

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 19, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:25 p.m.

ROLL CALL - Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-525) Presentation on Household Hazardous Waste Program Improvements and Proposed Fee Increase.

Gary Wolff, Executive Director, Stop Waste, gave a Power Point presentation.

Councilmember Tam stated that she is the City's representative for Stop Waste.org; thanked Mr. Wolff for the presentation; stated sites will accept e-waste.

Vice Mayor Ezzy Ashcraft inquired how rental property owners not living in Alameda County are identified at dump sites.

Mr. Wolff responded the property owner can register as a small-quantity business operating a residential property to not incur additional charges.

Councilmember Chen inquired how the maximum fee is adjusted through property tax collection.

Mr. Wolff responded a fee audit is done on all applicable parcels each August; stated if there is more revenue than anticipated, the County adjusts the fee level for the subsequent year.

(13-526) Presentation on the Status of Alameda Point.

The Chief Operating Officer – Alameda Point gave a brief presentation.

Councilmember Daysog inquired what distinguishes the various zones in the Enterprise Zone.

The Chief Operating Officer – Alameda Point responded E1 focuses on employment uses, major campus users, and noise or smell impacts such as Peet's Roasting; E2

recognizes the need to have transitions between districts; no heavy industrial uses would be near town center but not close to residential; E3 would have buffering uses such as offices or retail; E4 has highly restricted uses because of the Tidelands designation.

ORAL COMMUNICATIONS, NON-AGENDA

(13-527) Joe Van Winkle, Alameda; Gretchen Lipow, Friends of the Cove (Crown Beach); Tom Charron, Friends of Crown Beach; and Eugenie Thomson, Friends of Crown Beach, discussed the zoning at Neptune Point and the possibility of moving forward with a ballot measure.

(13-528) Kurt Peterson, Alameda, discussed the impacts of airport noise.

CONSENT CALENDAR

Mayor Gilmore announced that the resolution establishing the Annual Meter Holiday [paragraph no. 13-531] and the ordinance amending various sections of the Municipal Code [paragraph no. 13-533] were removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the Consent Calendar.

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

(*13-529) Minutes of the Special and Regular City Council Meeting Held on October 15, 2013; the Special City Council Meeting Held on October 29, 2013; and the Special City Council Meeting Held on November 2, 2013. Approved.

(*13-530) Ratified bills in the amount of \$2,106,220.39.

(13-531) Resolution No. 14870, “Adoption of Resolution to Establish the Annual “Meter Holiday” to Provide Free All-Day Parking at Metered Spaces for the Park Street and West Alameda Business Districts on all Saturdays between Thanksgiving and New Year’s Day”. Adopted.

The Assistant City Manager gave a brief presentation outlining a proposed amendment to the resolution: to revise the dates to Friday, November 29th and all Saturdays in December.

Expressed support for the revised resolution: Robb Ratto, Park Street Business Association (PSBA).

Councilmember Daysog thanked Mr. Ratto for his comments.

Councilmember Daysog moved adoption of the resolution as amended.

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

(*13-532) Ordinance No. 3081, “Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease Amendment with Turn Key Show Productions, for Two Years in Building 459 Located at 101 West Tower Avenue at Alameda Point.” Finally passed.

(13-533) Ordinance No. 3082, “Amending Various Sections of the Municipal Code to Allow Portable Freestanding Signs Under Certain Conditions, Including Sections 30-6.7 Signs Exempt, 30-6.9 Prohibited Signs, 6-3.2 Advertising Prohibited or Restricted, and 22-21.5 Obstruction of Sidewalk by Boxes and Other Objects.” Finally passed.

Vice Mayor Ezzy Ashcraft stated that she does not think Alameda's ordinance is ready; she is concerned about enforcement issues and would like to revise the Code, using the City of Portland, Oregon as model; provided a handout of Oregon's sign registration form; stated that she also researched the City of San Jose's sign ordinance; San Jose is more auto-oriented and signs can be 20 feet high, which is not the case in Alameda; Alameda's signs are everywhere in all conditions; recommended continuing the item to a later date to review proposed changes.

Discussed smoking ordinance signage: Jon Spangler, Alameda.

Urged the ordinance be adopted as presented: Robb Ratto, PSBA.

Councilmember Chen noted Portland's population is over 600,000 and San Jose's population is over one million with more business districts; Alameda's sign ordinance suffices to manage the size of the business district; that he supports the ordinance as written.

Councilmember Daysog moved final passage of the ordinance.

Councilmember Tam seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Chen, Daysog, Tam and Mayor Gilmore – 4. Noes: Vice Mayor Ezzy Ashcraft – 1.

(*13-534) Summary: Ordinance adopts new technical building and fire regulations consistent with the California Building Standards Code.

Ordinance No. 3083, “Amending the Alameda Municipal Code to (A) Amend Chapter XIII (Building and Housing) by Repealing Article I (Uniform Codes Relating to Building, Housing and Technical Codes) in its Entirety and Adding a New Article I (Uniform Codes Relating to Building, Housing and Technical Codes) to Adopt the current version of the California Building Code, the current version of the California Residential Code, the current version of the California Historical Building Code, the current version of the

California Electrical Code, the current version of the California Plumbing Code, the current version of the California Mechanical Code, the current version of the California Energy Code, the current version of the California Green Building Standards Code, the 1997 Uniform Housing Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, Amending Article IV by repealing Sections 13-12 and 13-13 in their Entirety and Retitling Article IV "Vacant Buildings" and (B) Amend Chapter XV (Fire Prevention) by Repealing Section 15-1 in its Entirety and by Adding a New Section 15-1 to Adopt the current version of the Edition of the California Fire Code." Finally passed.

REGULAR AGENDA ITEMS

(13-535) Resolution No. 14871, "Appointing Elizabeth Wong as a Member of the Youth Advisory Commission." Adopted.

Councilmember Tam moved adoption of the resolution.

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

(13-536) Receive Final Report Presentation and Recommendations from the City of Alameda's America's Cup Ad Hoc Committee.

Christopher Seiwald, Ad Hoc Committee Chair, gave a Power Point presentation.

Mayor Gilmore thanked Mr. Seiwald and the committee; stated the committee exceeded the expectations of the Council; hopefully San Francisco will be selected again.

(13-537) Recommendation to Enter into Phase 2 of the Alameda County Mandatory Commercial Recycling Ordinance.

The Public Works Administrative Services Manager gave a Power Point presentation.

Vice Mayor Ezzy Ashcraft stated the ordinance is effective January 2014 with an enforcement date of January 2015; inquired what would happen if a violation takes place in between the dates.

The Public Works Administrative Services Manager responded a violation letter would be sent; penalties can be enforced after January 2015, but not before.

Vie Mayor Ezzy Ashcraft noted Alameda County Industries (ACI) expressed concern over revenue loss.

The Public Works Administrative Services Manager stated more recycling and composting means less goes into solid waste, posing a revenue challenge for ACI; a comparable study done in Livermore showed a 1% to 2% rate increase in June of 2016.

Councilmember Chen inquired if the City would be out of compliance with state recycling law Assembly Bill (AB) 32 and AB 341 if it opts out of Phase 2.

The Public Works Administrative Services Manager responded Phase 1 helps keep the City in compliance with State mandates; deferred Councilmember Chen's inquiry regarding Phase 2 to the City Attorney.

The City Attorney responded complying with the State recycling goals is a Council decision.

Stated some businesses are already complying with Phase 2; stated greater participation is needed: Donna Layburn, Marketplace.

Stated the City is ready for Phase 2; enforcement will bring remaining businesses on board: Jessica Robinson, Community Action for a Sustainable Alameda and Miss Alameda Says Compost.

Stated the PSBA Board voted unanimously to enter into Phase 2: Robb Ratto, PSBA.

Councilmember Tam moved approval of the staff recommendation.

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

(13-538) Recommendation to (1) Provide Comments on Revised Draft Master Infrastructure Plan for Alameda Point; and (2) Presentation on Sea-Level Rise Protection Strategy for Alameda Point included in Draft Master Infrastructure Plan.

The Chief Operating Officer – Alameda Point gave a Power Point presentation.

Randy Rentschler, Metropolitan Transportation Commission, provided a regional perspective on sea-level rise.

Councilmember Tam inquired if land use and risk management considerations are included.

The Chief Operating Officer – Alameda Point responded in the affirmative; stated there is enough right-of-way to build a higher levy and create a set-back to protect land uses sufficiently from the potential of sea-level rise.

Councilmember Tam inquired how Alameda would balance infrastructure costs and the planning horizons associated with sea-level rise.

The Chief Operating Officer – Alameda Point responded the median projection of an 18" sea level rise goes to 2066 and 24" to 2081; stated the City is essentially buying an

insurance policy; the Council has to decide what to pay up front versus over time; a financing mechanism will be put in place so the City has the ability to adapt any sea-level rise over time; staff recommends meeting 24" combined with 18" in the fill areas.

Councilmember Tam stated the City has to make an investment through revenues; bonds are typically 30 years, not 50 or 100; Alameda would be constrained by projections and by funding mechanisms.

The Chief Operating Officer – Alameda Point stated there are different ways to finance the improvements, including: 1) using sale proceeds from land purchases pay for the infrastructure; 2) Community Facilities Districts (CFD) could collect assessments from properties; 3) requiring developers to pay an impact fee; and 4) grants leveraged from regional, State, and federal funds.

In response to Mayor Gilmore's inquiry regarding risks, the Chief Operating Officer – Alameda Point stated staff proposes meeting 24" and keeping the 18" in the development area; the strategy allows development to occur with using just fill up to meet 18"; funds would be collected from all the development to reach the 24" levy as soon as possible; the 24" approach for the entire property is part of the initial strategy, without holding up initial phases by waiting until the levy is built.

Vice Mayor Ezzy Ashcraft inquired if the Veterans Administration (VA) will contribute to the Geologic Hazard Abatement District for its clinic and columbarium in the Northwest Territories.

The Chief Operating Officer – Alameda Point responded in the negative; stated the VA will be protecting their own site for sea level rise, raising the grade of their property to protect to 55".

Vice Mayor Ezzy Ashcraft stated bringing fill material by barge is preferable, instead of by truck.

Councilmember Daysog stated alternatives should be included in the event of change.

The Chief Operating Officer – Alameda Point stated there will be long term infrastructure to suit the needs.

Councilmember Chen inquired the cost of a 18" berm plus a 6" curb on top versus a 24" levy.

The Chief Operating Officer – Alameda Point responded the cost to add 6" to 18" areas that do not require a levy is marginal; stated the real expense is turning the 24" areas into a levy.

Councilmember Tam inquired whether the cost of the levy is amortized or allocated over the acreage which benefits or the entire site.

Angelo Obertello, Carlson, Barbee & Gibson Engineering (CBG), responded the development areas are considered by site; the reuse areas have potential for different projects; the fee would be collected for the entire reuse area to pay for a portion of the levy.

Councilmember Daysog inquired about the proposed truck route east of Alameda Point.

Mr. Obertello responded CBG incorporated the necessary updates to the Transportation Element for Alameda Point to reflect the current proposed street grid system and maintained the existing Transportation Element which has already been approved and adopted for the remainder of Alameda.

Mayor Gilmore stated there should be generation equity; each development should pay its fair share of infrastructure cost.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(13-540) Councilmember Tam announced that she attended the League of CA Cities League Leaders workshop on November 7 – 8; reported that dues are not going up and that the group adopted three strategic goals to respond to growing community needs.

Mayor Gilmore inquired if there is a Statewide Ballot initiative for pension reform.

Councilmember Tam responded the matter was discussed, but the League is more focused on maintaining CalPERS oversight.

(13-541) Councilmember Daysog suggested posting a link to the Red Cross for Philippines relief efforts on the City's website.

ADJOURNMENT

(13-542) There being no further business, Mayor Gilmore adjourned the meeting in memory of victims of natural disasters at 10:16 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 19, 2013- -5:30 P.M.

Mayor Gilmore convened the meeting at 5:30 p.m.

Roll Call – Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

[Note: Vice Mayor Ezzy Ashcraft arrived at 5:35 p.m. and Councilmember Daysog arrived at 5:40 p.m.]

Absent: None.

Public Comment

Submitted a handout and urged the Council to resolve the East Bay Regional Park District (EBRPD): former Councilmember Karin Lucas, Friends of Crown Beach.

Urged Council to negotiate with EBRPD: Former Councilmember Frank Matarrese, Alameda.

Urged Council to vote to return zoning to Government-Office: Jane Sullwold, Friends of Crown Beach.

Urged Council to take action and comply with Measure WW: Eugenie Thomson, Friends of Crown Beach.

The meeting was adjourned to Closed Session to consider:

(13-517) Conference with Legal Counsel – Existing Litigation (54956.9); Case Name: East Bay Regional Park District v. City of Alameda, et al.; Superior Court of the State of California, County of Alameda Case No. RG120655685

(13-518) Conference with Real Property Negotiators (54956.8); Property: 1535 Buena Vista Avenue; Negotiator: John Russo, City Manager; Negotiating party: Fortmann Marina; Under negotiation: Price and terms of payment

(13-519) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Position Evaluated: City Attorney - Janet Kern

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Existing Litigation, direction was give to staff; and regarding Fortmann Marina, direction was given to staff

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Mayor Gilmore called a recess at 7:04 p.m. and reconvened the meeting at 10:22 p.m.

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Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Performance Evaluation, performance was discussed with the City Attorney.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 12:26 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT CITY COUNCIL
AND SUCCESSOR AGENCY OF THE COMMUNITY
IMPROVEMENT COMMISSION (SACIC) MEETING
TUESDAY- -NOVEMBER 19, 2013- -6:59 P.M.

Mayor/Chair Gilmore convened the meeting at 7:16 p.m. Councilmember/Agency Member led the Pledge of Allegiance.

ROLL CALL - Present: Councilmember/Agency Members Chen, Daysog, Ezzy Ashcraft, Tam and Mayor/Chair Gilmore – 5.

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

(13-520 CC) The Assistant City Managers announced that the City Manager appointed new department heads: Debbie Potter, Community Development Director; Bob Haun, Public Works Director; Paul Roller, Police Chief; and Stephanie Garrabrant-Sierra, Administrative Services Director.

The Community Development Director, Public Works Director and Police Chief made brief comments.

CONSENT CALENDAR

Councilmember/Agency Tam Member moved approval of the Consent Calendar.

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

(13-521 CC/13-021 SACIC) Summary: Transfers residential development rights and responsibilities in the Alameda Landing Mixed Use Development from Catellus Alameda Development, LLC to TRI Pointe Homes, Inc.

(13-022 A SACIC) Recommendation to Find that TRI Pointe Homes, Inc. is a Qualified Developer Pursuant to the Alameda Landing Disposition and Development Agreement (DDA), and Consent to the Form of the Partial Assignment and Assumption Agreement (DDA (Alameda Landing Mixed Use Project) - Parcels 1, 3 and 4), and Authorize the City Manager to Execute the Required Documents.

(13-522 A CC) Recommendation to Consent to the Form of the Partial Assignment and Assumption Agreement (Development Agreement (Alameda Landing Residential Project) - Parcels 1, 3 and 4) to TRI Pointe Homes, Inc., and Authorize the City

Manager to Execute the Required Documents. [600-30: Catellus Disposition and Development Agreement from 2011]

(13-523 CC/13-023 SACIC) Summary: Transfers commercial development rights and responsibilities in the Alameda Landing Mixed Use Development from Catellus Alameda Development to its wholly-owned affiliate, Catellus Alameda Retail, LLC.

(13-024 A SACIC) Recommendation to Consent to the Partial Assignment and Assumption Agreement (Disposition and Development Agreement (DDA) (Alameda Landing Mixed Use Project) - Remaining Portion of Parcel 2) to Catellus Alameda Retail, LLC and Authorize the City Manager to Execute the Required Documents.

(13-524 A CC) Recommendation to Consent to the Partial Assignment and Assumption Agreement (Development Agreement (DA) (Alameda Landing Commercial Project) - Remaining Portion of Parcel 2) to Catellus Alameda Retail, LLC and Authorize the City Manager to Execute the Required Documents. [600-30: Catellus Disposition and Development Agreement from 2011]

ADJOURNMENT

There being no further business, Chair Gilmore adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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