

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 6, 2011- -7:00 P.M.

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

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

Absent: None.

AGENDA CHANGES

(11-409) Mayor Gilmore announced that the proclamations honoring Dr. Challen [paragraph no. 11-410] and declaring September 17 as Coastal Clean Up Day [paragraph no. 11-411] would be addressed prior to the Housing Authority Board of Commissioners meeting.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-410) Proclamation Honoring Dr. Alice Challen.

Mayor Gilmore read and presented the proclamation to Dr. Challen.

Proponents (In Favor of Proclamation): Jean Sweeney, Alameda; and Gretchen Lipow, Alameda.

Dr. Challen made brief comments.

(11-411) Proclamation Declaring September 17 as Coastal Clean Up Day 2011.

Mayor Gilmore read and presented the proclamation to Doug Siden and Sharol Nelson-Embry, East Bay Regional Park District.

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Mayor Gilmore called a recess at 7:23 p.m. to convene the Housing Authority Board of Commissioners meeting and reconvened the meeting at 8:03 p.m.

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(11-412) Board Referral Regarding Deferred Maintenance at the Historic Municipal Garage Behind City Hall.

Dennis Owens, Historical Advisory Board Chair, gave a brief presentation.

Proponent (In Favor of Board Recommendation): Christopher Buckley, Alameda Architectural Preservation Society (AAPS).

The Public Works Director gave a brief presentation.

Mayor Gilmore stated building deterioration would accelerate if water is not kept away from the garage.

Councilmember Johnson stated prioritizing limited resources is the issue; efforts should be made to limit deterioration from the elements; inquired whether a facility status report has been done.

The Public Works Director responded a spreadsheet has been prepared for every building to determine costs for establishing a sinking fund; stated over \$2 million per year should be allocated to the fund.

Councilmember Johnson stated that she does not recall a spreadsheet coming back to Council, to which the Public Works Director stated a matrix has been created.

Councilmember Johnson stated the matrix should come back for Council to see what it would cost to maintain the City's assets; the thought behind doing an analysis is to determine what the City can afford and whether to keep some of the assets.

The City Manager stated staff would fold the matrix into the budget session on October 25th.

Councilmember deHaan stated the City still has office space at Alameda Point, which will be vacated eventually; inquired whether the municipal garage could be utilized as office space.

The Public Works Director responded that he has not looked at using the garage; stated the garage is being utilized for police motorcycles, electric vehicles, and police evidence; providing enough space for people would be a stretch; a previous Public Works Director looked into the matter and found that having fifteen engineers in the garage would be tight.

Councilmember deHaan stated the garage will always be there and should be maintained.

The Public Works Director stated that he is committed to annual maintenance but not enhancements.

Councilmember Tam stated that she recalls a discussion regarding the ability to secure grant funding for historic buildings such as the Veterans Building; inquired whether grant funding would be available and whether the City has actively sought and successfully secured grant funding.

The Public Works Director responded the City received a grant for retrofitting City Hall and the Carnegie Building; Jean Sweeney has looked into funding for the Veterans

Building, but funding is not available; Community Development staff has been looking to see if grants would be available for the garage; that he is not sure what was discovered.

Councilmember Tam noted the roof of the Meyers House needs replacing; improved plumbing would be very costly; stated Council has to establish priorities.

Vice Mayor Bonta thanked Mr. Owens, the Historical Advisory Board, and AAPS for sharing concerns; stated that he agrees that issues of critical importance need to be addressed; issues need to be reviewed in full context of deferred maintenance needs.

ORAL COMMUNICATIONS, NON-AGENDA

(11-413) Mary Johnson, Alameda, discussed establishing smoking regulations in shared living spaces, such as apartments.

In response to Mayor Gilmore's inquiry about the forthcoming regulations, the Assistant City Manager stated the ordinance would be presented to Council sometime in the next month.

CONSENT CALENDAR

Councilmember Tam moved approval of the Consent Calendar.

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

(*11-414) Minutes of the Special City Council Meeting held on July 12, 2011, the Special and Regular City Council Meetings Held on July 19, 2011, and the Special City Council Meeting Held on July 30, 2011. Approved.

(*11-415) Ratified bills in the amount of \$11,638,975.86.

(*11-416) Recommendation to Accept the Work of Roto Rooter for Citywide Sewer Main Video Inspection, Phase 3, No. P.W. 02-10-08. Accepted.

(*11-417) Recommendation to Award Contract in the Amount of \$3,442,755, Including Contingencies, to Ranger Pipelines, Inc. for the Cyclic Sewer Replacement Project, Phase 9, No. P.W. 03-11-05. Accepted.

(*11-418) Recommendation to Award Contract in the Amount of \$270,014, Including Contingencies, to Sport Court Tennis for Rehabilitation of Tennis Courts (Various Locations), No. P.W. 05-11-10. Accepted.

(*11-419) Recommendation to Approve a Consultant Agreement for \$23,830 with Thunderbird Communications, Inc. for the City of Alameda's Pump Stations System

Control and Data Acquisition Equipment. Accepted.

(*11-420) Resolution No. 14615, "Authorizing the City Manager to Submit a Grant Application for \$328,092 to TransForm for the Cycle 4 Safe Routes to Transit Program and to Execute All Necessary Documents." Adopted.

(*11-421) Introduction of Ordinance Authorizing the Execution of Lease of Real Property between the City, as Lessor, and Alameda Swimming Pool Association, as Lessee, for Swimming Pool Facilities at Lincoln and Franklin Parks. Introduced.

REGULAR AGENDA ITEMS

None.

CITY MANAGER COMMUNICATIONS

(11-422) Update on Upcoming Public Workshops to Address: Labor Negotiations, the Independent Report on Crown Beach Incident and the Budget

The City Manager and City Attorney gave a brief presentation on workshops that would be held on September 27th, October 11th, and October 25th.

Mayor Gilmore inquired whether current Memorandum of Understandings (MOU's) would be available to the public.

The Assistant City Manager responded all MOU's are available on the City's website under the Human Resources section; stated copies could be provided.

The Acting City Attorney stated negotiations would involve four bargaining groups.

Councilmember Johnson inquired whether the contracts have side letters.

The Assistant City Manager responded that she will double check; stated some MOU's would incorporate language rather than having two separate documents.

Councilmember Johnson stated side letters and past practices should be addressed.

The City Manager stated that staff is aware of Council's concern with the number of side letters; side letters would be limited in the future.

The Acting City Attorney noted the upcoming Fire Management MOU would have zero side letters.

The City Manager continued the presentation.

The Assistant City Manager stated on October 25th, staff would present a report on how

the last fiscal year budget ended; staff does not want to direct the conversation but would like to open it up to Council and community comments.

Councilmember deHaan inquired whether staff would provide a first quarter review, to which the Assistant City Manager responded staff would provide whatever information is available.

(11-423) Introduction of New Community Development Director

The City Manager introduced the Community Development Director.

The Community Development Director stated that she looks forward to working in Alameda and thanked Council for the opportunity to be part of the team.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(11-424) Discussion of Confidentiality of Applicants During Recruitments.

Councilmember deHaan made brief comments.

Mayor Gilmore stated that she is unclear on the concept of Councilmember deHaan's referral.

Councilmember deHaan stated that he is asking Council to recommit to upholding the confidentiality of what is done in Closed Session and the selection process.

Councilmember Johnson stated that she is offended that Councilmember deHaan is saying that Council is not committed.

Mayor Gilmore questioned why a recommitment is necessary; stated Council has affirmed to keep to the strictest dictates of confidentiality; stated that she is unclear why Council needs to recommit to something that is already being done.

Councilmember deHaan inquired whether there was a breach.

Mayor Gilmore inquired on which occasion, to which Councilmember deHaan responded the most recent occasion.

Mayor Gilmore requested that the Human Resources Director explain the [recruitment] process.

The Human Resources Director stated the Human Resources Department keeps

confidentiality for all City positions; applicants apply through the website or regular mailing; all Human Resources employees understand information cannot be public; applicants may also apply directly through Human Resources email; for the recent City Attorney position, many applicants applied through the email process; information was downloaded and a file was created for Council; resumes were copied and a notebook was prepared for the Mayor's office for Council; no one was provided with a list of applicants; that she advised the media that applicant information is not public and cannot be released; the Council Sub-committee narrowed the applicants down to a smaller group for interviews; confidentiality was kept between the two Sub-committee members, herself, and another staff person who helped prepare a letter and documents for the applicants; the applicants were initially called and then a letter was sent stating that although staff would like to maintain confidentiality, staff cannot always guarantee it because a public meeting would need to be posted; the public would have the opportunity to attend the meeting and see the candidates; the list was narrowed down again for a second interview; that she was the only one in Human Resources that knew who the candidates were for the second round of interviews; she advised the candidates once again regarding the confidentiality issue; the City has no way of preventing candidates from releasing their own names if they choose to do so.

Councilmember deHaan stated that he would leave the issue at that; staff did exactly what needed to be done; concerns have been expressed by the Mayor and others; a recommitment is needed at this time.

Councilmember Johnson stated that she is still bothered; Councilmember deHaan's comments are vague and ambiguous; Councilmember deHaan is accusing Council of leaking information; Council was very disturbed that information was leaked; that she is offended that Councilmember deHaan is accusing four Councilmembers of leaking information.

Councilmember deHaan stated that Mayor Gilmore accused him of leaking information.

Mayor Gilmore stated that she addressed Councilmember deHaan directly.

Councilmember deHaan stated accusations were made without any foundation.

Mayor Gilmore stated that she gave Councilmember deHaan the courtesy of saying what she thought, listening to what Councilmember deHaan had to say, and apologizing if she was wrong the same day.

Councilmember Tam stated in both instances [City Manager and City Attorney recruitment] potential candidates made a declaration and solicited letters of support from the community, which is part of the public record; suggesting that a Councilmember provided information is not accurate.

COUNCIL COMMUNICATIONS

(11-425) Consideration of Mayor's Nomination for Appointment to the Civil Service Board.

Mayor Gilmore nominated Marguerite M. Malloy.

ADJOURNMENT

There being no further business, Mayor Gilmore convened the meeting at 8:50 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
TUESDAY- -SEPTEMBER 6, 2011- -6:30 P.M.

Mayor Gilmore convened the meeting at 6:35 p.m.

Roll Call – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(11-408) Conference with Labor Negotiators (54957.6); Agency Negotiators: Human Resources Director and Joe Wiley; Employee Organizations: Alameda Fire Management Association.

Following the Closed Session, the meeting reconvened and Mayor Gilmore announced that the Labor Negotiator explained the status of negotiations with the Alameda Fire Management Association; the City Council provided direction.

Adjournment

There being no further business, Mayor Gilmore adjourned the Special Meeting at 6:50 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- -SEPTEMBER 6, 2011- -7:01 P.M.

Mayor/Chair Gilmore convened the meeting at 9:08 p.m.

ROLL CALL - Present: Councilmembers/Commissioners Bonta, deHaan, Johnson, Tam and Mayor/Chair Gilmore – 5.

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

MINUTES

(11-034 CIC) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority and CIC Meeting Held on June 28, 2011; and the Special Joint City Council and CIC Meeting Held on July 5, 2011. Approved.

Commissioner Tam moved approval of the minutes.

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

AGENDA ITEM

(*11-426 CC/*11-035 CIC) Recommendation to Appropriate \$237,113 from Community Improvement Commission West End Community Improvement Project Bond Funds, \$83,416 in Capital Project Fund, \$47,000 from Paying In-Lieu Fees, and \$130,000 from the Parking Meter Fund and Award a Contract in the Amount of \$1,476,583, Including Contingencies, to Suarez & Munoz Construction, Inc. for Park Street Streetscape, Lincoln Avenue to Webb Avenue, and Central Avenue to San Jose Avenue, No. P.W. 10-09-30.

The Public Works Director stated tonight's action only requires Council approval; the Streetscape Project was listed in the official statement when redevelopment bonds were issued in 2003 and was also included in the public improvement reimbursement agreement that was executed between the City and CIC in February of this year; a CIC vote would be redundant; the project is consistent with the enforceable obligation payment schedule that would be addressed at the following CIC meeting; in light of the uncertainty created by the pending redevelopment case before the Supreme Court and the potential for further changes to redevelopment law Statewide, staff is requesting that

Council authorize staff to have some flexibility to substitute other specified funds such as Measure B, gas tax, and other non-General Fund transportation related funds should CIC bond money not be available.

Proponent (In Favor of Staff Recommendation): Robb Ratto, Park Street Business Association.

In response to Councilmember deHaan's inquiry, the Public Works Director stated work would be done in the area from Tilden Way to San Jose Avenue.

Councilmember deHaan stated a third phase would need to be done at a later date.

The Public Works Director stated a third phase would be part of the North of Lincoln Project.

Vice Mayor Bonta moved approval of the staff recommendation with amendments [Council action only and authorizing staff to have some flexibility to substitute other specified funds such as Measure B, gas tax, and other non-General Fund transportation related funds should CIC bond money not be available].

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

In response to Councilmember Johnson's inquiry, the Public Works Director stated lights have been ordered and should be delivered by late September; installing lights before the holidays would depend upon the weather.

ADJOURNMENT

There being no further business, Mayor/Chair Gilmore adjourned the meeting at 9:12 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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