

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

Mayor Gilmore convened the meeting at 7:16 p.m. Councilmember deHaan led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(12-352) Presentation of Certificates of Service to Harry Dahlberg, Economic Development Commission; Peter Holmes, Public Utilities Board; and Kathy Moehring, Transportation Commission.

Mayor Gilmore presented certificates to Mr. Holmes and Ms. Moehring.

(12-353) Proclamation Recognizing the City's Antique Fire Apparatus Volunteers.

The presentation was postponed, recipients were not in attendance

ORAL COMMUNICATIONS, NON-AGENDA

(12-354) Michael John Torrey, Alameda, made an announcement regarding an upcoming blood drive. with American Red Cross on the 21<sup>st</sup> of July.

(12-355) Ken Peterson, Alameda, discussed budget shortfalls.

(12-356) Diane Lichtenstein, Alameda, did not speak.

CONSENT CALENDAR

Councilmember Tam moved approval of the Consent Calendar.

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

(\*12-357) Minutes of the Special City Council Meetings Held on May 29, 2012; the Special and Regular City Council Meetings Held on June 6, 2012, and the Special City Council Meeting Held on June 12, 2012. Approved.

(\*12-358) Ratified bills in the amount of \$4,115,712.05.

(\*12-359) Recommendation to Approve an Additional Advance and Modification Agreement for the Alameda Islander Motel Project Adding \$120,000, for a Total HOME Loan Amount of \$1.42 Million and Authorize the City Manager to Execute the Agreement and Related Documents. Accepted.

(\*12-360) Recommendation to Approve the Housing Authority Board of Commissioners' Recommendation that the Islander Motel be Renamed "The Park Alameda Apartments." Accepted.

(\*12-361) Recommendation to Award a Contract in the Amount of \$246,500, Including Contingencies, to Engineered Soil Repairs, Inc. for Walnut Street Seawall Repair, No. P.W. 01-12-02. Accepted.

(\*12-362) Resolution No. 14714, "To Approve an Agreement with the Alameda County Flood Control Water Conservation District Providing for Implementation of the Alameda Countywide Clean Water Program and Authorize the City Manager to Execute all Required Documents." Adopted.

(\*12-363) Resolution No. 14715, "Authorizing the City Manager to Renew an Agreement with Carducci Landscape Architects to Provide the Design and Project Management Services for the Renovation of Krusi Park, in an Amount Not to Exceed \$320,188." Adopted.

(\*12-364) Resolution No. 14716, "Declaring the Canvass of Returns and Results of the Consolidated Special Municipal Election Held on Tuesday, June 5, 2012." Adopted.

(\*12-365) Ordinance No. 3050, "Amending the Alameda Municipal Code by Amending Article II (Boards And Commissions) of Chapter II (Administration) and by Amending Section 2-12.2(A) to Revise the Membership of the Recreation and Park Commission." Finally passed.

(\*12-366) Ordinance No. 3051, "Amending the Alameda Municipal Code by Adding Section 2-67 Relating to Prevailing Wages." Finally passed.

### REGULAR AGENDA ITEMS

(12-367) Resolution No. 14717, "Accepting Parks Master Plan and Technical Studies for Urban Greening Plan." Adopted.

Linda Gates, Gates & Associates, gave a Power Point presentation about Parks Master Plan

Councilmember deHaan inquired how School District assets and playing fields are

incorporated.

Ms. Gates responded standards are set for the number of fields; Stated the plan shows how many fields can be accomplished at different sites; the Recreation and Parks Department wants to continue to work with the School District to meet needs, yet not be dependent on each other; standards are the most important thing.

Councilmember deHaan inquired why certain fields are not available in the equation.

Ms. Gates responded the guidelines show the ratios used to determine hours of play needed; the ratios are adapted for types of fields; and public and private facilities and hours of play can be pro-rated.

Councilmember deHaan inquired whether regional needs were considered.

Ms. Gates responded in the affirmative, stated staff talked to the East Bay Regional Park District about Alameda Point meeting the need for trails and open space; the location has challenges because of lease agreements and tideland trust; however, there are multiple ways to close gaps.

Councilmember Johnson inquired whether the use of the swimming pool at the Base is too expensive to consider.

Ms. Gates responded in the affirmative; stated School pools were also too expensive.

Councilmember Johnson inquired whether the Base pool was worthwhile keeping for other recreational uses.

Ms. Gates responded there are opportunities for public private partnerships with revenue generation.

The Recreation and Park Director stated staff is working with an organization called Ramprats; the group is getting an inspection to determine the feasibility of using the pool for a skate and BMX facility.

Ms. Gates noted there are challenges in putting active recreation in tideland trust land; however, existing structures can be reused.

Councilmember Johnson inquired staff is recommending moving the Teen Center out of the Veterans building, which is not an ideal space.

Ms. Gates responded in the affirmative, stated renovation does not make sense due to cost.

Vice Mayor Bonta inquired if analysis was done regarding the possibility of hosting tournaments.

Ms. Gates responded in the affirmative; stated consolidation has three different alternatives; Alameda Point is the favored location.

Councilmember Tam stated the demographics show Alameda getting older than the rest of county and inquired why we want more sports fields.

Ms. Gates responded families are coming into Alameda; young coming in will start a cycle.

Councilmember DeHaan stated that he appreciates the analysis of each sports fields facility; inquired whether analysis was done to determine the cost of bringing poor and fair sports fields up to the standard.

Ms. Gates responded in the negative; stated there are too many variables.

Councilmember deHaan expressed concern about deferring maintenance; stated knowing the amount would be nice.

Ms. Gates stated staff can work on it.

The City Attorney noted the Council is being asked to accept the study, not adopt anything as a plan; stated the work done does not necessarily comport with the General Plan.

In response to Councilmember deHaan's inquiry, the City Attorney stated the recommendation is to adopt a resolution accepting the study which would require General Plan amendments, amendments to the City's Municipal Code, and funding in the City's capital improvement plan, all of which require future hearings and environmental review.

In response to Councilmember Johnson's inquiry regarding softball facilities, Ms. Gates stated there are 15 60 foot diamonds which is a mixture of softball and little league.

Councilmember Johnson inquired whether the study determined softball facilities are needed; to which Ms. Gates responded not right now; however, there will be needs at some point during the build out.

Councilmember Johnson stated Alameda has really high quality baseball facilities and inquired whether the need for quality softball facilities was addressed.

Ms. Gates stated the recommendation is one 90 foot diamond field and three 60 foot diamond fields are needed; one 60 foot diamond field could be dedicated to softball.

Councilmember Johnson requested staff to ensure there is at least one quality facility for the girls.

Urged consideration of previous ideas for use of the Beltline property: Jim Sweeney, Alameda; Dorothy Freeman, Alameda; and Aaron Thies, Alameda.

The City Manager stated decisions regarding open space have been made; the Beltline, would be brought to the Recreation and Park Commission for a discussion; California Environmental Quality Act (CEQA) review would be needed; accepting the report does not endorse details.

Vice Mayor Bonta moved adoption of the resolution.

Councilmember Johnson seconded the motion.

Under discussion, Councilmember deHaan stated acceptance should include following the spirit of Jean Sweeney's ballot measure regarding open space.

The City Manager stated Jean Sweeney elaborated on different designs, including BMX trails and pools; Mrs. Sweeney clearly wanted a lot of open space, which is probably the direction the City will follow; a healthy vigorous debate should be informed and inspired by what Jean Sweeney did; everyone is thankful for all she did.

Mayor Gilmore stated the motion was to accept the staff recommendation.

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

(12-368) Recommendation to Approve an Amended and Restated Legally Binding Agreement (LBA) Between the City of Alameda, Housing Authority of the City of Alameda, Alameda Point Collaborative and Building Futures with Women and Children for a Homeless Accommodation at the North Housing Parcel.

The Housing Development Program Manager gave a brief presentation.

Councilmember Johnson inquired whether the City's environmental liability issues have changed, to which the Housing Development Program Manager responded in the negative; stated the City retained the provision that requires environmental insurance be secured at a reasonable cost prior to taking title; if the City is unable to do so, there is no obligation or requirement to accept title.

Councilmember Johnson inquired whether the City taking title is necessary, to which the Housing Development Program Manager responded in the affirmative; stated the homeless accommodation title goes from the Navy to the local Reuse Authority and then on to the homeless service providers; transfer is simultaneous, the City would own the property for an instant.

Councilmember deHaan inquired where the North Housing Parcel is located. The Housing Development Program Manager responded the location of the North

Housing parcel is east of Main Street across from the Base; stated there are 282 boarded-up units previously occupied by the Coast Guard.

Councilmember deHaan inquired whether or not the Agreement would provide any financial stream for basic City services, to which the Housing Development Program Manager responded the accommodation is intended to be a 90-unit project that would provide permanent affordable housing to formerly homeless people.

Urged approval of the staff recommendation: Doug Biggs, Executive Director of Alameda Point Collaborative.

Vice Mayor Bonta moved approval of the staff recommendation.

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

(12-369) Resolution No. 14718, “Approving Amendments to the Housing Element of the General Plan.” Adopted; and

(12-369 A) Introduction of Ordinance Amending Alameda Municipal Code Section 30 Development Regulations to Ensure Consistency between the Alameda Municipal Code, the Alameda General Plan, and State of California Government Code Pertaining to the Regulation of Housing Development. Introduced.

The Planning Services Manager gave a Power Point presentation.

Mayor Gilmore stated the pictures are very helpful.

Councilmember deHaan stated the big elephant in the room is Measure A, and inquired the Housing Element coincides with the Charter.

The Planning Services Manager responded the situation is similar to the density bonus ordinance; stated federal law generally trumps State law and State law generally trumps local law if there is conflict; the State says cities have to provide housing and cannot have a local ordinance prohibiting housing. State law does not say there is a problem with Measure A zoning; every city in California has something like Measure A; State law is saying Measure A cannot apply to the entire City; multifamily residential zoning has to be permitted in areas; just enough has been provided to meet the regional obligation.

Councilmember deHaan inquired whether the State is dictating Measure A would be trumped by the Housing Element.

The Planning Services Manager responded just as with State density bonus, the City has to adopt an ordinance providing a certain amount of affordable housing, which waives Measure A.

Councilmember deHaan inquired how many stories tall are Summer Homes, to which the Planning Services Manager responded four stories.

In response to Councilmember deHaan's further inquiry regarding Summer Homes, the Planning Services Manager stated the density is low because the site is huge; a four story building on Santa Clara has lower density.

Councilmember deHaan inquired whether Alameda Point is excluded from the Housing Element.

The Planning Services Manager responded Alameda Point is not addressed because State law penalizes cities that do not make land available during the period.

Councilmember deHaan inquired how many homes could be built, to which the Planning Services Manager responded 2,400 units total.

The City Manager stated the City is not committed to building or developing the units; the City is committed to making the sites available; the seven year Housing Element is five years late.

Councilmember Johnson stated getting a certified Housing Element is important; inquired how certain is staff that State law trumps the Charter.

The City Attorney stated the matter is of State-wide, not municipal concern; therefore State law trumps the City.

The City Manager stated the State can condition money on General Plan and Housing Element compliance; the State legislature is placing strings on its money.

Councilmember Johnson stated she has no doubt that the State would do so.

Urged the Housing Element be approved: Darin Lounds, Executive Director of the Housing Consortium of the East Bay and Board President of East Bay Housing Organizations; Diane Lichenstein, HOMES; Patricia Burke; Marylin Ezzy Ashcraft, Laura Thomas, President, Renewed Hope Housing Advocates; Austin Tam; Lynette Lee, Renewed Hope and Buena Vista Methodist Church; Deni Adaniya; Amie Fishman, Executive Director, East Bay Housing Association; David de la Torre, Gene Oh, Chair, Buena Vista Community Institute, and owner of Alameda Bicycle; William Smith, Vice President, Renewed Hope; Alan Pryor.

Urged the Housing Element not be approved: Angela Fawcett, Park Webster Homeowner Association; Ken Petersen; Darcy Morrison.

In response to the City Manager's request, the Planning Services Manager stated the City has to show sites for its regional fair share requirement of 2,400 units; the amount of land and number of units shown in prior Housing Elements is not increasing; the

issue is housing type and density; the same sites can be used for the next round if the sites are still available.

The City Manager reiterated the sites identified today, unless built out, remain available again for the next round.

Mayor Gilmore stated the City has gone through the Housing Element process many times; identified sites might not be built; given the economy, all of the sites are probably still going to be available in the next cycle.

The City Manager stated projects have to go through the standard regulatory process to examine impacts, mitigation, CEQA analysis on some level. This all still has to happen on any given project, so the approval tonight is for the Housing Element General Plan, it does not dispose of any specific project on any specific site, nor does it preclude the City from identifying these sites again in 2015, which will have a lower number apparently than in this particular housing element based on the earlier numbers.

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Following Corinne Lambden's comments, Councilmember Tam left the dais at 9:26 p.m. and returned at 9:32 p.m.

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Vice Mayor Bonta moved adoption of the resolution and introduction of the ordinance.

Vice Mayor Bonta inquired the last time the City had a certified Housing Element, to which the Planning Services Manager responded the 1990 Housing Element.

Vice Mayor Bonta inquired whether Measure A still exists in the City no matter what the Council does tonight.

The City Attorney responded in the affirmative, stated the Housing Element is consistent with State law requirements and does not eliminate Measure A.

Vice Mayor Bonta stated the City should be compliant with the State laws in order to eligible for transportation funding; the Housing Element is the right thing to do from a social and economic justice perspective, housing options should be provided for the entire population, including affordable housing.

Councilmember Tam seconded the motion.

Councilmember Tam stated the Housing Element is about Alameda planning for a sustainable future that preserves open space and provides a mix of housing to support the needs of working families; control over planning, including Measure A, is being preserved within the City instead of being taken over by the courts like other cities; noted the City has to start again in two years.



Councilmember DeHaan stated the community should be totally engaged in the discussion of the Housing Element; expressed concern that the community has not been.

Councilmember Johnson inquired whether there was discussion of the downtown areas included in an overlay area.

The Planning Services Manager stated the sites proposed and identified in the Housing Element have to meet a rigorous set of criteria to be considered “available;” designating North of Park Street as a multifamily overlay was discussed, but the State would not accept many of the sites as “available” because viable businesses are on the sites; every site has to be truly available.

Councilmember Johnson inquired whether combined residential and business units in the City's downtown could be included.

The Planning Services Manager responded the current density bonus ordinance allows up to 29 units to the acre; the multifamily overlay zone can be used to identify sites to meet the total number of units; the multifamily overlay could be moved to a different site to show the State capacity has been maintained.

Councilmember Johnson stated having Measure A explained in the staff report would have been helpful because people have raised the issue.

Councilmember deHaan inquired whether a 29-unit project has been built, to which the Planning Services Manager responded in the negative, stated the Collins project has been approved, but not built due to the economy.

Councilmember deHaan stated the amount is being increased to 48 units, which is a quantum step above 29 units.

In response to Councilmember Johnson's request, the Housing Development and Programs Manager briefly discussed affordable housing.

Councilmember Tam inquired about affordable housing funding.

The Housing Development and Programs Manager stated Assembly Bill (AB) 1484 was signed into law on Friday to clean up to AB26; provisions provide a bit of affordable housing relief; a document transfer tax passed the Senate, but is not out of the Assembly; hopefully the bill will create a permanent funding source for affordable housing and replace redevelopment funds.

Councilmember Johnson requested a review of the extensive opportunity for public input.

The City Manager noted tonight is the fourth public hearing since December.

Councilmember Tam inquired whether there was opposition at the Planning Board meetings.

The Planning Services Manager responded there has been very little opposition throughout the process.

Councilmember Johnson inquired whether the configuration is different, but regardless the City still needs to zone to allow the required number of housing units.

The Planning Services Manager responded in the affirmative; stated the previous Housing Element for approximately 2,000 housing units was never fully certified by the State because only one type of housing, single family residential, was included; a full range of housing types, including the multifamily rental, is included in the proposed Housing Element; the number of units is 2,400 because the City was not successful in getting the last round certified; the Housing Element has to be certified before the statutory deadline because if not, the City will be penalized.

Councilmember deHaan inquired what is the City's obligation to do an Environmental Impact Report (EIR).

The Planning Services Manager responded an environmental assessment was done; the 2008 Transportation Element data was used, which reviewed transportation impacts from building 5,000 housing units Citywide over a 20 year period; the 2003 environmental document for the last Housing Element was also used; every project would still require environmental and design review, and discretionary approval from Planning Board.

Councilmember deHaan inquired about the Chinatown agreement.

The Planning Services Manager replied there is no relationship; stated the agreement only relates to Alameda Point.

Mayor Gilmore stated the City has not had a certified Housing Element during her time on the Planning Board and Council; the issue involves economic and social justice; providing housing for range of different families with different housing types is important.

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.

(12-370) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of the Lease with Delphi Productions, Inc. for Five Years in Building 39 at Alameda Point, 950 West Tower Avenue. Introduced.

The Economic Development Division Manager gave a brief presentation.

Councilmember deHaan inquired why the term is only five years.

The City Manager responded the City does not want to tie the building down for more than five years.

Councilmember deHaan stated that he is surprised the renewal is only five years, since the company is very successful and has been at Alameda Point for a very long period of time.

The City Manager stated the tenant is very happy with the lease.

Vice Mayor Bonta inquired the length of the prior lease and number of renewals, to which the Economic Development Division Manager responded the tenant has been at Alameda Point since 1998 and has had multiple renewals.

Councilmember deHaan stated their initial lease was around 8 to 10 years.

Councilmember Johnson moved introduction of the ordinance.

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

(12-371) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of the Lease with American Bus Repair LLC, Doing Business As Coach Specialties, for Two Years in a Portion of Building 24 at Alameda Point, 2301 Monarch Street. Introduced.

The Economic Development Division Manager gave a brief presentation.

Councilmember Johnson moved introduction of the ordinance.

Councilmember Johnson inquired why the renewal is only for two years, to which the Economic Development Division Manager responded the tenant is occupying one of three bays in Building 24; stated another Building 24 tenant, Rockwall Winery, would like to expand.

Councilmember Johnson inquired if staff is looking for another facility for American Bus, to which the City Manager responded in the affirmative; stated staff should be able to work out something to help everybody expand and create more jobs.

Councilmember Johnson moved introduction of the ordinance.

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

## CITY MANAGER COMMUNICATIONS

(12-372) The City Manager complimented the Council for tonight.

Mayor Gilmore stated the certified Housing Element should be framed.

## ORAL COMMUNICATIONS, NON-AGENDA

None.

## COUNCIL REFERRALS

None.

## COUNCIL COMMUNICATIONS

(12-373) Councilmember deHaan discussed the Staffing For Adequate Fire and Emergency Response (SAFER) grant, fire boats, and salt water pumps; inquired if the SAFER grant would give us two more years.

The Assistant City Manager responded the current grant would expire on September 10<sup>th</sup>; the grant is for two and half years from September 10<sup>th</sup>.

Councilmember deHaan thanked the Assistant City Manager for the information.

Councilmember deHaan inquired about the fire boat grant from Homeland Security.

The Assistant City Manager responded the City received a security grant from Homeland Security.

The City Manager stated the estimate is the City would be required to pay 25% match.

Councilmember deHaan inquired if the boat cost \$1/2 million, to which the City Manager responded in the affirmative.

Councilmember deHaan inquired about securing a homeland security grant for salt water pumps.

The City Manager responded salt water pumps have been addressed; \$1/2 million per pump; the City needs 24 pumps which would cost \$12 million; a report on the matter would come to the Council before the year is over.

Vice Major Bonta inquired whether the fireboat has fire pumping capabilities, to which the City Manager responded in the affirmative.

Vice Major Bonta stated the grants are great examples of leveraging outside funding to

help with budget challenges.

The City Manager commended staff for the team effort to obtain the grants.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:22 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- -JULY 3, 2012- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:00 p.m.

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

[Note: Councilmember Johnson arrived at 6:02 p.m. and Vice Mayor Bonta arrived at 6:07 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(12-349) Conference with Legal Counsel – Anticipated Litigation (Pursuant to subdivision (c) of Section 54956.9); Number of Cases: One. Not heard.

(12-350) Conference with Legal Counsel – Existing Litigation (54956.9); Name of Case: SCC Alameda Point, LLC, et al v. City of Alameda, et al.; U.S. District Court Case No CV-10-5178; this is to discuss strategy regarding a lawsuit brought by our former developer, SunCal, based on the Exclusive Negotiating Agreement.

Following the Closed Session, the meeting was reconvened and Mayor Gilmore announced that regarding Existing Litigation, the Council gave direction to staff.

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Mayor Gilmore called a recess at 7:10 p.m. to hold the regular meeting and reconvened the closed session at 10:24 p.m.

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(12-351) Conference with Labor Negotiators (54957.6); Agency Negotiators: Councilmembers deHaan and Johnson; Unrepresented Employee: City Clerk; Anticipated Issues: All (Wages, Hours, Benefits, and Working Conditions)

Following the Closed Session, the meeting was reconvened and Mayor Gilmore announced that regarding Labor, the Council gave direction to the negotiators.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 10:44 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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