

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 4, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 7:46 p.m.

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

Absent: None.

AGENDA CHANGES

(07-417) Mayor Johnson announced that the Proclamation would be addressed later in the meeting.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to accept the Quarterly Sales Tax Report [paragraph no. 07-420] and Resolution [paragraph no. 07-420] were removed from the Consent Calendar for discussion.

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

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

(*07-418) Minutes of the Special and Regular City Council Meetings held on August 21, 2007 and the Special City Council Meeting held on August 27, 2007. Approved.

(*07-419) Ratified bills in the amount of \$7,824,299.10.

(07-420) Recommendation to accept the Quarterly Sales Tax Report for period ending March 31, 2007.

Councilmember deHaan stated the report shows an increase in auto sales tax revenue; inquired when the increase would disappear.

The Finance Director responded somewhere between eighteen and twenty-four months; stated the revenue was large because of a catch up from December and the first quarter.

Councilmember deHaan inquired whether said increase was an anomaly, to which the Finance Director responded in the affirmative.

Councilmember deHaan inquired whether all sales tax revenue goes to the General Fund, to which the Finance Director responded in the affirmative.

Councilmember deHaan stated that sales tax revenue totaled approximately \$6.3 million annually since 1997; today \$5.4 million is generated; other things will erode sales tax revenue.

The Finance Director stated the State engaged in the triple flip in 2004 and took a quarter percent of the sales tax; the City only receives seventy five percent of one cent in exchange for the property tax.

Councilmember deHaan inquired how much the City receives.

The Finance Director responded in the neighborhood of \$300,000 to \$400,000; stated she would need to verify said amount.

Councilmember deHaan stated sales tax revenue will never be a strong element in Alameda.

The Finance Director stated historically sales tax revenue has not been a strong element of the entire General Fund budget; the cure is more retail, business-to-business, and everyone buying locally; the City is not dependent on one source of revenue; property taxes are approximately twenty-five percent of General Fund revenues.

Councilmember deHaan inquired whether the property tax revenue would become a flat line operation in out years.

The Finance Director responded the City will not see more than a two percent growth within the next fifteen years; stated every newly built house and remodel adds to the assessed valuation.

Councilmember Matarrese inquired whether tax is collected on the former Naval Air Station property; further inquired whether the City would see a run up when the former Naval Air Station becomes part of Alameda.

The Finance Director responded property taxes are very small.

Councilmember deHaan stated that he is concerned with the flatness of a couple of key indicators within the General Fund.

Mayor Johnson stated that sales tax generated north and south of Lincoln Avenue is almost forty percent of the total sales tax and is higher than Alameda Towne Centre; auto sales is a key factor; sales tax has increased slightly from the first quarter of 2006 to

the first quarter of 2007.

The Finance Director stated the increase is an excellent trend if the trend continues; she does not anticipate that the increase will continue; some of the larger more substantial sales will be decreasing; yacht sales have been an increasing trend but may decrease in the second quarter of 2007.

Councilmember deHaan stated some yacht sales have been closed down for the Grand Street development.

The Finance Director stated yacht sales would not disappear completely and would occur in another location.

Mayor Johnson stated that Alameda's sales tax percentage is significantly lower compared to surrounding communities; people need to be provided with more opportunities to buy in Alameda.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote -5.

Councilmember Matarrese requested that the next Quarterly Report be placed on the Regular Agenda for discussion; stated the public needs to see the trends and understand how much money is needed to fund the Police and Fire Departments, Library and parks.

Councilmember deHaan requested that the staff report provide background on sales tax proportions in the General Fund along with a forecast; stated the City will be impacted with situations occurring on auto row and with property taxes.

Mayor Johnson requested that the report include information on how much sales tax revenue supports surrounding communities; people need to know the impact that sales leakage has on the community.

(*07-421) Recommendation to approve amendment to Consultant Agreement with Sally Swanson Architects, Inc. to increase the Contract amount by \$5,000 for the update of the City's Americans with Disabilities Act Transition Plan and Self Evaluation. Accepted.

(07-422) Resolution No. 14143, "Approving the Appeal of Nissan Saidian and Leon Zektser and Overturning the Planning Board's Denial of Use Permit UP06-0010 for 1310 Central Avenue." Adopted.

Councilmember deHaan commended staff for including all elements in

the resolution; stated that he hopes that the owners do not continually request additional hours.

Councilmember Gilmore inquired whether Condition of Approval 16 requires the owners to redo the process in September 2008.

The Planner III responded in the negative; stated the owners will be able to operate under the conditions of the Use Permit if they are in compliance with the Conditions of Approval; Condition of Approval 16 states that the owners have until September 4, 2008 if they choose not to vest the Use Permit.

Councilmember Matarrese moved adoption of the resolution.

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

(*07-423) Ordinance No. 2971, "Amending the Alameda Municipal Code by Adding Section 2-19 (Youth Advisory Commission) to Article II (Boards and Commissions) of Chapter II (Administration), Establishing a Youth Advisory Commission and Prescribing Membership and Duties of Said Commission." Finally passed.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-424) Proclamation declaring September 15, 2007 as Coastal Cleanup Day and September 16 through 22, 2007 as Pollution Prevention Week.

Mayor Johnson read the proclamation; requested that the City Clerk forward the proclamation to Doug Siden, Board of Directors, East Bay Regional Park District; stated the City has battery drop off locations; the Public Works Department has scheduled an electronic drop off event for October 20.

Councilmember deHaan stated that the beach is a beautiful City asset; the shoreline is beginning to gain some character and is superb; the sand is coarse and beautiful; he encourages everyone to help clean up the beach; sand had to be brought in to keep erosion from occurring in the past; mother nature has done a great job.

Mayor Johnson stated the back page of the Park Street Business Association newsletter indicates that the electronic drop off location is at the Towne Centre on the north side of Safeway.

The Environmental Services Manager stated that there would be two electronic events this year; the Chamber of Commerce and Greater Alameda Business Association (GABA) event is first; the City event

is October 20 at Alameda Point.

REGULAR AGENDA ITEMS

(07-425) Report on the process for Council-Initiated City Charter Amendments; and consideration of creating a City Council Subcommittee or Ad-Hoc Committee to Review the Charter for Suggested Amendment of City Charter Provisions.

The City Attorney provided a brief presentation.

Mayor Johnson stated Charter amendments need to be placed on the ballot in a certain amount of time before the election; inquired how much time is needed.

The City Attorney responded legislation would need to be adopted if Charter amendments are Council initiated; stated the legislation would need to be adopted 88 days before the intended election.

The City Clerk stated next year's elections are February 5, June 3, and November 4; the deadlines for adopting a resolution to place the matter on the ballot are November 9 for the February 5 election, March 7 for the June 3 election, and August 8 for the November 4 election.

Mayor Johnson stated that Council-initiated Charter amendments have not been done while she has served.

Councilmember Gilmore stated that the thrust of the Charter review is to deal with portions of the Charter that are no longer applicable and to clean up some gender specific language; a list of more substantive issues would be brought back to the entire Council for discussion.

Mayor Johnson stated Measure A would not be addressed.

Councilmember Matarrese stated that the scope of review should not be limited; the process would be to review the entire Charter with regard to language clean up, State laws and other governing processes that have changed; a list would be developed and brought back to Council; Council would pick and choose what to put on the ballot; the process would take care of what is placed on the ballot.

Mayor Johnson stated that she does not want to turn the Charter review clean up into a Measure A debate.

Councilmember deHaan concurred with Mayor Johnson; stated the

Charter review would be a housekeeping effort to clean up language and clichés the City has been living with continually.

Mayor Johnson stated Alameda Power and Telecom issues need to be reviewed; the Charter review should be an ongoing process.

Councilmember deHaan stated that the City Attorney should be involved in the process because she understands the Charter very well; the City Manager needs to be involved also.

Mayor Johnson stated that Council meeting dates and times should not be in the Charter.

Councilmember Matarrese stated presupposing what Council will say when information comes back does a disservice; the list should start with non-substantive issues and lead up to more substantive issues; the entire list would not be placed on a ballot; Article 25 addresses Urban Renewal; Urban Renewal is an antiquated phrase; there would not be an objective review if some sections of the Charter were overlooked.

Councilmember Gilmore stated that the first step is to form a Council sub-committee to review the Charter with assistance from the City Attorney and City Clerk; the sub-committee would list issues that may need further discussion by Council; the list and other housecleaning items would come back; Council can decide when, if, and how to deal with the issues; issues need to be identified first.

Councilmember deHaan stated that the Charter is awkward at best; the City Attorney helps Council with interpreting the Charter.

David Howard, Alameda, stated people are concerned that the Charter review will turn into a Measure A discussion; the process should be an open process.

Vice Mayor Tam stated that she raised the Charter review issue after attending a League of California Cities conference; numerous cities are going through a similar process; issues should be identified first; she would like to get broad community input on areas that should or should not be reviewed; other cities have appointed a committee through an application process or have had each Councilmember appoint two members from the community; the committee would work with the City Attorney, City Clerk, and outside resources to craft specific language that would help with Charter revisions to provide flexibility and be reflective of broad community support that will not tie the hands of future Councils; suggested starting out with a committee that is a little more

advisory in nature.

Mayor Johnson stated that the process should be open; a Council sub-committee should deal with cleaning up the Charter first and working with the City Attorney and City Clerk; public meetings would occur when items are brought back to Council.

Councilmember deHaan stated hopefully the public will provide continual feedback.

Mayor Johnson stated that it would be very helpful to have the public well informed regarding Charter provisions; people do not understand limitations.

Councilmember deHaan stated the Charter drives many Council decisions.

Councilmember Gilmore moved approval of Council appointing two Councilmembers to a sub-committee to review the Charter with input and advice from the City Attorney, City Clerk, necessary Department Heads, City Manager and public; the structure would be to clean up outdated language and issue spot items that the sub-committee feels would benefit from a floor discussion by the Council and the public.

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

Vice Mayor Tam and Councilmember Gilmore were selected to serve on the sub-committee.

ORAL COMMUNICATIONS, NON-AGENDA

(07-426) Dorothy Freeman, Estuary Park Action Committee, submitted letter; stated the City Council decided to create a Task Force for the Beltline park development in November 2006; Council decided to combine the Beltline and Oak Street Estuary Park projects in the same Task Force; there will be an unnecessary delay in looking for funds to purchase the Oak Street Estuary Park property if a Task Force is not formed for two years; a Task Force needs to be created in order to initiate the work.

Mayor Johnson stated that she does not recall Council deciding to delay creation of a Task Force for two years.

Councilmember deHaan stated that Council decided to defer the matter [on August 21, 2007].

Mayor Johnson stated that a Task Force could make recommendations on ways to raise money to buy the land.

Councilmember deHaan stated he would like Council to review the minutes addressing establishment of a Task Force.

Mayor Johnson stated that the City has to buy the land first.

Councilmember deHaan stated that he would like an Off Agenda report on the goals of the Task Force.

Mayor Johnson stated that Council would discuss priority settings; Estuary Park should be included as a priority.

The City Manager stated that staff would provide Council information regarding the work plan and direction for Estuary Park.

(07-427) Marie Kaylar, Alameda, stated the audio signals at Central Avenue and Broadway have an unbearable sound; the neighborhood was not informed of the installation of the signals.

Mayor Johnson stated the Public Works Department is reviewing the volume of the audio signals; inquired whether the audio signals can be set at an acceptable volume.

Ms. Kaylar responded she spoke with the company that makes the audio signals; stated information has been provided to the City Engineer; a neighbor conducted a survey that will be provided to Council; a button would be a more acceptable option.

(07-428) James Wullschleger, Alameda, stated twenty-five audio signals were purchased using Measure B funds; the neighborhood tried to work with the City on the issue; the audio signals were turned off and then turned back on a few weeks later; the neighbors are excited that the audio signals have a manual activation button option; the neighborhood requested to be included in the process; buttons could be installed for \$1,600 per intersection; the audio signals get louder when trucks pass; a blind resident wants buttons installed; requested that the audio signals be turned off for a period of time in order to review the matter.

Councilmember deHaan inquired whether the rest of the audio signals have been installed.

The City Manager responded that she would provide a list of signals; stated other audio signals will not be installed until the matter is resolved.

(07-429) Griffith Neal, Alameda, stated that truck traffic through the Tube has increased; many drivers park over night; suggested that Council place a moratorium on trucks going through the Tube during rush hours; restroom facilities should be provided if people are allowed to stay over night.

Councilmember deHaan inquired whether anyone leases the Fleet Industrial Supply Center (FISC) property for truck staging.

The Assistant City Manager responded that he is not aware of any; stated Container Care and Alameda Gateway provide container storage.

Councilmember deHaan stated City ordinances do not allow drivers to stay over night.

Councilmember Gilmore stated trucks were parking across the street from the Coral Reef Hotel on Park Street for a long period of time; police officers patrolled the area and trucks no longer park at the site.

Councilmember Matarrese stated an immediate public health issue exists; there are indications that people are staying over night without facilities; requested that exact locations be provided and that the Police Department investigate the matter.

The City Manager requested that Mr. Neal provide the Deputy City Manager with the exact location.

Mayor Johnson stated that trucks idle for hours in West Oakland.

Mr. Neal stated traffic should be controlled at certain times when there are other demands on the roads.

Councilmember deHaan stated Encinal Terminals is in the process of changing entitlements.

(07-430) David Howard, Alameda, stated California cities are setting up reciprocal sales tax agreements with neighboring cities; suggested reviewing the matter; stated retail will not solve all sales tax problems; encouraged the Council to look at business to business opportunities.

(07-431) Bill Smith, Alameda, discussed housing.

COUNCIL COMMUNICATIONS

(07-432) Report on City Priority-Setting Project.

Councilmember Matarrese stated that he requested that the matter be placed on the agenda in order for everyone to understand the scope of work and intent before the first workshop; requested staff to provide a background on the project.

The City Manager stated a priority setting workshop would be held between Council and the Executive Management team on September 11; staff developed work plans based on Council direction; Council will have an opportunity to review the plans and discuss priorities; Management Partners has been hired to structure and facilitate the process; Council interviews were conducted; environmental demographics and department interconnectivity will be discussed; Council will review Citywide priority objectives.

Councilmember Matarrese stated that he is concerned that the staff report and consultant's report do not mention public participation; priority setting is a policy decision; policy decisions need to be made in public; there is no mention of how the public will be engaged or whether the workshop would be broadcasted; a daytime meeting limits the public's ability to participate; his biggest concern is to focus on a public process; he does not want to end up with another strategic plan.

Mayor Johnson stated that the workshop would be a public meeting; another public meeting would be held in November; a report should be provided on the outcome of the first meeting; said report should be placed on the internet to allow feedback.

Councilmember Matarrese stated details should include whether minutes and broadcasting would be provided and how the loop would be closed to ensure decisions are memorialized.

The City Manager stated a report would be provided; the workshop would be recorded and the priority setting would feed into the budget process, which provides an opportunity for public input.

Vice Mayor Tam stated that she is supportive of the process; thirty-two different priorities were identified when Council had a joint meeting with the Planning Board; the workshop will help to bring all departments together in a more cohesive way to directly hear about priorities.

Mayor Johnson stated that an annual workshop would be a good idea. Councilmember Matarrese stated that he appreciates tonight's discussion; he is glad that the workshop will be recorded; he has reservations regarding a day workshop; there are many challenges that are not going to go away.

(07-433) Consideration of Mayor's nomination for appointment to the Social Service Human Relations Board.

Mayor Johnson nominated Regional James for appointment to the Social Service Human Relations Board.

(07-434) Mayor Johnson inquired whether four-way stops signs have been installed near St. Philip Neri School.

Councilmember Matarrese responded the signs were installed recently.

(07-435) Councilmember deHaan questioned when Big Box ordinance discussions would come to Council; stated that he anticipates that the matter could come to Council within the next month; further stated the priority planning process should not preclude Big Box ordinance discussions; Council was to review other cities' ordinances and discuss adopting a similar ordinance.

Councilmember Matarrese stated the Big Box Ordinance was to address super stores that have more than a specific percentage of non-taxable items.

Mayor Johnson stated Livermore and Dublin have adopted Big Box Ordinances.

Councilmember Matarrese stated Council also had discussions on a styrofoam ordinance.

Mayor Johnson stated Council would have an opportunity to discuss a Green Building ordinance on Tuesday.

(07-436) Councilmember deHaan stated that he is hearing repercussions from neighbors regarding parking concerns related to closing off the street at St. Joseph Notre Dame High School; requested the City Attorney to provide information about whether there is a review process; stated another wing has been established.

Mayor Johnson stated the area used to have all single-family homes; many of the homes are now subdivided; residents do not have adequate off-street parking.

Councilmember deHaan stated dialog needs to take place between neighbors and the school.

(07-437) Vice Mayor Tam requested an update on the progress that

CalTrans has made on lighting replacement in the Webster Street and Posey Tubes.

The Assistant City Manager stated lights have been replaced on one side.

Councilmember Gilmore stated lights were replaced on one side of the inbound tube; the other side has not been completed; CalTrans is now taking down the lights in the outbound tube.

The Assistant City Manager stated both tubes will have one set of lights.

Mayor Johnson requested that CalTrans be invited to the next Council meeting to explain the situation.

The City Manager noted Supervisor Lai-Bitker is conducting a meeting with CalTrans on September 10; stated CalTrans would be invited to the next Council meeting.

(07-438) Mayor Johnson stated that the City needs to insist that the County maintain Alameda's bridges; Measure B funds should be used for streets and roads in Alameda and should not be used to pay the County's obligation of maintaining the bridges.

Councilmember deHaan inquired whether any City funds were used in the past.

Mayor Johnson requested that Council be provided a report on the recent funding history; stated a resolution might be needed regarding the use of City funding for streets, roads, and County bridges.

Vice Mayor Tam requested that background information be provided on whether there have been joint agreements in the past.

Mayor Johnson stated that the bridges should be maintained by the County; the County contracted with the Army Corps of Engineers to operate and maintain the railroad bridge.

Councilmember deHaan stated discussions took place ten or fifteen years ago regarding the County requesting money from the City due to of lack of funds.

(07-439) Councilmember Matarrese stated that there are a lot of on-going issues with AC Transit; a formula has been established for an Eco Pass system for City employees; sworn police officers and firefighters can ride buses free and need to be encouraged to do

so; the Public Works Director will be providing a report on the matter.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:34 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 4, 2007- -6:00 p.m.

Mayor Johnson convened the Special Meeting at 6:10 p.m.

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

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-416) Conference with Real Property Negotiators: Properties:
1041 W. Midway and Various Easements in Alameda; Negotiating
parties: City of Alameda and Alameda Power and Telecom; Under
negotiation: Price and terms.

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that the Council received a briefing
from its Real Property Negotiator; no action was taken.

Adjournment

There being no further business Mayor Johnson adjourned the Special
Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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