

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 3, 2012- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:09 p.m.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(12-005) Patricia Bowen, Alameda, discussed a proposed marijuana dispensary just across the City boarder in Oakland.

CONSENT CALENDAR

Vice Mayor Bonta moved approval of the Consent Calendar.

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

(*12-006) Minutes of the Special Joint City Council, Alameda Redevelopment and Reuse Authority (ARRA), and Community Improvement Commission Meeting and the Regular City Council Meeting Held on December 6, 2011; the Special Joint City Council and ARRA Meeting Held on December 7, 2011; and the Special City Council Meeting Held on December 13, 2011. Approved.

(*12-007) Ratified bills in the amount of \$1,850,934.14.

(*12-008) Ordinance No. 3040, "Introduction of Urgency Ordinance Authorizing an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City of Alameda." Passed.

(*12-009) Ordinance No.3041, "Amending Sections 6-27.4, 6.52.1, and 22-8.1 of the Alameda Municipal Code to Allow Sale of Goods from a Rolling Store with Approval of a Special Event Permit, Conditional Use Permit, or Encroachment Permit; and Adoption of

Food Truck Program Guidelines, including Standard Conditions or Approval for Conditional Use Permit or Encroachment Permit for Rolling Stores.” Finally passed.

(*12-010) Ordinance No. 3042, “Amending the Alameda Municipal Code by Revising Section 2-1.2(a) (Agendas) and 2-1.3 (Special Meeting) of Article I (The City Council); Adding Section 2-5 (Applicability of Sunshine Ordinance) and Section 2-22 (Open Government Commission) to Article II (Boards and Commissions); and Amending Section 2-93.1 (Primary Regulatory and Enforcement Body) of Article VIII (Sunshine Ordinance) of Chapter II (Administration), Making Sections Compatible with the Sunshine Ordinance and Moving the Establishment, Membership and Duties of the Open Government Commission.” Finally passed.

REGULAR AGENDA ITEMS

(12-011) Resolution No. 14641, “Appointing Ann M. Cooke as a Member of the Recreation and Park Commission.” Adopted.

Councilmember Tam moved adoption of the resolution.

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

The City Clerk administered the Oath of Office and presented a certificate to Ms. Cooke.

CITY MANAGER COMMUNICATIONS

(12-012) The City Manager announced a key exchange ceremony would be held at the Animal Shelter tomorrow morning at 11:00 a.m.; stated the Police Chief will turn the keys over to the Friends of the Alameda Animal Shelter, who will begin to operate the shelter; the Supreme Court has issued its decision in the California Redevelopment Association v. Matosantos case; the Supreme Court has ruled that ABX1 26 is constitutional and ABX1 27, the Alternative Redevelopment Program Act, is unconstitutional; consequently, all redevelopment agencies will dissolve under ABX1 26; no redevelopment agency will have the opportunity to opt into continued existence under ABX1 27; the Community Improvement Commission (CIC) will become non-existent on February 1, 2012; tomorrow night, staff will recommend that the City become the successor agency in order to satisfy whatever enforceable obligations remain from the CIC and to administer the dissolution of the CIC, thereby maintaining local control over future local assets; staff will determine future actions to be taken by the City and Alameda Reuse and Redevelopment Agency consistent with the ruling and will be providing regular updates.

Mayor Gilmore stated the next step would be to figure out how to recover “ransom” money paid to the State.

Councilmember Johnson inquired how many employees would be affected by the

action, to which the Assistant City Manager responded three.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(12-013) Consideration of Mayor's Nominations for Appointment to the Transportation Commission.

Mayor Gilmore nominated Michele Bellows, Christopher A. Miley, and Rajiv Sharma.

(12-014) Mayor Gilmore, Councilmembers Johnson, deHaan, Tam, and Vice Mayor Bonta commented on the medical marijuana dispensary.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the 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.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 3, 2012- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:05 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:

(12-001) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(C); Number of cases: One; The significant exposure to litigation is connected to the filing of a claim by Michael Mims against the City of Alameda for damages related to an incident with the Alameda Police Department in which the claimant alleges Alameda Police Officers used excessive force in applying handcuffs. A copy of the claim is available for public inspection in the City Clerk's office.

(12-002) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(C); Number of cases: One. The significant exposure to litigation is connected to the filing of a claim by Elijah Mims against the City of Alameda for damages related to an incident with the Alameda Police Department in which the claimant alleges Alameda Police Officers used excessive force in applying handcuffs. A copy of the claim is available for public inspection in the City Clerk's office.

(12-003) Public Employment – (54957); Title: City Attorney

Following the closed session, the meeting was reconvened and Mayor Gilmore announced that regarding the two Anticipated Litigation cases, Legal Counsel briefed the City Council on the claims; Council provided direction; and regarding Employment, Council was briefed by outside counsel regarding the City Attorney position; no action was taken.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 3, 2012- -6:58 P.M.

Mayor Gilmore convened the meeting at 7:03 p.m. Councilmember Tam led the Pledge of Allegiance.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

AGENDA ITEM

(12-004) Recommendation to Approve Agreement Appointing Janet C. Kern as City Attorney.

Vice Mayor Bonta moved approval of the staff recommendation.

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

Ms. Kern made brief comments.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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