

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MAY 15, 2012- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:25 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

(12-226) Proclamation Declaring May 11 through May 20, 2012 as Affordable Housing Week.

Mayor Gilmore read and presented the proclamation to Doug Biggs, Alameda Point Collaborative.

Mr. Biggs submitted information to the Council.

(12-227) Proclamation Declaring May 22, 2012 as Harvey Milk Day.

Mayor Gilmore read and presented the proclamation to Encinal High Gay/Straight Alliance members: Tina Burgdorf, Kimberly Walter, Sarah Russel, Emma Finn, Madeline Rose Searle-Bray, Lara Nassar, Wayne Ng, and Brigitte Lundy-Paine; and Alameda High Gay/Straight Alliance members: Caitlin Gleason and Emilie Nachtigall.

(12-228) Proclamation Declaring the Week of May 19-25, 2012 as National Safe Boating Week.

Mayor Gilmore read and presented the proclamation to Coast Guard representatives Perry E. Joiner, Public Affairs Officer, and Vice Flotilla Commander Chester Bartellini.

ORAL COMMUNICATIONS, NON-AGENDA

None,

CONSENT CALENDAR

Mayor Gilmore announced that the Emergency Police Tow Contract [paragraph no. 12-231] and the Second Amendment to Contract with Clean Lakes, Inc. [paragraph no. 12-

234] 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.]

(*12-229) Minutes of the Special and Regular City Council Meetings Held on April 17, 2012. Approved.

(*12-230) Ratified bills in the amount of \$3,355,777.28.

(12-231) Recommendation to Award Emergency Police Tow Contract to Ken Betts Towing Service.

The Police Chief gave a brief presentation.

In response to Vice Mayor Bonta's inquiry regarding the tow company's location, the Police Sergeant stated San Leandro Street in Oakland.

Vice Mayor Bonta inquired about the length of the contract, to which the Police Sergeant responded the contract is for five years.

Vice Mayor Bonta inquired if the contract is the fourth five-year contract, to which the Police Sergeant responded in the affirmative.

Vice Mayor Bonta inquired if any minimum requirements were set forth by the Request for Proposals (RFP) regarding subcontracting.

The Police Sergeant responded companies are not allowed to subcontract work.

The Police Chief stated subcontracting was a bone of contention; Ken Betts has never had to subcontract the towing service and has the equipment available to tow vehicles up to 60,000 pounds which could be motor homes, big rigs and AC transit busses; however, AC transit would tow their own vehicles; the police department is responsible for handling something that Ken Betts Towing Service cannot tow.

Vice Mayor Bonta inquired whether those types of vehicles have been towed in the past 15 years Ken Betts has had the contract, to which the Police Chief responded in the negative; stated the City does not have that type of vehicle here.

Vice Mayor Bonta inquired what were the main concerns about the other two companies.

The Police Sergeant responded San Leandro Tow's secondary location would be where

most of the business would take place; stated the location is 7.4 miles away, which is a little bit too far; staff did not want to make it inconvenient by sending people further away [to pick up towed vehicles]; Ted and Joes did not pass on the site visit.

The Police Chief stated security is a big concern; sometimes vehicles have to be secured for evidentiary reasons; Ken Betts met the requirements; best customer service and distance are a big concern; having a vehicle towed is painful enough, staff does not want somebody to have to go seven miles to get their vehicle back.

Vice Mayor Bonta inquired whether San Leandro Tow's site 1.6 miles away is not as secure as staff would like.

The Police Chief responded in the affirmative; stated the site was a little bit cluttered and disorganized; the location a little over seven miles was certainly better, but is seven miles away.

Councilmember Tam stated San Leandro Tow had the highest bid of \$425 for the complicated heavy equipment tows; inquired why the range is so different from Ken Betts at \$199.

The Police Chief stated that he does not know how San Leandro Tow came up with the fee.

The Assistant City Manager noted San Leandro Tow's prices across the board were at the top or tied for the top.

Councilmember Johnson inquired how much is spent annually on towing.

The Police Sergeant responded nothing comes out of the General Fund; fees are paid by owners of the towed vehicle.

Councilmember Johnson inquired whether the contract includes the City's use of tow service, to which the Police Sergeant responded the use is only for emergencies.

Requested an investigation of her legally parked vehicle that was towed from her driveway: Dr. Carol Gottstein, Alameda.

Following Ms. Gottstein's comments, the Police Chief stated the vehicle was towed using A&B Towing, the tow company for abandoned vehicles; that he would discuss the matter with Ms. Gottstein, if needed.

Councilmember Tam moved approval of the staff recommendation.

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

(*12-232) Recommendation to Appropriate \$850,000 in Measure B Funds, \$150,000 in Construction Improvement Tax Funds, \$20,000 in Marina Cove Assessment District Funds, and Award a Contract in the Amount of \$2,177,800, Including Contingencies, to MCK Services, Inc. for Repair and Resurfacing of Certain Streets, Phase 31, No. P.W. 01-12-04. Accepted,

(*12-233) Recommendation to Appropriate \$10,000 in Transportation Systems Management/Transportation Demand Management Funds and Award a contract in the Amount of \$200,000, Including Contingencies, to transMetro, Inc. for the Estuary Crossing Shuttle Service to Continue Operations. Accepted.

(12-234) Recommendation to Appropriate \$10,000 and Execute a Second Amendment to Contract with Clean Lakes, Inc. for Vegetation Management, Debris Management, and Water Quality Monitoring for South Shore Lagoons, No. P.W. 07-10-19.

Councilmember Tam recused herself and left the dais.

Vice Mayor Bonta moved approval of the staff recommendation.

Councilmember Johnson seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Tam – 1.]

(*12-235) Recommendation to Accept Staff's Responses to the Regional Sustainable Communities Strategy – Jobs Housing Connection Scenario. Accepted.

(*12-236) Resolution No.14674, "Resolution of Intention to Levy an Annual Assessment on the Park Street Business Association Business Improvement Area of the City of Alameda for Fiscal Year 2012-2013 and Set a Public Hearing for June 5, 2012 to Levy an Annual Assessment on the Park Street Business Association Business Improvement Area." Adopted.

(*12-237) Resolution No.14675, "Resolution of Intention to Levy an Annual Assessment on the West Alameda Business Association Business Improvement Area of the City of Alameda for Fiscal Year 2012-2013 and Set a Public Hearing for June 5, 2012 to Levy an Annual Assessment on the West Alameda Business Association Business Improvement Area." Adopted.

(*12-238) Resolution No.14676, "Resolution in Opposition to AB 391 (Pan), a Bill Related to Electronic Reporting for Secondhand Dealers and Pawnbrokers." Adopted.

(*12-239) Ordinance No. 3045, "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." Finally passed.

REGULAR AGENDA ITEMS

(12-240) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code to Revise the Regulations Governing the Location of Massage Therapists and Associated Uses Including Tattoo in the Community Commercial District. Introduced.

The Planning Services Manager gave a brief presentation.

Mayor Gilmore inquired whether the ordinance would allow a massage establishment with a use permit to go into business on Webster Street without being part of another establishment, to which the Planning Services Manager responded in the affirmative.

Mayor Gilmore inquired whether massage establishments which are part of another business are allowed.

The Planning Services Manager responded in the affirmative; stated there is a 2% rule if the other business is allowed by right; for example, a nail salon permitted by right with no more than 2% of the total floor area devoted to massage is considered an accessory use and massage is allowed by right.

Vice Mayor Bonta inquired whether massage is allowed on the ground floor on Park Street currently, to which the Planning Services Manager responded in the negative; stated an application for free standing massage on Park Street initiated the ordinance amendment.

In response to Vice Mayor Bonta's comments regarding a business on Park Street, Councilmember Johnson stated the accessory distinction was false, which is why the change makes sense.

Urged allowing tattoo parlors on ground floors: Jake Thompson, Inkies Tattoo Studio.

Vice Mayor Bonta inquired about accessibility for second floor tattoo establishments.

The Planning Services Manager stated elevators are a possibility; tattoo establishments were prohibited before; the business associations want to proceed slowly and carefully; Webster Street is asking that the regulation be similar to Park Street.

Councilmember Johnson stated massage therapists are allowed with a use permit on the first floor and are allowed outright on the second floor; tattoo establishments are not permitted on the first floor but are permitted on the second floor.

Mayor Gilmore stated business have some idea about cliental and pick space based on need; businesses serving physically disabled people would want to locate in buildings with elevators.

Councilmember deHaan inquired whether there is a mechanism to control the number of [similar] businesses.

The Planning Services Manager responded the issue of quotas is not something that staff wants to review.

In response to Councilmember deHaan's inquiry, the Planning Services Manager stated the ordinance would limit the number of applications and possibilities for tattoo parlors on Webster Street; noted in one year, two applications for tattoo parlors have been received on Webster Street and one was approved.

Councilmember deHaan stated businesses clustering together becomes concerning.

Councilmember Johnson moved introduction of the ordinance pertaining to massage.

Councilmember Tam seconded the motion.

Under discussion, in response to Councilmember deHaan's inquiry, the Planning Services Manager stated massage on the ground floor requires a certain amount of either retail or other activity at the front of the business as a condition of approval.

Expressed that the West Alameda Business Association (WABA) wants the regulations similar to Park Street to require tattoo parlors on the second floor: Carolyn Lantz, WABA.

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

Mayor Gilmore stated the proposal for tattoo parlors would make the regulations on both Park and Webster Streets the same, prohibit tattoo parlors on the ground floor, and allow tattoo parlor upstairs.

Vice Mayor Bonta moved introduction of the ordinance pertaining to tattoo.

Councilmember Johnson seconded the motion.

Under discussion, Councilmember Johnson inquired whether the Park Street Business Association (PSBA) thinks not allowing tattoo parlors on the first floor is working well.

Rob Ratto, PSBA, responded the current ordinance is working just fine and he has not received one complaint since the ordinance went into effect over one year ago.

Councilmember Tam noted not allowing tattoo parlors on the first floor on Park Street might have caused applications on Webster Street.

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Councilmember deHaan left the dais at 8:22 p.m. and returned at 8:25 p.m.

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

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Councilmember Tam left the dais at 8:25 p.m. and returned at 8:26 p.m.

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* (12-241) Resolution No.14677, “Approving the 2012 Alameda County Transportation Expenditure Plan (TEP) and Requesting the Alameda County Board of Supervisors Place It on the November 6, 2012 Ballot.” Adopted.

The Supervising Civil Engineer gave a brief presentation.

Councilmember deHaan inquired about the number of other cities on board.

Art Dao, Alameda County Transportation Commission (ACTC) Executive Director, responded 12 cities in the County approved the Countywide 2012 TEP, as well as AC Transit, BART and the Board of Supervisors.

Vice Mayor Bonta inquired how many cities are left.

Mr. Dao responded two cities are left, Alameda and Berkeley.

In response to Vice Mayor Bonta's inquiry, Mr. Dao stated ACTC will approve the final TEP on May 26th and ask the Board of Supervisors to put the TEP on the ballot for the November 2012 election.

Councilmember deHaan requested Mr. Dao give a quick synopsis.

Mr. Dao stated ACTC is asking the City to approve the TEP, which would provide \$7.8 billion dollars of transportation infrastructure improvements over the next three decades.

In response to Councilmember deHaan's inquiry regarding the funding mechanism, Mr. Dao stated the proposal is an extension of the current half cent sales tax and would be augmented by another half cent to one penny, which would be in perpetuity without sunset; however, the TEP would be brought to voters every 20 years.

Councilmember Tam stated Mr. Dao gave a presentation at the Planning Board meeting last night; a number of questions came up; requested clarification on geographic equity and what allocations are specificity earmarked for Alameda.

Mr. Dao stated the geographic equity does not pertain to the TEP and relates to the Countywide Transportation Plan, which is a different plan; geographic equity is built in to the TEP.

In response to Councilmember Tam's inquiry regarding population split, Mr. Dao stated the TEP programs and projects are well balanced plan and achieve infrastructure to accommodate needs as well as geographic equity; 41% of the population is in the northern part of the County.

Mayor Gilmore stated Table 2 of the proposed funding has two items: the rapid bus service at \$9 million dollars and the Miller-Sweeny Bridge at \$94 million; inquired whether both are fully funded, to which Art Dao responded in the affirmative.

Mayor Gilmore stated Alameda would receive \$103 million dollars if the measure passes.

Mr. Dao noted the Broadway-Jackson interchange project is included as well.

In response to Mayor Gilmore's inquiry regarding the Broadway-Jackson interchange, Mr. Dao stated projects are seldomly funded solely with sales tax money; aside from sales tax money, regional, State and federal discretionary funds can be pursued; provided an example.

Andy Slivka, Carpenters Union, Alameda County Building Trades Council and Alameda resident, urged Council to approve the plan and support placing the matter on the ballot.

John Knox White, Planning Board, stated five out of six Planning Board members support placing the measure on the ballot; expressed concern with only two projects being approved by the voters and the mechanism for leveraging funds; discussed Councilmembers serving on regional bodies.

Mayor Gilmore concurred with Mr. Knox White's suggestion to have Council policies regarding Councilmembers serving on regional bodies.

Jon Spangler, Alameda, stated that he supports the Planning Board motion and urged supporting placing the measure on the ballot; stated the Plan is already behind the curve for bike and transit use.

Carol Gottstein, Alameda, expressed skepticism regarding sea level rise and questioned whether Mr. Knox White's employer works on related projects.

In response to Councilmember deHaan's inquiry about projects, Mr. Dao stated the Miller-Sweeny Bridge, Park Street Bridge and the High Street Bridge all fall under the major commute corridor category which has \$800 million in funding; ACTC selects which projects to fund through a biannual capital improvement plan process; corridor projects could be partially or fully funded.

Ms. Lengyel, ACTC Deputy Director of Policy, Public Affairs and Legislation, stated the County recognizes the importance of the two bridge projects; the Miller-Sweeny Bridge is in Tier 1 funding, which is considered to be fully funded; the TEP and the Countywide

Transportation Plan are interrelated; the project would be funded earlier and more quickly if the TEP passes in November; there is a commitment in the long range plan to fully fund the project if the TEP does not pass

In response to Councilmember deHaan's inquiry regarding Park Street and High Street, Ms. Lengyel said projects are in the Countywide Transportation Plan.

Councilmember Tam stated that she is comfortable after the Transportation Commission and Planning Board review; moved approval of requesting Alameda County to place the matter on the November 6, 2012 ballot [adoption of the resolution], with suggestions from the Planning Board, which ask staff to help Councilmembers serving on regional boards develop policy to help guide issues regarding cost oversight as well as sustainability and looking at transportation projects that reduce green house gas emissions.

Vice Mayor Bonta stated that he would not second a motion that has conditions, unless the conditions are suggestions for the future.

Councilmember Johnson suggested two separate motions.

Councilmember Tam moved approval of Council asking the Board of Supervisors to place the matter on the November 6, 2012 ballot [adoption of the resolution].

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

Mayor Gilmore stated staff should be directed to come up with internal policy to guide Councilmembers sitting on regional boards, not only for greenhouse gasses, but also sea level rise.

In response to Councilmember deHaan's inquiry, Councilmember Tam stated the suggestions are embodied in the Planning Board motion last night; the issues include sea level rise and transportation projects that reduce greenhouse gas emission and come from Community Action for a Sustainable Alameda (CASA); budget oversight concerns might not involve the Planning Board or Transportation Commission.

Mayor Gilmore stated Councilmembers serving on regional boards should have guidance from the entire Council as to the City's position; that she would like to be able to serve and have the force of the Council behind her.

Councilmember Tam stated regional equity and geographic equity are the type of issues representatives should advocate.

Councilmember Johnson stated the matter should be placed on agenda for discussion.

The Public Works Director stated staff can work with the Planning Board on the internal policy for the regional boards for greenhouse effects, sea level rise, cost overruns, and

geographic equity and may even identify some others; then, the matter would be brought to Council.

Councilmember Johnson stated that she opposes using a population basis for allocating funding.

The Public Works Director stated Planning Board Member Knox White has indicated there is urgency to get something to ACTC on geographic equity.

In response to Councilmember Johnson's inquiry, the Public Works Director stated Planning Board Member Knox White suggested sending a letter to ACTC regarding a geographic equity goal; staff could address said issue and craft a letter to ACTC for the City Manager's signature.

Councilmember Johnson moved approval of the matters discussed [establishing policies for Councilmembers serving on regional boards and directing staff to draft a letter to ACTC].

Councilmember Tam seconded the motion.

Mayor Gilmore requested the letter be reviewed by Vice Mayor Bonta.

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

(12-242) Recommendation to Authorize the City Manager to Enter into Negotiations with KemperSports for the Long-Term Operation of the Chuck Corica Golf Complex.

The City Manager and former Recreation and Parks Director gave a brief presentation.

Mayor Gilmore expressed concern over assurances regarding financial capability.

The City Manager provided information on both companies.

In response to Mayor Gilmore's further comments, the City Manager stated that that he does not see a problem [with either company]; the opportunity for delay and controversy led staff, on a close call, to select KemperSports.

Councilmember deHaan inquired about KemperSports creating a buffer, to which the City Manager responded the City is not at that level of negotiations yet; noted the lease would come to Council for a vote.

Councilmember Johnson inquired about the structure of Greenway Golf Golf's partnership.

The former Recreation and Parks Director stated Greenway Golf will bring in outside investors for part of the funding.

In response to Councilmember Johnson's inquiry about Greenway Golf's partners, the former Recreation and Parks Director stated the three main partners are George Kelley, Ken Campbell and Marc Logan.

The City Manager noted Greenway Golf is a corporation.

Vice Mayor Bonta inquired whether staff interprets Greenway Golf partnering with outside investors as a sign of financial weakness, to which the former Recreation and Parks Director responded in the negative.

In response to Councilmember Tam's inquiry, David Sams, Golf Consultant, reviewed Exhibit 3 from the staff report.

In response to Councilmember deHaan's inquiry regarding improvements, Mr. Sams outlined both plans.

Councilmember deHaan inquired whether tree changes have been analyzed, to which Mr. Sams responded in the negative.

In response to Councilmember deHaan's inquiry regarding trees, George Kelley and Marc Logan, Greenway Golf Golf, responded about 15 to 18 small trees would be impacted.

Councilmember deHaan inquired whether the trees were memorial trees, to which Mr. Logan responded that he did not have said information.

Councilmember deHaan inquired about the amount the trees that would remain in place, to which Mr. Logan stated around 90%.

In response to Councilmember deHaan's inquiries, Mr. Logan outlined the style and look of the proposed course and memorial trees.

Mayor Gilmore requested review of drainage.

Mr. Sams stated [Greenway Golf's proposal for] 800,000 yards would greatly improve drainage; a slope of 2% is needed for drainage; Monarch Bay did something similar to KemperSport's proposal to install drain lines; drainage is much better than 11 years ago and would be a five or a six under KemperSports; Greenway Golf would bring it up to a nine or a ten.

Councilmember deHaan stated the south course is built on an old dump site; inquired whether only six holes would be impacted.

The former Recreation and Parks Director responded KemperSports identifies six holes as having potential problems; KemperSport's proposal calls for a study and areas with

environmental concerns would be capped with dirt.

Councilmember Johnson inquired whether proposed green fees are known, to which the former Recreation and Parks Director responded in the negative.

Councilmember Johnson stated the fees could be an issue in the financial projections and are relevant at this point.

Mr. Sams stated both proposers are very savvy when it comes to marketing in the Bay Area and are not going to price themselves out of the market place.

Councilmember Johnson stated rates for residents, juniors and school golf programs have been discussed and should continue similarly.

Mr. Sams stated typically cities keep control of the resident rates and operators maintain the non-residents rates.

The former Recreation and Parks Director stated staff has heard the desire to protect resident and senior rates and high school teams access, which can be addressed in the lease.

Councilmember Tam requested information about bringing in dirt and what triggers a California Environmental Quality Act (CEQA) analysis and Environmental Impact Report (EIR).

Mr. Logan stated outlined Greenway Golf's proposal.

Councilmember Johnson inquired whether there would be 180 trucks per day for 26 weeks, to which Mr. Logan responded in the affirmative.

Councilmember Johnson inquired if it would be for seven days a week or five days a week, to which Mr. Logan responded trucks would be working 5.5 days a week.

Councilmember Tam inquired about the different staff estimate of 500 round trips a day.

The former Recreation and Parks Director responded the original calculations were based on a 10 yard truck, which is standard; Greenway Golf's calculations were based on a 30 yard truck, which reduces the number of trips significantly.

The City Manager stated the fewer trucks are heavier trucks; further noted Greenway Golf's proposal tries to route the trucks in a way that would have minimal impact in residential areas.

The Planning Services Manager gave a brief review of environmental issues, including moving soil, the drainage system and the flood plain.

In response to Councilmember Johnson's inquiry about the amount of time it would take Greenway Golf to complete an EIR, the Planning Services Manager stated the draft EIR could be done in six months, which is followed by a 45-day review period before the Planning Board and Council make a final decision.

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Councilmember deHaan left the dais at 9:54 p.m. and returned at 9:55 p.m.

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Expressed support for selecting Greenway Golf Golf: George Humphreys, Alameda; Bob Wood, Alameda; Mary Anderson, Alameda; Pam Curtis, Alameda; Dorothy Moody, Alameda; Bobbie Hoepner, Alameda; John Piziali, Alameda; Don Peterson, Alameda; Chuck Kapelke, Alameda; Robert Sullwold, Alameda; Jon Spangler, Alameda; George Kelly, Greenway Golf Golf; Mark Massara, San Francisco; Joe Van Winkle, Alameda; Bill Schmitz, Alameda; Jane Sullwold, Alameda; Rob Salsig, Alameda; John Hasegawa, Alameda; and Tony Corica, Alameda.

Expressed support for selecting KemperSports: Tim Scates (wife), Alameda, (submitted information); Connie Wendling, Alameda; former Councilmember Lil Arnerich, Alameda; Betsy Gammell, Alameda; Norma Arnerich, Alameda; Ray Gaul, Alameda; and Ben Blake, KemperSports.

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(12-243) Following Mr. Kapelke's comments, Vice Mayor Bonta moved approval of considering the ordinance establishing a depreciation policy [paragraph no. 12-246] after 10:30 p.m.

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

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Vice Mayor Bonta left the dais at 10:31 p.m. and returned at 10:32 p.m.
Councilmember Tam left the dais at 10:31 p.m. and returned at 10:34 p.m.

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(12-244) Following Ms. Arnerich's comments, Councilmember deHaan moved approval of continuing past 11:00 p.m.

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

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Councilmember deHaan left the dais at 11:01 p.m. and returned at 11:03 p.m.

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Vice Mayor Bonta inquired whether Mr. Sams indicated Greenway Golf improvements would make the course a 9 or a 10, to which Mr. Sams responded in the affirmative.

Vice Mayor Bonta inquired whether the scale is a 1 to 10 scale, to which Mr. Sams responded in the affirmative.

Vice Mayor Bonta inquired what rating KemperSports would be, to which Mr. Sams responded a 5 or 6.

In response to Vice Mayor Bonta's inquiry, Mr. Sams addressed links style.

Vice Mayor Bonta inquired about a links course usage, to which Mr. Sams stated whatever happens on the course, with Greenway Golf or KemperSports, play will increase; more rounds would probably be played on the links style course than the par course.

Vice Mayor Bonta inquired whether there is a conclusive answer about removal of memorial trees.

The former Recreation and Parks Director responded staff does not have an exact number; stated the figure depends on the design.

The City Manager stated that he discussed the matter with Greenway Golf; he is confident that staff, Greenway Golf and folks who have worked on the memorial tree program can come to a solution; no one can promise memorial trees will not be moved; Greenway Golf is aware of the matter and will double its efforts to avoid creating any controversy.

In response to Vice Mayor Bonta's inquiry about the needs for a financial partner, Mr. Kelley stated Greenway Golf needs a financial partner; Greenway Golf is a smaller company, with 12 management contracts and does not have millions of dollars in a bank account; Greenway Golf convinced a very well qualified investor that the endeavor is worthwhile; the investor is a very sophisticated Silicon Valley individual with 30 years experience and says he has never failed.

Councilmember deHaan inquired whether Mr. Kelley would relocate locally.

Mr. Kelly responded in the affirmative; stated moving to the area is the main reason he wants the contract.

Councilmember deHaan inquired whether Mr. Kelley would be on site during the renovation period, to which Mr. Kelly responded in the affirmative.

Councilmember deHaan inquired whether the South course should be considered links

style, to which Mr. Kelly responded in the affirmative; stated early articles describe the South course as being links style; characterized links style; further stated the North course would never play similarly; there would be two distinctly different styles available.

In response to Councilmember Johnson's inquiry regarding pesticides use reduction, Mr. Kelley responded that he has not been able to see the current pesticides used; Greenway Golf's pesticide reduction has been anywhere from 30% to 70%.

Councilmember Johnson inquired whether Greenway Golf could commit to pesticide reduction during the negotiation phase.

Mr. Kelly responded in the affirmative; stated Greenway Golf's turf management program involves less inputs: less water, less pesticide, and less fertilizer; less grass is grown to reduce input.

Councilmember Johnson inquired whether pesticides reduction is because there is less grass.

Mr. Kelley responded said reduction is because of less growth, not less grass; discussed grasses.

Councilmember Johnson inquired whether it would be the same for the North course, to which Mr. Kelley responded in the affirmative; stated the North course would start almost immediately; a special machine from Australia introduces kokua grass into the surface with minimal disruption; explained the process.

In response to Councilmember Johnson's inquiry regarding animal management, Mr. Kelley stated there is not really a friendly way to deal with animals.

Councilmember Johnson stated that she would prefer not killing unwanted animals; using natural predators does not bother her; a better way than trapping and euthanizing should be sought and discussed during negotiations; inquired how the matter is handled now.

The former Recreation and Parks Director responded dogs are used to deal with the goose problem; stated there is not an active trapping program.

In response to Councilmember deHaan's inquiry regarding the Mif Albright course, Mr. Blake stated a new practice area will be built, the greens will be resurfaced, and the quality will be raised.

Councilmember deHaan inquired how the area would work as a training academy.

Ben Blake, KemperSports, responded the driving range will be significantly improved, which will help with teaching; there are a series of steps; beginner golfers are taught how to hit the ball; the first step is to go to the Mif and learn the nuances of the game

and how to get around a course; then, they graduate to the nine hole course.

In response to Councilmember deHaan's inquiry regarding junior golf, John Vest, KemperSports, stated KemperSports currently works with the junior golf board on programs; outlined efforts.

Councilmember deHaan inquired whether [playing] capacity could be improved.

Mr. Blake responded there is room; the course is not at full capacity; currently, there is more capacity on the South course; on Saturdays, the North course is booked from daybreak until 11 a.m.; a better managed course would bring more play to the South course.

Councilmember deHaan inquired if the South course is played about 30% less than the North course, to which Mr. Blake responded in the affirmative.

In response to Mayor Gilmore's inquiry regarding the number of days there is no play because the course has not drained, the former Recreation and Parks Director stated probably 2 to 3 days or up to a week, depending on the severity of the storm.

Mayor Gilmore inquired after each episode or each year, to which the former Recreation and Parks Director responded up to five days might be lost after saturation is reached.

Mayor Gilmore inquired whether Greenway Golf renovations would cause play to come back faster.

Mr. Sams responded in the affirmative; stated carts would be able to leave the paths quicker.

Councilmember Johnson inquired whether Greenway Golf's design of the South course would be walker friendly; noted the PGA is encouraging people to walk golf courses.

Mr. Sams responded even bringing in 800,000 yards of material, the course will be pretty flat; stated that he has not seen the design; the distance from the green to the next tee box cannot be a far distance because of the property size.

Councilmember Johnson stated if Greenway Golf is selected, direction should be given to ensure people are encouraged to walk.

Councilmember deHaan expressed his appreciation for reaching this point.

Councilmember Johnson stated Greenway Golf would be putting a lot more resources into the South course; inquired whether projections for play on the North course would stay as strong.

Mr. Kelley responded the South course would be the preferred course once renovated;

the renovation plans for the North course will make it excellent as well; Rees Jones is a big name and will generate national publicity; people coming to the Bay Area from out of town will have read about a new Rees Jones course in Alameda, will fly into Oakland Airport and be right there; the South course is going to be more popular, but the North course is not going to suffer in anyway in terms of popularity, especially with locals.

In response to Councilmember Johnson's inquiry regarding the North course improvements, Mr. Kelley stated there is going to be new grass and new tees; greens will be slowly converted to bank grass which is one of Greenway Golf's trademarks; bunkers will be redone; drainage will be installed; there will be significant improvements.

Councilmember Johnson inquired whether Greenway Golf's intention is to make the course a walker friendly course, to which Mr. Kelley responded in the affirmative.

Councilmember deHaan moved approval of directing the City Manager to negotiate with Greenway Golf.

Vice Mayor Bonta seconded the motion.

Councilmember Tam stated the staff recommendation is well designed and tries to minimize risk; inquired whether the motion is to have the City Manager enter into negotiations with Greenway Golf for the long term operation of the golf course; however, should the negotiations fail to yield a lease within 45 days, the City would look at KemperSports.

Councilmember deHaan responded in the affirmative.

The City Manager clarified the lease would be negotiated within 45 days; the City's 12 day notice period would not count as part of the 45 day period.

Mayor Gilmore stated that she wants thought given on how to hold the company's feet to the fire once the contract and renovations are done; the City hears complaints from golfers about maintenance issues not being addressed in a timely fashion; that she wants thought to be given to addressing said issues going forward; the process has been really good; the Council reserves the right to make the decision that feels correct after having thoughtfully listened to the input of both staff and residents.

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

Councilmember deHaan stated staff should set up solid milestones.

* * *

Mayor Gilmore called a recess at 11:45 p.m. and reconvened the meeting at 11:51 p.m.

* * *

(12-245) Adoption of Resolution to Accept the Parks/Urban Greening Master Plan. Not

heard.

(12-246) Introduction of Ordinance Establishing a Depreciation Policy for City Vehicles, Equipment, and Facilities. Introduced.

The Assistant City Manager and City Manager gave a brief presentation.

Councilmember deHaan inquired whether the ordinance only applies to facilities built or renovated using Measure C funding, to which the Assistant City Manager responded in the affirmative.

Councilmember deHaan inquired whether the ordinance would apply to other facilities, to which the Assistant City Manager responded in the negative.

In response to Councilmember deHaan's inquiry regarding collecting money according to the life expectancy of equipment, the City Manager stated the policy says equipment is to be sold and the money set aside is used to replace the equipment.

Councilmember deHaan inquired whether the annual costs have been projected, to which the Assistant City Manager responded the Police and Fire Chiefs have done some work on costs.

In response to Councilmember deHaan's inquiry regarding facilities, the City Manager stated the life has to be determined on a case by case basis; a fire station had a 75 year useful life; long term leases run 66 years.

Councilmember deHaan inquired whether routine maintenance is included, to which the Assistant City Manager responded for facilities, not for vehicles.

In response to Councilmember Tam's inquiry regarding resale value and replacement of a fire engine, the Assistant City Manager responded decisions are made on a case by case basis; most recently, apparatus have be leased because it made the most financial sense.

Jon Spangler, Alameda, questioned why the City is not adopting the policy citywide, independent of Measure C.

Mayor Gilmore, Councilmembers Tam and Johnson and the City Manager responded the City cannot afford to do so.

Vice Mayor Bonta inquired whether the policy could apply to new purchases made without Measure C funds, to which the City Manager responded in the negative; stated all new public safety vehicles would be purchased under Measure C.

Councilmember Johnson stated the ordinance cannot apply to everything because a designated funding source is required.

Councilmember deHaan noted the City has \$3 million set aside for vehicles, which should last 3 to 4 years.

The City Manager stated staff does not agree with said assessment; the Public Works fleet alone would use the entire amount; Measure C would keep the bank from breaking.

The Assistant City Manager reviewed vehicles not covered by Measure C.

The City Manager stated staff could visit expansion if Measure C passes.

Councilmember Johnson stated departments would have to be severely cut to increase payments to the internal service funds.

Councilmember Tam moved introduction of the ordinance.

Vice Mayor Bonta seconded the motion.

Vice Mayor Bonta inquired whether the depreciation money is from Measure C, to which the City Manager responded in the negative; stated the money would be from the General Fund.

Councilmember Johnson inquired whether staff is confident that the City will be able to keep up with the depreciation coming from the General Fund, to which the City Manager responded in the affirmative.

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

CITY MANAGER COMMUNICATIONS

(12-247) The City Manager thanked everyone for the excellent process on golf.

ORAL COMMUNICATIONS, NON-AGENDA

(12-248) Jon Spangler, Alameda, urged Council to consider types on of businesses in the business districts.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(12-249) Councilmember deHaan stated that he would change his vote on the depreciation ordinance [paragraph no. 12-246] to an aye with the caveat that it is what the Council intended to do.

ADJOURNMENT

(12-250) There being no further business, Mayor Gilmore adjourned the meeting at 12:16 a.m. in memory of Police Officer Dave Ellis and U.S. Army Sergeant Tom Fogerty.

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- -MAY 15, 2012- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:04 p.m.

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

[Note: Vice Mayor Bonta arrived at 6:08 p.m. and Councilmember Johnson arrived at 6:15 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(12-220) Public Employee Performance Evaluation (54957); Title: City Manager John Russo.

(12-221) Conference with Legal Counsel – Existing Litigation (54956.9); Name of Case: City (People of the State of California, ex rel. Mooney, et al) v. Collins, et al.; Superior Court of California, Alameda County Case No. RG11593720; Lawsuit against owners of 2229-2235 Clement Avenue to abate nuisance, dangerous conditions, blight; and Name of Case: Collins v. City of Alameda City; Superior Court of California, Alameda County Case No. RG07310684; Owners of 2229-2235 Clement Avenue in 2007 challenged the City's General Plan and zoning after the City Council rejected the owners' development proposal.

(12-222) 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 Performance Evaluation, the Council; regarding Existing Litigation, the Council and regarding Labor, the Council

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:04 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- -MAY 15, 2012- -6:58 P.M.

Mayor Gilmore convened the meeting at 7:14 p.m. Vice Mayor Bonta led the Pledge of Allegiance.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

(12-223) Gretchen Lipow, Alameda, urged Council to review the campaign finance ordinance; submitted information.

(12-224) Kurt Peterson, Alameda, made brief comments.

AGENDA ITEM

(12-225) Resolution No. 14673, “Amending Resolution No. 14637 to Move the June 5, 2012 Regular City Council Meeting to June 6, 2012 due to the Special Election.” Adopted.

Councilmember Tam moved adoption of the resolution.

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

ADJOURNMENT

Mayor Gilmore announced that the regular meeting would be adjourned in memory of Police Officer Dave Ellis and U.S. Army Sergeant Tom Fogerty; and discussed lowering flags. There being no further business, Mayor Gilmore adjourned the meeting at 7:24 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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