

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MAY 1, 2012- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:39 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

(12-184) The Proclamation for Jimmy Doolittle Day [paragraph no. 12-187] was withdrawn.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(12-185) Proclamation Declaring the Month of May as Older Americans' Month.

Mayor Gilmore read the proclamation and presented it to Joy Pratt, Mastick Senior Center Advisory Board President.

(12-186) Proclamation Declaring May 1, 2012 as Alameda Islanders Soccer Champions' Recognition Day.

Mayor Gilmore read the proclamation and presented it to Peter Holmes, Soccer Club President, Chris Lonsdale, and many players.

(12-187) Proclamation Declaring May 5, 2012 as the First Annual General Jimmy Doolittle Day.

The item was withdrawn.

(12-188) Proclamation Declaring May 10, 2012 as Alameda Bike to Work Day. (Public Works)

Mayor Gilmore read the proclamation and presented it to Bonnie Wehmann and Jeff Cambra, League of Women Voters.

ORAL COMMUNICATIONS, NON-AGENDA

(12-189) Allan Michaan, Antiques By the Bay, Assembly Bill 391 could put the faire out of business; the bill would create requirements that would put sellers out of business; the business pays \$500,000 in rent; urged Council to take a position.

Councilmember Johnson the bill sounds prohibitive; inquired whether it would apply to Craigslist and garage sales, to which Mr. Michaan responded in the affirmative.

Mayor Gilmore inquired whether staff could look into the matter.

The City Manager stated that he is meeting with Mr. Michaan.

The Assistant City Manager stated the matter is not on the legislative list, but the matter could be placed on the May 15th agenda.

(12-190) Trish Spencer, Alameda, stated the ballot question for Measure C does not include the words "30 years;" reviewed where 30 years appears in sample ballot; stated many voters do not read the entire materials; that she cannot support the measure without 30 years; the measure should be withdrawn and placed on the November ballot.

(12-191) Sharan Aminy, Eden I & R, discussed the 2-1-1 program; thank the City for its continued support.

(12-192) Jane Sullwold, Golf Commission, submitted information; stated the Golf Commission voted to award the lease to Greenway.

Councilmember Johnson inquired about the Golf Commission's vote, to which Ms. Sullwold responded the vote was 3 to 2 in favor of Greenway Golf.

Councilmember Johnson questioned whether there was agreement among the golfers or the Golf Commission.

Ms. Sullwold stated noted Commissioner Ray Gaul would have voted for Greenway if more financial information was available.

(12-193) Jon Spangler, Alameda, discussed the Golf Commission public meeting and supports the commission's recommendation

Councilmember deHaan stated that he attended the meeting, which was well done; that he was very impressed with the Golf Commission and the public.

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.]

(*12-194) Minutes of the Special and Regular City Council Meetings Held on April 3, 2012. Approved.

(*12-195) Ratified bills in the amount of \$3,684,521.63.

(*12-196) Recommendation to Authorize Call for Bids for Legal Advertising for Fiscal Year Ending June 30, 2013. Accepted.

(*12-197) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Walnut Street Seawall Repair, No. P. W. 01-12-02. Accepted.

(*12-198) Recommendation to Authorize Expenditure of Up to \$35,030 from the Public Art Fund for Consultant Fees for an Update of the City's Public Art Program. Accepted.

(*12-199) Resolution No.14669, "To Preliminarily Approve the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 19, 2012 - Island City Landscaping and Lighting District 84-2." Adopted.

(*12-200) Resolution No. 14670, "To Preliminarily Approve the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 19, 2012 – Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

(*12-201) Resolution No. 14671, "Authorizing the City Manager to Submit an Application for Measure B Paratransit Funding in the Amount of \$184,000 for Fiscal Year 2012-2013 and to Execute all Necessary Documents." Adopted.

(*12-202) Ordinance No. 3044, "Extending the Agreement Between the City of Alameda and Waste Management of Alameda County Inc. for Solid Waste Disposal Services for a Five-Year Period, Until September 30, 2017." Finally passed.

REGULAR AGENDA ITEMS

(12-203) Public Hearing to Consider Adoption of the FY12-13 Community Development Block Grant/HOME Partnership Investment Program Action Plan and Authorize the City Manager to Negotiate and Execute Related Documents, Agreements, and Modifications.

The Community Development Program Manager gave a brief presentation,

Expressed appreciation for funding for the Midway Shelter and urged approval: Patricia Bidar, Building Futures with Women and Children (BFWC) read a letter from Liz Varela, Executive Director of BFWC, urging council to support staff's recommendation.

Vice Mayor Bonta inquired what principles drove the decision to cut specific programs due to the limited funding this year.

The Community Programs Project Manager responded the main focus was first funding safety net services, which have the highest level of need and includes children and families in danger of homelessness, hunger or violence.

Vice Mayor Bonta inquired whether cuts were not made because programs are not good, rather there was not enough funding, to which the Community Programs Project Manager responded in the affirmative.

Vice Mayor Bonta inquired whether Alternatives in Action (AIA) would fill its budget gaps from other funding sources, of if services would be reduced.

The Community Programs Project Manager responded she does not know if AIA was able to fill the gap; AIA is very successful in fund raising and receives funds from companies like HBO.

Councilmember deHaan moved approval of the staff recommendation.

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

(12-204) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of the Lease with Pacific Shops, Inc for an Initial Term of 25 Years with a 41 Year Option for the Tidelands Property Located along Clement Street between Alameda Marina Drive and Willow Street, Generally Known as Alameda Marina. Introduced.

The Community Development Director gave a brief presentation.

Councilmember Johnson stated that she is glad the agreement mutually benefits both the residents of Alameda and the tenants of the property; inquired what is the current base rent.

The Community Development Director responded \$117,000; stated over five years, the rent expands to include a percentage of other activities on the site.

Councilmember Johnson inquired if the current lease requires capital improvements, to which the Community Development Director responded in the negative.

Mayor Gilmore inquired what triggers the lease extension.

The Community Development Director responded development markers have been designed to ensure there is a development plan; lease extension is important for financing the project.

Vice Mayor Bonta inquired should whether not meeting the conditions is considered a material breach of the lease, to which the City Attorney responded in the affirmative;

stated there would be a breach of the lease and a notice to cure would be issued; if the cure does not happen, the lease would be terminated.

Councilmember Tam inquired what types of improvements, particularly for America's Cup, are being considered by year five.

Tim Kelly, Keyser Marston Associates, responded \$1.5 million is required to be spent in the next 15 years; accelerated and up front improvements are primarily dredging and bulkhead repairs.

Councilmember Johnson stated she is critical of poorly drafted long term leases, but the lease is a model long term lease and is appropriate.

Councilmember deHaan concurred with Councilmember Johnson and commended both parties.

Urged approval of the lease: Leslie Cameron, Bay Ship & Yacht, and Noel Wise, Alameda.

Vice Mayor Bonta inquired if there is a concept for a recreational component or a destination for water access.

The Community Development Director responded as part of the planning process, market conditions will be reviewed and different uses of the site will be considered.

Councilmember Tam moved introduction of the ordinance.

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

CITY MANAGER COMMUNICATIONS

(12-205) The City Manager announced that meeting scheduled for tomorrow night has been moved to May 8th and the budget meeting will be held on May 29th.

ORAL COMMUNICATIONS, NON-AGENDA

(12-206) Michael John Torrey, Alameda, announced that the College of Alameda is hosting a job fair tomorrow.

(12-207) Ray Gaul, Golf Commission, responded to Ms. Sullwold's comments regarding the Golf Commission meeting [paragraph no.12-192]; clarified he would not have voted for Greenway Golf.

(12-208) Jon Spangler, Alameda, invited everyone to attend a bike safety course.

COUNCIL REFERRALS

(12-209) Consider Directing Staff to Analyze the November 2, 2010 Election Campaign Financial Activities Using the Campaign Financial Reform Ordinance Proposed by the Sunshine Task Force and Bring Back the Proposed Ordinance for Council Review and Final Vote.

Councilmember deHaan submitted information and gave a brief presentation.

Mayor Gilmore questioned the point of the first part of the referral directing staff to analyze the November 2010 election; stated there are better uses for the City Attorney's time and resources; several reporters or bloggers have already done analysis.

Councilmember deHaan stated revisiting the 2010 issue is not necessary; urged revisiting the ordinance proposed by the Sunshine Task force.

Vice Mayor Bonta inquired if Councilmember deHaan is withdrawing the first portion of the referral, to which Councilmember deHaan responded in the affirmative.

Councilmember Johnson stated that she supports the concept of campaign finance reform; however disclosure is out of control from a practical standpoint; limiting an individual's campaign does no good when nothing else is limited.

Councilmember deHaan stated the Council should set standards.

Councilmember Johnson stated so much outside money was spent in the 2010 election; inquired how money would be tracked if the top donors are Super Political Action Committees (PACs).

Councilmember deHaan stated the Council has no control over PACs at the local level; efforts are needed at the State and federal level; moving forward would be in the best interest of the community.

Councilmember Johnson stated the Supreme Court has allowed spending by outside organizations.

In response to Councilmember deHaan, Councilmember Johnson stated that she agrees with the concept 100%; campaigns are out of control; until the [PAC] issue is resolved, candidates having the only campaigns with limits does no good.

Councilmember deHaan stated other cities in Bay Area have already adopted limits.

Councilmember Johnson stated limits were adopted before the Supreme Court decision; outside spending needs to be controlled; the larger issue needs to be addressed.

Mayor Gilmore stated that she agrees with the concept of campaign finance reform, but sees it as very elitist; people who can self-fund campaigns and write their own checks, are much more advantaged because they do not have limits; people who cannot self-fund cannot afford to run are capped by the proposed ordinance; the ordinance is additional barrier for people running for office; only the rich, retired people will end up running for council; other cities with campaign finance ordinances provide public financing; stated she has a problem with limiting working families in Alameda, such as union members, teamsters, grocery workers, who voluntarily contribute part of their paychecks to unions to have a voice in the democratic process; individually, said people do not have money to make their voices heard; the 99% are involved in the democratic process and would be silenced by limiting contributions.

Councilmember deHaan disagreed; stated each individual has the opportunity to donate up to the limit; individuals have made large donations on occasion; unions have had an influence in past elections.

Mayor Gilmore stated the reporting requirements are incredibly burdensome and force candidates to hire professional treasurers to prepare the reports.

Councilmember Johnson stated a number of candidates have not been able to comply with the existing reporting requirements; the biggest issue a couple years ago was the leading polling calls and television advertisements, which would not be touched; the League of Women Voters (LWV) proposal only requires disclosure of the two biggest contributors; committees will be formed to hide donors.

Councilmember Tam stated that she has been a supporter of campaign finance reform, and, is a signatory for Assembly Bill 1648 being advocated by the LWV at the State and local level; she is troubled campaign finance reform is being used to encourage corporate deception, to silence the voices of working families, and targets unions; turning the Council into an elitist 1% group that can self-fund is not appropriate; workers contributing money collectively into a union would be silenced by the proposal.

Councilmember deHaan disagreed.

Mayor Gilmore stated as a practical matter, campaign season is midway [for November 2012], which is the same issue with 2010.

Councilmember deHaan stated the ordinance could be moved out to the next cycle.

Mayor Gilmore stated that she supports campaign reform done right; the ordinance is not done right; recommended input from the Open Government Commission and people who have actually run campaigns; stated the reporting requirements add another barrier.

Councilmember deHaan stated good candidates know where funding comes from and can put proper documentation together.

Mayor Gilmore stated noted the difficult of reporting depends on the volume of contributions.

Councilmember Johnson stated smaller outside groups have not been compliant; onerous reporting requirements are in issue.

Vice Mayor Bonta stated that he supports AB1648, which is a straightforward step in the right direction; the proposed campaign finance reform does not address corporations enormous amount of power; ordinary, everyday people having a voice is critical and has traditionally been done through organized labor; limiting the current regime will essentially cede power to the wealthy and the large corporations.

Councilmember deHaan stated unions represent hundreds or thousands of people are being discussed; an individual union made up of 83 people having a major impact on the City is extremely important; facts are being distorted; the voice of individual people will be heard; expressed concern that the others are not in support of campaign reform.

Councilmember Johnson stated that she supports campaign finance reform, but it has to be done in an effective way.

Mayor Gilmore stated everyone supports good campaign finance reform.

Councilmember Tam expressed concern about using campaign finance reform to target unions and working families.

Councilmember deHaan stated he did not bring up the issue to target unions and working families.

Discussed the importance of not stifling unions and unknown entities placing attack ads:
Jim Oddie, Alameda.

Vice Mayor Bonta noted in November, there will be a proposition on the ballot regarding corporate deception; stated attacking on the ability of working people to be involved in the political process needs to be beat back.

Councilmember Johnson stated that she will analyze the LWV measure, but already sees loopholes; she supports moving forward to control the big corporate spending and super PACs, but her first impression is the measure will not solve the problem.

In response to Councilmember deHaan's inquiry, the Council directed staff to bringing back AB 1648.

COUNCIL COMMUNICATIONS

(12-210) Councilmember Tam announced that she attended the League of California

Cities Legislative Action Days on April 25 & 26. Our delegation met with Senator Corbitt and Assembly Members. Discussed AB1585 speakers bill to help reinvent redevelopment.

(12-211) Councilmember Johnson thanked Mr. Gaul for coming in to comment.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 9:31 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 1, 2012- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:02 p.m.

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

[Note: Vice Mayor Bonta arrived at 6:10 p.m.]

Absent: None.

Public Comment on Agenda Items Only

Bill Garvine, Management and Confidential Employees Association (MCEA), discussed MCEA's past actions; negotiations, and the budget.

Mayor Gilmore adjourned the meeting to Closed Session to consider:

(12-182) Conference with Legal Counsel – Existing Litigation (54956.9); Name of Case: Anderson v. City of Alameda, Superior Court of California, Alameda County Case No. RG11565230; Plaintiff (Anderson) seeks \$400,000 in damages, of which \$300,000 is sought for pain and suffering, against Defendant (City of Alameda) for broken elbow and other contusions sustained when Plaintiff fell from her bike in daytime near abandoned rail line at Clement Avenue and Grand Street. Plaintiff asks for extensive relief from the City, although Plaintiff is an experienced rider who is at least partially responsible for her injuries, Plaintiff missed no work as a result of her injury, and Plaintiff seeks minimal compensatory damages.

(12-183) Conference with Labor Negotiators (54957.6); Agency Negotiators: Holly Brock-Cohn, Human Resources Director, and Masa Shiohira, Contract Labor Negotiator; Employee Organizations: Management and Confidential Employees Association; Anticipated Issues: All (Wages, Hours, Benefits, and Working Conditions)

Following the closed session the meeting was reconvened and Mayor Gilmore announced regarding Existing Litigation, Council gave direction to staff.

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Mayor Gilmore called a recess at 7:35 p.m. to hold the regular meeting and reconvened the meeting at 9:38 p.m.

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Following the closed session the meeting was reconvened and Mayor Gilmore announced that regarding Labor, Council gave direction to staff and continued the matter to May 8, 2012.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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