

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JULY 19, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:05 p.m. Councilmember Johnson led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-382) Presentation by the Park Street Business Association on the 27<sup>th</sup> Annual Art and Wine Faire.

Robb Ratto, Park Street Business Association (PSBA), presented glasses to the Council.

ORAL COMMUNICATIONS, NON-AGENDA

(11-383) Dennis Carol, Alameda, expressed his concern with the Crown Memorial Beach incident and the political organization of the Fire Department.

(11-384) Jeannie D'Amato, Alameda; Leslie Gomez, Alameda; and former Councilmember Tony Daysog discussed District 31 undergrounding.

Mayor Gilmore requested the Assistant City Manager to follow up with the Alameda Municipal Power (AMP) General Manager regarding the undergrounding issue; stated another public meeting is in order.

The Assistant City Manager stated that she spoke to the AMP General Manager earlier this evening; a Public Utilities Board meeting was held last night; another meeting is scheduled for August 15<sup>th</sup>.

(11-385) Kathy Moehring, Alameda, stated Angela's Restaurant provided Christmas meals to the public last year; Angela's is having a fund raiser this Saturday; invited Council to the event.

(11-386) Jon Spangler, Alameda, stated a ribbon cutting and inauguration for the Estuary Crossing shuttle from Alameda to Oakland will be held on August 15<sup>th</sup>.

## CONSENT CALENDAR

Mayor Gilmore announced that the Plans and Specifications for Bids for Rehabilitation of Tennis Courts [paragraph no. 11-394], the Amendment to the Ambulance and Paramedic Provider Agreement [paragraph no. 11-395], the Resolution Approving a Revised Memorandum of Understanding with the Alameda Police Officers Association [paragraph no. 11-397], the Resolution Affirming Support for the 34<sup>th</sup> America's Cup [paragraph no. 11-399], and the Resolution Authorizing Open Market Contract with Yamaha Corporation [paragraph no. 11-400] were removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

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

(\*11-387) Minutes of the Special City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission Meeting held on June 28, 2011; and the Special Joint City Council, Community Improvement Commission and Housing Authority Board of Commissioners Meeting and Special and Regular City Council Meetings held on July 5, 2011. Approved.

(\*11-388) Ratified bills in the amount of \$2,302,430.39.

(\*11-389) Recommendation to Award Contract in the Amount of \$432,200, Including Contingencies, to Gallagher & Burk, Inc. for Parking Rehabilitation of the Main Street and Harbor Bay Ferry Terminals, No. P.W. 05-11-14. Accepted.

(\*11-390) Recommendation to Award Contract in the Amount of \$79,474, Including Contingencies, to Republic Intelligent Transportation Services to Remove / Replace LED Signals for Traffic and Pedestrian Signal Heads/Indicators in the City of Alameda, No. P.W. 04-11-08. Accepted.

(\*11-391) Recommendation to Award a Contract in the Amount of \$146,912, Including Contingencies, to Robert C. Terry, DBA Comfort Air Mechanical Systems, for the Annual Heating, Ventilating, and Air Conditioning Systems Maintenance in Various City Facilities, No. P.W. 06-20-28. Accepted.

(\*11-392) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Upgrade of the City of Alameda Sewer Pump Stations, Phase 3: Bay Farm Island Pump Station Rehabilitation, No. P.W. 12-10-35, and Standardize Equipment for Specific Major Components for All City of Alameda Sewer Pump Stations. Accepted.

(\*11-393) Recommendation to Authorize the Purchase of Holophane Streetlights for the

Park Street Streetscape, Lincoln Avenue to Webb Avenue, and Central Avenue to San Jose Avenue, No. P.W. 10-09-30 Project from W.W. Grainger, Inc. in the Amount of \$350,000, Including Contingencies, and Authorize the City Manager to Execute All Necessary Documents. Accepted.

(11-394) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Rehabilitation of Tennis Courts (Various Locations), No. P.W. 05-11-10.

The City Engineer gave a brief presentation.

Councilmember deHaan inquired what is the estimate for the project.

The City Engineer responded \$350,000 has been allocated; stated Leydecker Park would be resurfaced with a new floating surface; Lower Washington Park and Krusi Park would be repaired by placing wide fiber tape over the surface.

Vice Mayor Bonta inquired why Leydecker Park would receive different treatment and why Krusi Park improvements would be included if sufficient funds are available.

The City Engineer responded the Recreation and Parks Department selected Leydecker Park for the premium court installation; stated that Krusi Park needs less repair.

The Assistant City Manager stated the Recreation Commission and staff went through a prioritization process.

Councilmember Tam stated Measure WW bond criteria requires that an improvement lasts 25 years.

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Councilmember deHaan left the dais at 7:25 p.m. and returned at 7:26 p.m.

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Councilmember Johnson moved approval of the staff recommendation.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

(11-395) Recommendation to Authorize the City Manager to Execute an Amendment to the City of Alameda Ambulance and Paramedic Provider Agreement with Alameda County, and Receive an Update on Related Legislation.

Councilmember Tam inquired why Section 2.4 of the 1999 Agreement is not in the 2010 Agreement.

The Interim Fire Chief responded Section 2.4 dealt with non-emergency transports between nursing homes and hospitals; stated the language was put in the 1999 Agreement because the County offered the City the opportunity to help off set operating

costs once the system was built out; that he does not know why the language has been left out of the 2010 Agreement; the former Acting Fire Chief was advised by the former Interim City Manager that the County did not have the authority to grant the City the Exclusive Operating Areas (EOA) for non-emergency transports; getting the EOA back into the 2010 Agreement would depend on negotiations with the County.

The Acting City Attorney stated the City would discuss adding the language back with the County; the County's Deputy Counsel has advised her that the language was not appropriate for the Agreement.

Vice Mayor Bonta inquired whether the City received anything of value in return when Section 2.4 was removed, to which the Interim Fire Chief responded nothing that he can find.

Councilmember Johnson inquired what would be the practical impact if the City provided all non-emergency transports.

The Interim Fire Chief responded the City would have the opportunity to review several options for providing inter-facility, non-emergency transport; stated the Fire Department could be used as part of the transport system; others could be hired to provide the service or a contract could be provided to an ambulance provider that is already in business for a portion of the fees.

Councilmember Johnson questioned whether having Alameda Hospital pay an ambulance fee to the City would be reasonable.

Councilmember deHaan stated when fee schedules were discussed about ten months ago; the former Acting Fire Chief did not feel that the Fire Department should transport patients from one hospital to another.

Councilmember Tam stated the December 7, 2010 minutes note that the former Acting Fire Chief discussed the importance of having the EOA in order to be a provider of emergency ambulance and advanced life support services; read what Section 2.4 stated; stated an EOA is something the County can clearly do; the City has not requested an EOA in the past; the City does not have the EOA option because the section is not in the 2010 Agreement.

The Assistant City Manager stated the December 7<sup>th</sup> staff report discussed advanced life support and emergency services; Section 2.4 addressed non-emergency ambulance transport; people could be picked up from a convalescent hospital and delivered to a doctor's appointment or rehabilitation facility using City personnel or subcontracting out to a private entity and taking a cut as the exclusive provider.

Councilmember Johnson stated the County subcontracts the services, which is a revenue generator.

The Interim Fire Chief stated a former EMS Director developed a report detailing revenues; that he requested the report and would provide it to Council.

Councilmember Johnson inquired whether the Alameda Hospital ambulance is licensed, to which the Interim Fire Chief responded that he does now know.

In response to Councilmember Johnson's inquiry, the Interim Fire Chief stated the County has the right to award contracts and EOA's throughout the County for non-emergency ambulance transports.

Mayor Gilmore stated Council is very interested in adding Section 2.4 language to the Agreement.

Councilmember Tam moved approval of the staff recommendation.

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

(\*11-396) Reject the Sole Bid and Resolution No.14609, "Authorizing Open Market Negotiations of a Contract Pursuant to Section 3-15 of the Alameda City Charter for Park Street Streetscape, Lincoln Avenue to Webb Avenue, and Central Avenue to San Jose Avenue, No. P. W. 10-09-30, Contingent Upon Caltrans Approval of Cost Effectiveness/Public Interest Finding." Adopted.

(11-397) Resolution No. 14610, "Approving a Revised Memorandum of Understanding (MOU) Between the Alameda Police Officers Association and the City of Alameda for the Period Beginning January 3, 2010 and Ending June 29, 2013." Adopted.

The Human Resources Director gave a brief presentation.

Councilmember Johnson inquired whether the MOU is the same as the one approved for the Fire Fighters, to which the Human Resources Director responded in the affirmative.

Mayor Gilmore inquired whether staff had been in negotiations for eighteen months to two years, to which the Human Resources Director responded in the affirmative.

Councilmember Tam stated public safety already pays the entire [employee] PERS contribution; inquired whether public safety would be paying the City's portion.

The Human Resources Director responded public safety would be paying the 2% portion of the City's contribution; stated currently, public safety pays 9% towards pension; the revised MOU would result in public safety paying 11%.

Councilmember Tam inquired whether other cities have public safety pay the full employee and part of the city contribution.

The Human Resources Director responded most public agencies public safety pay some portion of the employee's contribution; a 9% employee contribution is required by State law; however, employers can pay a portion of the employee contribution; many have and continue to do so; years ago, the City opted to have employees pay the 9% employee contribution; under the revised MOU, public safety would still pay the 9% and would pick up 2% of the City's contribution.

Mayor Gilmore stated the City would be breaking new ground in a good way.

In response to Councilmember deHaan's inquiry, the Human Resources Director stated the estimated \$459,000 savings [for future retiree healthcare] would not be immediate.

Councilmember deHaan inquired what would be the savings in the first year, to which the Human Resources Director responded \$3,600 in 2011 and \$20,200 for 2012.

Vice Mayor Bonta inquired whether the Fire MOU has similar savings, to which the Human Resources Director responded in the affirmative.

Vice Mayor Bonta inquired whether the combined savings would be approximately \$1 million per year, to which the Human Resources Director responded in the affirmative.

Vice Mayor Bonta inquired whether the City would be cutting its future public safety healthcare liability in half, to which the Human Resources Director responded almost half by elimination of the City paying spousal coverage.

Councilmember Johnson stated the proposed change would be a very significant structural change; Other Post Employment Benefits (OPEB) have been in place since the early 1990's; this is the first time a significant change would be made.

Mayor Gilmore inquired whether Police Officers have not received a raise in the last six years.

The Human Resources Director responded Police Officers would not receive a raise for six years [going back and] through the term of the MOU.

Councilmember deHaan stated savings would be gradual.

The Human Resources Director stated savings would be realized fairly soon because current public safety employees would be reducing the amount of the current entitled benefit.

Mayor Gilmore stated the negotiating process was not easy for either side; a lot of people think that the City has the power to impose its will on bargaining units, which is not true; once negotiations start, a contract is confidential; going forward, there will be a thirty-day comment period before negotiations start; at a certain point, all proposals are

put on the table; new proposals cannot be put on the table after a certain date.

The Human Resources Director stated both parties have to agree to put new proposals on the table past a certain date; the City Manager would schedule a meeting in September about the open process.

Councilmember deHaan inquired whether all MOU's would be reviewed in September, to which the Human Resources Director responded all MOU's coming up for negotiations.

Councilmember deHaan inquired whether the [Police] MOU would have binding arbitration, to which the Human Resources Director responded the MOU does not have binding interest arbitration.

Councilmember deHaan stated what is done for one union should be done for all.

Councilmember Johnson stated AC Transit has provision for imposing an agreement; AC Transit did so, which went to court; the court required AC Transit to settle at the bargaining table.

Councilmember deHaan discussed his concerns with the impacts on the General Fund budget.

Mayor Gilmore stated pushing for more advantageous terms would have taken a lot longer and long-term structural concessions might not have been realized.

Councilmember Johnson stated wages have not increased since June 2007 and would not be given for two more years; wage erosion has occurred over the last four years; approving the Fire MOU did not end the process; the process is on-going.

Councilmember Tam stated cooperation between the City and unions results in good faith negotiations, unlike what happened with AC Transit [unilaterally imposing an agreement].

Speakers: Red Wetherill, Alameda; and Jon Spangler, Alameda.

Councilmember Johnson moved approval of the staff recommendation.

Councilmember Tam seconded the motion.

Under discussion, Vice Mayor Bonta thanked the Police Officers Association for engaging in a good faith bargaining process, making a commitment to be part of the solution, and helping the City achieve near and long term savings; stated many cities provided wage increases to public safety units within the last six years and then had to roll wages back; public safety would be sustaining a six-year commitment to the City's financial health by not taking any wage increases and decreasing overall compensation

through additional pension contributions.

Councilmember deHaan stated that he strongly supports the Police Officers; sixty-four percent of the Fiscal Year 2012-2013 budget would be one time savings; future obligations have not been addressed.

Mayor Gilmore stated the OPEB liability has almost been cut in half; significant structural changes have been made to take care of future liabilities.

Councilmember Johnson requested that the Human Resources Director explain OPEB changes.

The Human Resources Director stated the OPEB liability would be reduced by approximately \$1 million through the Fire MOU and proposed Police MOU.

Councilmember Johnson stated there are two long-term issues: one is the additional 2% contribution towards the PERS benefit; the other is that the City would be reducing the future cost of OPEB; the \$70 million liability would be brought down and would not accumulate to the extent it has; instead of accumulating a liability for a retired employee and their spouse, the City would be accumulating a liability for the retiree only, which would be significant.

Councilmember deHaan stated the \$75 million liability increased to \$82 million in the last year; in September, everything should be put on the table to understand what needs to be done to weather the storm.

Mayor Gilmore stated Council has acknowledged that the economy will not get better in the next four or five years and that the City is heavily dependant on property tax revenues; Council has opted to discuss issues in September rather than January and has given direction to the City Manager to initiate talks with all bargaining units.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Bonta, Johnson, Tam and Mayor Gilmore – 4. Noes: Councilmember deHaan – 1.

(\*11-398) Resolution No.14611, “Approving a Revised Memorandum of Understanding Between the Alameda Police Managers Association and the City of Alameda for the Period Beginning February 28, 2010 and Ending June 29, 2013.” Adopted.

(11-399) Resolution No. 14612, “Affirming the City’s Support for the 34<sup>th</sup> America’s Cup and the City’s Participation in the Activities Surrounding These Events.” Adopted.

The Business Retention and Attraction Development Manager gave a brief presentation.

Speakers: Leslie Cameron, Bay Ship & Yacht Company; Jack Boeger, AC 34



Committee; and Jim Oddie, AC 34 Committee.

Mayor Gilmore stated the City takes the lead and usually does the planning; the City has no expertise in the America's Cup or maritime industry and would be looking to the speakers for contacts and expertise.

Councilmember deHaan thanked the speakers for all the hard work and interest; stated now is the time to move forward.

Councilmember Johnson stated the old berths near the Hornet should be considered for use.

Councilmember deHaan stated the dredging should be pretty well completed by the time they would be needed.

Ms. Cameron stated clean up has started; expediting the clean up would help.

Councilmember Johnson stated the City should consider renting out berths, which would help pay to make the berths useable.

Mayor Gilmore suggested that the Acting Community Development Director work with the speakers to prioritize the areas that are more important.

The Acting Community Development Director stated that she would be happy to coordinate the effort and talk to the Navy.

Councilmember Johnson stated berthing space would be at a premium; the City should repair the berths as long as the numbers work out.

Mayor Gilmore stated that staff should start moving now in order to project the idea that Alameda is in the game.

Councilmember Tam stated that she was told that Alameda has approximately 1,200 berths; suggested working on marketing and reviewing other items that might require capital.

Councilmember deHaan stated some of the berths would be for visitors; teams do not like to be adjacent to competitors; vacant hanger space is available; the Restoration Advisory Board is addressing the [sea plane] lagoon, which could be a resource.

Vice Mayor Bonta thanked everyone for all of the time and commitment; stated opportunities are available to generate revenue for the City; third parties will want to have a clear statement regarding the City's intentions with respect to the American's Cup, which is provided by the proposed resolution that the America's Cup Committee can use while pursuing opportunities; adoption of the resolution is important to move forward.

Vice Mayor Bonta moved adoption of the resolution.

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

(11-400) Resolution No. 14613, “Authorizing the Open Market Contract Between the City of Alameda and Yamaha Corporation Pursuant to Section 3-15 of the Alameda City Charter to Lease 120 Golf Carts in the Amount Not to Exceed \$360,000.” Adopted.

Dino Lazaro, Kemper Sports Golf Shop Manager, gave a brief presentation.

Councilmember deHaan stated golf carts are the number one concern for golfers; periodically, carts need to be leased on weekends when there is a lot of activity; commended staff for pursuing the matter.

Councilmember deHaan moved adoption of the resolution.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam echoed commendations, especially in negotiating to have Yamaha Corporation pick up the \$96,000 in balloon payments from the old lease.

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

(\*11-401) Ordinance No. 3033, “Amending Sections 2-1.1 and 2-1.5 of Article I (The City Council and Meetings of the City Council) of Chapter II (Administration) to Modify the Meeting Time and Deadline for Submission of Matters.” Finally passed.

### REGULAR AGENDA ITEMS

(11-402) Public Hearing to Consider Resolution No. 14614, “Approving Tentative Map 8060 and Density Bonus Application PLN10-0262.” Adopted.

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Vice Mayor Bonta left the dais at 8:41 p.m. and returned at 8:43 p.m. and Councilmember Tam left the dais at 8:42 p.m. and returned at 8:44 p.m.

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The Planning Services Manager gave a Power Point presentation.

Mayor Gilmore inquired when the Bay Conservation Development Commission (BCDC) would become involved.

The Planning Services Manager responded very quickly, stated the many conditions of

approval need to be met; the final map would come back to Council for approval and lots would be recorded once conditions are met; the two acres of open space include a certain amount of land on the northern side which is owned by the Army Corps of Engineers and would require BCDC approval; the proposed resolution requires completion of the park final design and Army Corps of Engineers and BCDC approval before the final map will be approved.

Mayor Gilmore inquired whether the property would be entitled once the final map is approved.

The Planning Services Manager responded the property would be entitled but building permits would not be granted until design review for the architectural and landscape is complete.

Mayor Gilmore stated staff and the community have gone through a lot of work; inquired what would happen if the property owners sell off the property, what type of assurances the City would have that the property would be built the way the City says it should be built, and whether the City would have any rights on how the property could be transferred and to whom; stated that she would not want the property to be transferred and have someone sit on it for five or ten years.

The Acting City Attorney responded Council approved a Settlement Agreement last October; a number of the exhibits are model documents to be used for the project; the property owner would be bound to adhere to Settlement Agreement requirements; assignment provisions would provide protection.

The Planning Services Manager stated 90 plus conditions are part of the map and entitlement which runs with the land; Settlement Agreement commitments and an Environmental Impact Report have been baked into the comprehensive list of conditions; any buyer would know what the expectations would be for the next steps.

Mayor Gilmore requested clarification on the timing.

The Planning Services Manager stated the economy is working against the City; having a Settlement Agreement is advantageous; commitments have been made to financially assist the project with revenue generated by the project, which has a clock; the sale of the land would start the clock; the City's commitment to help financially may expire at a certain point if the land sells and nothing happens; the site has significant blight; there are some significant concerns with building conditions; at a certain point, the City may need to proceed with some type of enforcement action.

The Acting Community Development Director stated the Settlement Agreement has a two-year timeframe for meeting a number of obligations.

Councilmember Tam inquired what would be the assessed value of the transfer tax, to which the Planning Services Manager responded that he is not prepared to answer.

In response to Councilmember Tam's inquiry, the Planning Services Manager responded 21 to 28 of the 182 units would be in a single rental building; stated multi-family units would be affordable and market rate rentals; townhouses and single family homes would be on individual fee, simple lots; Elm Street and Blanding Avenue would be dedicated to the City; the park and open space would remain part of the project and would be built, owned, and maintained by the project; the entire two acres would have a public access easement.

The Acting Community Development Director stated that staff is in real property negotiations with the owner for an Owner Participation Agreement (OPA) to implement financial provisions of the Settlement Agreement; estimated revenues could be provided when staff comes back to Council for the OPA approval.

Mayor Gilmore inquired whether the streets would be dedicated to the City but maintained by the project, to which the Planning Services Manager responded in the affirmative.

Councilmember Johnson requested clarification on obligations that would need to be met in the first two years to trigger the City's financial obligation.

The Acting Community Development Director stated objectives would include tentative map consideration, the OPA, design approvals, and affordable housing agreements; a lot of the obligations would be transferred into the OPA and would have to be met to receive financial assistance.

Councilmember Johnson inquired whether the clock would start running when the property transfers, to which the Planning Services Manager responded in the affirmative; stated or when major improvements start.

Councilmember Johnson inquired what would be the incentive for construction to start.

The Planning Services Manager responded everyone wants to develop a project that could start as soon as possible; stated under the current agreement, less financial help would be available the longer the project sits.

Councilmember Johnson stated stronger incentives should be provided to ensure that the project moves forward.

The Acting Community Development Director stated an outside date could be provided in the OPA in which financial assistance would go away if performance measures have not been met.

Councilmember Johnson requested that staff explore different options; inquired whether remediating the blight has a timeline.

The Planning Services Manager responded not currently; stated the environmental cleanup has started on two-thirds of the property.

Councilmember Johnson stated a phasing schedule should be set for remediating the blight; inquired about the width of Elm Street.

The Planning Services Manager responded there are two lanes in either direction as well as a parking lane.

Councilmember Johnson stated the final design needs to clearly show that the public street leads to a public park, and the street does not look like a driveway; inquired about parking.

The Planning Services Manager responded internal streets would have 42 public parking spaces.

Councilmember Johnson inquired whether houses would have garages, to which the Planning Services Manager responded all but 30 of the 182 units would have a two-car garage.

Councilmember Johnson inquired how public parking would be ensured for park visitors; stated streets surrounding her house are jammed with overflow parking; that she is concerned the same thing would happen.

Mayor Gilmore stated having an elevator or master bedroom on the first floor would be a great alternative for disabled access.

The Planning Services Manager stated alternative floor plans have been integrated into the project design for disabled homebuyers.

In response to Councilmember Johnson's concern about street width, the Public Works Director provided street width information; stated the left side of the intersection has an 8-foot planting area which could be used to reach 28 feet; a condition would have to be added to the resolution.

Mayor Gilmore inquired what is normal street width, to which the Public Works Director responded 36 feet, which includes two parking lanes.

Councilmember Tam inquired whether having streets narrow at the beginning or end of a street would be advantageous to calm traffic.

The Public Works Director responded intersection bulb outs are done for pedestrian safety; middle of the block bulb outs calm traffic.

Phil Banta, Phil Banta & Associates representing Applicant, stated space would be needed for signage announcing the park; bulb outs would hide trash bins; requested

consideration of allowing said items.

In response to Councilmember deHaan's inquiry about the adjacent property road widening, Mr. Banta stated the adjacent property has an easement; widening the road could be done if the self-storage area was ever developed into residential; having two driveways right next to each other creates a pedestrian sidewalk situation that is not easy to resolve; bulb outs are used is to get the center aligned as closely as possible.

The Public Works Director suggested a condition be that the Applicant and City will work together to ensure that the entrance to Elm Street at Clement Avenue looks and appears like a public street and that trash enclosures will be re-examined.

In response to Councilmember deHaan's inquiry, the Planning Services Manager stated the Applicant anticipates 30 of the 182 units having one-car garages.

Councilmember deHaan stated that public parking will be a premium; inquired whether the City would have redevelopment money.

The Planning Services Manager responded a lot depends upon what happens at the State level; stated money would be generated by the project; a small portion would be refunded back to the development for eligible expenses.

The Acting Community Development Director stated the obligation was created with the October 2010 Settlement Agreement before the Governor's proposed budget cuts; the OPA would implement the obligation that the Community Improvement Commission (CIC) already committed to in October.

Councilmember deHaan inquired whether staff foresees any more density bonus projects.

The Planning Services Manager responded north of Park Street has a few sites that might be big enough to qualify; stated Alameda Point and the South Shore Post Office have been discussed.

Speakers: Robb Ratto, PSBA; Marilyn Ezzy Ashcraft, Planning Board; and Karen Bey, Alameda.

Vice Mayor Bonta stated the waterfront access, blight removal, transit-oriented design, and the universal design for buyers with disabilities are all exciting components of the project; inquired what would be the plan for the property owner to sell the property and move the project forward.

The Planning Services Manager responded the City's role is to facilitate redevelopment of a private piece of property, get a project approved, and provide some type of financial assistance incentive down the road; the City has no authority to screen or reject homebuilders.

The Acting Community Development Director stated the Settlement Agreement has provisions regarding assignment or transfer of the rights; the Settlement Agreement states that transferring or assigning rights has to be done with a person or entity who is qualified to build the reduced density alternative; similar provisions would be in the OPA.

Councilmember Johnson stated that she would like to explore ways for putting in a phasing schedule; the City can say that the financial incentives are triggered by the approved map, not when the property is sold or major construction starts; staff should be given direction to ensure the street appears public, not like a private driveway, and to determine how to provide parking for the park; inquired whether a phasing schedule should be established for park improvements.

The Acting City Attorney responded the conditions of approval have a requirement for a phasing schedule at a certain point of time.

The Planning Services Manager stated the conditions of approval also establish specific phasing for the completion of open space and affordable housing.

The Acting City Attorney stated the property owners are already aware that the City has the ability to do some self help in terms of the hazards on the site if postponement occurs.

Councilmember Johnson moved adoption of the resolution with amendments to: 1) explore a phasing schedule, 2) provide financial incentives being triggered by approval of the [final] map, 3) ensure the street has the appearance of a public street, and 4) provide public parking for the park.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember deHaan inquired whether the existing facility would be deconstructed or demolished.

The Planning Services Manager responded current conditions require photo documentation of the demolition-recycling requirement; there is no requirement for a particular deconstruction.

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

(11-403) Ordinance No. 3034, “Urgency Ordinance of the City Council of the City of Alameda, California, Determining It Will Comply with the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Community Improvement Commission of the City of Alameda.” Adopted.

The Housing Department Development Manager and the Acting City Attorney gave a brief presentation.

Mayor Gilmore stated the State passed a budget based upon incredibly rosy income projections; that she is concerned the State will advise cities that payments will not go down but will stay the same or increase when rosy projections do not come true.

The Housing Department Development Manager stated the legislature establishes the formula determining how much cities pay; the formula can be changed in the future.

Speaker: Robb Ratto, PSBA.

Councilmember deHaan inquired what other cities are doing.

The Housing Department Development Manager responded 80% are opting into the program; stated cities that cannot afford to pay are opting out of the program.

Councilmember deHaan moved adoption of the Ordinance.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated the State previously took \$2 million and is now pitting cities against the counties and school districts for no apparent reason other than not being able to meet budgetary goals and obligations.

Vice Mayor Bonta inquired whether Council is being asked to make a one-year commitment tonight.

The Development Services Division Manager responded the commitment would be open-ended and would be an obligation for the City to pay the initial remittance and then annual remittances thereafter as long as the CIC exists.

In response to Vice Mayor Bonta's inquiry, the Housing Department Development Manager stated the agency would be dissolved if the payment is not made due to funds not being available.

Vice Mayor Bonta requested clarification on what the City would receive for \$5.2 million.

The Development Services Division Manager responded the City would be able to acquire and rehabilitate the Islander Hotel; move forward with Alameda Point redevelopment, the Boatworks project, and projects currently in the works could proceed.

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

Mayor Gilmore stated the check should be accompanied by a strongly worded letter



outlining the City's displeasure and listing projects that could have been done within the community.

Councilmember Johnson stated a photocopy of the check should be put in a press release to the media.

#### CITY MANAGER COMMUNICATIONS

None.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(11-404) Mayor Gilmore stated a regional Joint Policy Committee (JPC) is working on strategies for addressing climate change resilience and economic vitality; the JPC is composed of the Association of Bay Area Governments, Bay Area Air Quality Management District, the Metropolitan Transportation Commission and BCDC; the JPC serves as the forum for coordinating policy initiatives among the four agency partners; the JPC's goals in relationship to climate change are reducing regional green house gas emissions and adapting to climate change.

(11-405) Mayor Gilmore thanked the community for participating in the Lawrence Berkeley National Laboratory (LBNL) event; stated that she is proud of the community; the community put its best foot forward and showed enthusiasm and willingness to embrace LBNL; thanked staff and community volunteers who made the event possible.

#### ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:18 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

This agenda was posted in accordance with the Brown Act.

**MINUTES OF THE REGULAR MEETING OF THE  
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY  
TUESDAY, July 19, 2011**

**The meeting convened at 10:19 p.m. with Chair Gilmore presiding.**

**1. ROLL CALL**

Present: Board Members Bonta, deHaan, Johnson, Tam and Chair Gilmore – 5.

Absent: None.

**2. ORAL COMMUNICATIONS, NON-AGENDA (PUBLIC COMMENT)**

None.

**3. CONSENT CALENDAR**

(\*11-056) Approve the Minutes of the Joint City Council, ARRA and Community Improvement Commission Meeting of June 28, 2011.

(\*11-057) Approve the Second Amendment to the Lease with St. George Spirits to Hangar 21 to Allow Qualified Shell Improvements Valued at \$450,000 Over a Three Year Period.

(\*11-058) Authorize the Executive Director to Execute an Amendment to an Agreement with Russell Resources for Environmental Consulting Services for Alameda Point Extending the Term for Four Months and Adding \$94,200 to the Budget.

**Member deHaan pulled item 3-B (St. George Spirits lease) for clarification.**

Member deHaan expressed concern that the ARRA was giving credits toward shell improvements that should be considered 'tenant improvements', since the building can only be used for the current tenant's purposes. Nanette Mocanu, Economic Development Division Manager, explained that staff had the same concerns and discussed the type of uses. The proposed improvements would, in fact, make the buildings more publicly enticing because of the universal improvements, which include the creation of a public spirits alley, larger retail space, beautifying the lawn, and painting the exterior.

**Member Tam moved for approval of the balance of the Consent Calendar. Member Johnson seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]**

**Member deHaan moved for approval of Item 3-B. Vice Chair Bonta seconded the motion, which carried by unanimous voice vote – 5.**

**4. REGULAR AGENDA ITEMS**

(11-059) Presentation on Alameda Point Collaborative Community Planning Process.

The Alameda Point Project Manager introduced Doug Biggs, APC Executive Director, gave a presentation regarding the Collaborative future at Alameda Point and its site planning process.

Chair Gilmore thanked Mr. Biggs for his presentation. Mr. Biggs thanked staff for keeping the APC involved and assisting with the process.

Member Tam appreciated the presentation and inquired whether APC's plan includes integration with the VA project. Mr. Biggs replied that there has been discussion of co-locating synergies regarding some services and housing, and that the APC is trying to be flexible and accommodating. Mr. Biggs doesn't know if anything has been integrated in the VA's EIS, but will look into the matter and report back to the ARRA.

## **5. ORAL REPORTS**

(11-060) Oral Report from Member deHaan, Restoration Advisory Board (RAB) Representative – Highlights of June 2, 2011 RAB Meetings.

Member deHaan reported that RAB member, Richard Banger, discusses the remediation process on his website. On July 16, a tour was conducted to indoctrinate and update the RAB on the sites, activities, and the ongoing efforts of the seaplane lagoon.

## **6. EXECUTIVE DIRECTOR COMMUNICATIONS**

(11-061) Alameda Point Update

The Alameda Point Project Manager discussed new conversations with the Navy and summarized the LBNL opportunity. The last piece of the LBNL submittal will be submitted on the 15<sup>th</sup>, with a consolidated submission due in September. There are site visits scheduled in September. Final notification will be made in November.

Chair Gilmore stated that members of the public have approached the ARRA with lots of enthusiasm, inquiring what else can be done to help. Chair Gilmore inquired how to keep that momentum moving. The Alameda Point Project Manager responded that a new website dedicated to the LBNL process will be launched shortly. It will inform the public on how to stay involved, and will continue to provide updates on the process.

The Alameda Point Project Manager informed the Board that a detailed staff report regarding a No Cost EDC for the proposed LBNL property will be presented to the Board in September. On June 16, staff met with the Navy to consider a No Cost EDC with a number of other terms including considering the Navy wanting us to take more "FOSTable" land (Finding Of Suitability for Transfer). The Alameda Point Project Manager is hoping to present a draft term sheet before the LBNL decision in Nov. Staff has been and will continue to meet with the Navy weekly.

Chair Gilmore expressed concern that the Navy's proposal that the City take more land at no cost begs the question of whether the remaining land gets burdened by the \$108.5m price tag. The Alameda Point Project Manager explained the initial answer is "no". The idea would be to take as much property, either through FOST, and discussing a FOSET (Finding Of Suitability for Early Transfer), potentially finding more property beyond what is FOSTable. That property would all be at no cost to the extent that it stayed within the development envelope plan for the reuse plan. That may not be enough development. At some future date there may be the need to do something different to develop the property.

The EDC MOA would have to be amended to have an enforcement mechanism so that if development exceeded the envelope for the reuse plan, then the Navy would participate in some fashion on the back end.

Member Johnson stated that amending the EDC MOA to include the enforcement mechanism is a good approach. Chair Gilmore agreed and looks forward to the report in September.

Member deHaan stated he was impressed with the unifying voice and turnout of the community for the July 13<sup>th</sup> LBNL support workshop/BBQ.

## **7. ADJOURNMENT**

There being no further business, Chair Gilmore adjourned the meeting at 10:53 p.m.

Respectfully submitted,

Irma Glidden  
ARRA Secretary

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JULY 19, 2011- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:09 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:

(11-379) Public Employment – (54957); Title: City Attorney

(11-380) Conference with Labor Negotiators (54957.6); Agency negotiators: Human Resources Director; Employee organizations: All bargaining units.

(11-381) Conference with Legal Counsel – Existing Litigation; Case Name: Petition for Local Tax Reallocation of the City of Livermore; Account Number: 099-600375, California State Board of Equalization.

Following the Closed Session, the meeting was reconvened and Mayor Gilmore announced that regarding Public Employment, direction was provided to the Human Resources Director regarding City Attorney selection process; regarding Labor, the Human Resources Director brief the City council on negotiations with Alameda Police Officers Association, Alameda Police Management Association, and Alameda Fire Managers Association; regarding Existing Litigation, the Acting City Attorney brief the Council and was given direction.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 6:57 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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