proclamation and presented it to Rachel Davidman, Safe Routes to School Coordinator.

(13-434) Proclamation Declaring October as Domestic Violence Awareness Month.

Mayor Gilmore read the proclamation and presented it to Liz Varela, Executive Director of Building Futures with Women and Children, and Domestic Violence Task Force Members.

Ms. Varela provided a handout and made brief comments.

(13-435) Proclamation Declaring October as Disability Awareness Month.

Mayor Gilmore read the proclamation and presented it to Audrey Lord-Hausman, Commission on Disability Issues.

Ms. Lord-Hausman read President Obama's Proclamation.

(13-436) Presentation by Doug Siden, East Bay Regional Parks District Ward 5 Board Member, on Crown Beach Sand Replacement Project.

Mr. Siden made brief comments and introduced Project Manager Diane Althoff.

Ms. Althoff gave a Power Point presentation.

Thanked Mr. Siden for his efforts: Trish Spencer, Alameda.

Encouraged the City to help the District expand to Neptune Point: former Councilmember Karin Lucas, Friends of Crown Beach.

Encouraged the City to lend support to EBRPD and end the lawsuit regarding the Neptune Point land: former Councilmember Doug deHaan, Alameda.

ORAL COMMUNICATIONS, NON-AGENDA

(13-437) Katie Cameron, Alameda, stated neighbors on Bayview Drive are concerned about potential traffic which will be caused by housing at Alameda Point.

(13-438) Spoke in favor of renewing the Joint Use Agreement with the School District for the pools: Karina Li; Maria Clavin; Alexis Jimenez, Alameda; Laura Fornshell, Alameda; Maddy Delore, Alameda; Rebecca Krause, Alameda; Catherine Boles; Emily Tran; William Ardourel; and Emma Pixton.

CONSENT CALENDAR

Mayor Gilmore announced that the Automated License Plate Equipment [paragraph no. 13-442]; the Anchor Engineering Contract [paragraph no. 13-443]; and the Resolution Amending the Executive Management Compensation Plan [paragraph no. 13-445] were removed from the Consent Calendar for discussion.

Councilmember Tam 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.]

(*13-439) Minutes of the Special and Regular City Council Meetings Held on September 3, 2013. Approved.

(*13-440) Ratified bills in the amount of \$1,542,988.69.

(*13-441) Recommendation to Approve an Increase in Service Levels for the Alameda Fire Department's Basic Life Support Ambulance Transport Pilot Program by Authorizing the City Manager, or his Designee, to Lease One Additional Ambulance and Hire Additional Emergency Medical Technicians. Accepted.

(13-442) Recommendation to Authorize the Alameda Police Department (APD) to

Pursue Grant Funding Sources for the Purchase and Implementation of Automated License Plate Recognition Equipment.

Councilmember Tam requested the Interim Police Chief to address community questions regarding the License Plate Recognition (LPR) equipment, including what LPR's can and cannot do, how data will be used, and who has the legal right to have access to the data.

The Interim Police Chief stated LPR's take a digital photograph of a vehicle's license plate, whether parked or moving, generally within 40 feet of the patrol car on which the LPR unit is mounted; a computer algorithm turns the scanned photo data into computer data; data is sent to a system that checks whether vehicles are stolen, plates are stolen or lost, or belongs to a person with a warrant; if there is a hit, the officer will take appropriate enforcement action; the LPR does not see through walls or into vehicles, or intentionally take photographs of anyone; the main purpose is to determine if a vehicle is in the system and related to a criminal investigation; further stated the City's policy regarding access to the data would be close or in exact alignment with the Northern California Regional Intelligence Center's (NCRIC) policy; there would be very specific criteria for access to the LPR data; he understands the concern about data being stored for vehicles not involved in criminal activity.

Vice Mayor Ezzy Ashcraft inquired what are penalties for misuse of the data, to which the Interim Police Chief responded that NCRIC's policy for misuse of data includes anything up to, and including, termination or suspension of APD's access to the database; stated the APD will treat access similar to criminal records; there is a right to know and a need to know; penalties for misusing the system are considered criminal in California.

Councilmember Tam inquired whether sworn officers would be pulled from other enforcements duties when an alert comes through, to which the Interim Police Chief responded in the negative; stated if a hit comes through, enforcement action is an officer's normal duty.

Councilmember Tam requested the Interim Police Chief provide a snapshot of the LPR beta testing.

The Interim Police Chief stated one patrol car has two cameras; the beta test started on September 18th; to date, 97,000 license plates have been scanned; the patrol care has not been continually in service; the number of scans is based on partial usage; from 97,000 plates there were 85 hits, which may include duplicates; to demonstrate the value of the LPR, on the second day of the beta testing, a photo was of the front license plate which showed the vehicle was stolen; the rear license plate was also stolen and different than the front plate; after a short pursuit, the suspect discarded a firearm from the vehicle; the pursuit was dangerous and did not continue, but a crime was probably thwarted because of the LPR hit; the LPR is an enforcement aid and investigative tool.

Councilmember Chen inquired if a policy protects or encrypts the data that goes to NCRIC, to which the Interim Police Chief responded that he does not know whether NCRIC has a policy to encrypt the data; NCRIC servers are in a very secure location, where the National Law Enforcement Telecommunication System is also stored; if there is further discussion, he would ask a NCRIC representative to address the matter.

Councilmember Chen inquired whether the data transferred to NCRIC is shared with other law enforcement agencies, to which the Interim Police Chief responded in the affirmative.

Councilmember Chen inquired whether certain parameters or criteria can be set above and beyond what NCRIC sets forth, to which the Interim Police Chief responded in the affirmative.

Councilmember Chen inquired how the City will ensure citizens' right to privacy is secure, and whether an annual or bi-annual audit is be done to ensure NCRIC is complying with policies.

The Interim Police Chief responded NCRIC's audit policy is once a year; stated each agency's access to the system is audited; the audit trail includes the name of the requesting officer, the date the data was requested, and the specific purpose for which it was requested.

Councilmember Chen inquired how long the data will be retained, to which the Interim Police Chief responded that he would like to align Alameda's retention policy with NCRIC's retention policy which is 12 months; cited an example of using the data as an investigative tool, which favors longer retention.

Councilmember Chen inquired if access to the data is focused on criminal activity, to which the Interim Police Chief responded in the affirmative; stated criminal investigations are the exclusive reason for access to the data; the APD does not consider failure to pay child support, a cheating spouse, or whether a citizen is visiting a massage parlor as criminal.

Mayor Gilmore inquired if the system was hacked, how the hacker would translate the license plate data into information about who owns the vehicle.

The Interim Police Chief responded the LPR is only interested in a plate that is lost, stolen, or attached to criminal activity; information about the registered owner is not provided; owner identity and information is stored separately in the DMV system; the hacker would have to hack into the DMV system to find identifying information about the registered owner; further stated APD and all other law enforcement agencies historically have always had access to registered owner information, even before the LPR technology; the LPR would inform the officer in five seconds if the vehicle is wanted, but will not provide owner date; for the innocent, non-criminal vast majority of the public, cars are invisible because there is no criminal activity attached to them.

Vice Mayor Ezzy Ashcraft stated she would be more comfortable if the recommendation was bifurcated; she has no issue with seeking funding, but would like to see a draft policy from the APD before voting to implement the LPR system.

Urged that the data be retained for much less than 12 months: Richard Hausman, Alameda.

Discussed a case which he worked on that manually tracked license plates; urged approval of the staff recommendation: Michael Robles-Wong, Alameda.

Expressed concern about the data which would be collected: Donna Eyestone, Alameda.

Urged the policy be made publically available and posed questions about the program: Adam Gillitt, Alameda.

Questioned the need for the equipment and discussed her truck: Carol Gottstein, Alameda.

Councilmember Tam moved approval of authorizing pursuing grant funding.

Vice Mayor Ezzy Ashcraft inquired whether the motion is to have a policy brought back to Council, to which Councilmember Tam responded in the affirmative.

Vice Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Gilmore stated the Council is bifurcating the recommendation and is authorizing pursuing grant funds tonight; another public hearing will take place to discuss a draft LPR policy at which point the concerns of the public could be addressed.

Councilmember Chen inquired whether the policy would give immigration access to the data.

The Interim Police Chief responded that he does not know the immigration policy; stated he would look into the matter and provide an answer; the NCRIC shares data with the participating agencies, including the Federal Government.

Councilmember Daysog discussed crime on the West End, specifically the Bayport neighborhood; stated APD should be armed with the latest technology and best equipment.

The City Manager stated there will be a town hall meeting for the public to attend and discuss LPR issues and retention policy before the matter returns to Council.

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

(13-443) Recommendation to Amend the Consultant Contract in the Amount of \$110,000 to Anchor Engineering for Inspection Services Related to the Alameda Landing Development.

The Assistant Engineer gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired why the original amount is being exceeded.

The Assistant Engineer responded an additional inspector was needed to meet the opening date of the Target Store and for backbone infrastructure; stated the City will be reimbursed by Catellus.

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Councilmember Tam left the dais at 9:09 p.m. and returned at 9:11 p.m.

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Vice Mayor Ezzy Ashcraft moved approval of the staff recommendation.

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

(*13-444) Recommendation to Accept the Work of Rosas Brothers Construction for Repair of Portland Cement Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, Fiscal Year 2012-13, Phase 13, No. P.W. 04-12-08. Accepted.

(13-445) Resolution No. 14863, “Amending the City of Alameda Executive Management (EXME) Compensation Plan to Include Finance Director, and Amending the EXME Salary Schedule to Establish the Finance Director Salary Range and Modify the Chief of Police and Fire Chief Salary Ranges.” Adopted.

The Interim Human Resources Manager gave a brief presentation.

Councilmember Chen stated that he would like the language of the resolution to be amended to reflect that compaction issues should be brought back to the Council.

The Interim Human Resources Manager responded future salary increases have already been negotiated and scheduled.

Councilmember Chen moved adoption of the resolution.

Councilmember Tam seconded the motion.

Under discussion, the City Clerk noted a revised resolution was provided; inquired whether the motion is to adopt the revised resolution.

Councilmembers Chen and Tam responded in the affirmative.

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

REGULAR AGENDA ITEMS

(13-446) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter 2 (Administration) Article II (Boards and Commissions) by Repealing Section 2-15; Amending Section 2-19.2(A), to Dissolve the Economic Development Commission and to Revise the Membership of the Commission on Disability Issues. Introduced.

The Interim Community Development Director gave a brief presentation.

Vice Mayor Ezzy Aschraft inquired whether the Community Development Department still has a budget for business recruitment activities, to which the Interim Community Development Director responded in the affirmative; stated the department has also booked the Mayor for the business visitation program.

In response to Vice Mayor Ezzy Ashcraft's inquiry, the Interim Community Development Director stated a consultant was hired to assist the City with retail recruitment.

Mayor Gilmore discussed the symbiotic relationship between the City and existing business community, which helps bring more business to Alameda.

Councilmember Daysog stated that he supports the changes to the Economic Development Commission and the creation of the Mayor's Economic Development Advisory Panel.

Councilmember Chen inquired about the EDC members, to which the Interim Community Development Director responded there are three members and four vacancies.

Councilmember Chen inquired which industries the members represent.

The Interim Community Development Director responded banking and finance, real estate, construction, maritime industries, and two at-large seats.

Councilmember Chen stated he would like to see a liaison between the City and the Chamber of Commerce Government Relations Economic Development Committee (GREDC) which would not utilize so much staff time.

Mayor Gilmore stated if affiliated with the City, the GREDC would be subject to the Sunshine Ordinance and every meeting would have to be publicly noticed.

Councilmember Chen stated that he would like staff to open the dialogue with the Committee to find out whether or not they want to be affiliated with the City.

Vice Mayor Ezzy Ashcraft stated a committee trying to recruit a business is not the sort of negotiation which should be public.

Councilmember Chen stated that he was thinking about small business issues, such as retention and expansion; there should be a go-between for small business owners that does not eat up a lot of staff time; he is not comfortable with dissolving the EDC completely.

The Interim Community Development Director stated that she took staff recommendation to the GREDC twice; the recommendation was endorsed by the GREDC; did not discuss wanting to take on duties; the Chamber Board of Directors endorsed staff's recommendation with one modification: that the Mayor consider a Chamber representative when appointing the Economic Development Advisory Panel; from staff's perspective there is that liaison with the Chamber Committee.

The Assistant City Manager noted staffing changes coming forward will address economic development issues Councilmember Chen is concerned about.

Stated the Chamber endorses the staff recommendation and requests that a Chamber representative be considered: Kari Thomson, President, Alameda Chamber of Commerce.

Stated that he supports staff recommendation to dissolve the EDC and creation of the Mayor's Panel: Jeff Cambra, Chair, GREDC.

Vice Mayor Ezzy Ashcraft moved introduction of the ordinance.

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

(13-447) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease Amendment with GFC Moving and Storage, Inc. dba All City Moving North American Van Lines, for Two Years in Building 170 Located at 1770 Viking Street at Alameda Point. Introduced.

The Economic Development Division Manager gave a brief presentation.

Vice Mayor Ezzy Ashcraft moved introduction of the ordinance.

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

(13-448) 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. Not heard.

CITY MANAGER COMMUNICATIONS

(13-449) The City Manager announced a public forum would be held on Sunday October 13, from 1:00-3:00 p.m. at the Main Library to address health care reform.

ORAL COMMUNICATIONS, NON-AGENDA

(13-450) Spoke in favor of renewing the Joint Use Agreement with the School District for the pools: Mary McGrath, Alameda; James Pixton, Charles Lucson, Islanders; Bob Radecke, Alameda Island Aquatics and Encinal High Swim Team; Tim and Annie Connors, Alameda Aquatics Swimmer; Linda Gilchrist, Alameda;; Kyle Baldie, Alameda; Don Krause, Alameda.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(13-451) Vice Mayor Ezzy Ashcraft announced that she and the Mayor attended a groundbreaking for the Walgreens on Park Street.

(13-452) Councilmember Daysog suggested that the City establish two committees or commissions to address: 1) budget advisory and 2) streets and sidewalks.

(13-453) Councilmember Chen read a letter he wrote to the Fire Department.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:19 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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