

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -MARCH 6, 2012- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:05 p.m. Councilmember Johnson 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

(12-095) Proclamation Declaring March 2012 as American Red Cross Month.

Mayor Gilmore read and presented the Proclamation to Harry Hartman, Red Cross Leadership Council.

ORAL COMMUNICATIONS, NON-AGENDA

(12-096) Marilyn Ezzy Ashcraft, Alameda, and Nancy Hird, Alameda, urged the Council to reconsider the February 21, 2012 action regarding spending \$12,000 for larger trees as part of the Suarez and Munoz contract.

(12-097) Kathleen Seabolt, Alternatives in Action, discussed their participation in a Shakespeare festival.

CONSENT CALENDAR

Mayor Gilmore announced that the recommendation to adopt Plans and Specifications [paragraph no. 12-100] was postponed to March 20, 2012.

Councilmember deHaan moved approval of the remainder 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.]

(\*12-098) Minutes of the Special Alameda Reuse and Redevelopment Authority (ARRA) Meeting Held on January 31, 2012; and the Special Joint City Council and ARRA Meeting, and the Regular and Special City Council Meetings Held on February 7, 2012. Approved.

(\*12-099) Ratified bills in the amount of \$2,670,605.57.

(12-100) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Repair and Resurfacing of Certain Streets, Phase 31, No. P.W. 02-12-04. **Postponed to March 20, 2012.**

(\*12-101) Recommendation to Accept the Work of Sun Light & Power to Provide Turnkey Design-Build Services for Photovoltaic (Solar) Generation System, No. P.W. 05-10-12. Accepted.

(\*12-102) Recommendation to Adopt Tow Specifications and Authorize a Request for Proposals for an Emergency Vehicle Towing Services Contract for the Alameda Police Department. Accepted.

(\*12-103) Recommendation to Authorize the City Manager to Contribute an Additional \$46,154 Toward the Wind Down of the Associated Community Action Program. Accepted.

#### REGULAR AGENDA ITEMS

(12-104) Resolution No. 14658, "Appointing Nan E. Joesten as a Member of the Housing Commission." Adopted.

Councilmember Tam moved adoption of the Resolution.

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

(12-105) Recommendation to Select One the Following Two Options Relating to the Chuck Corica Golf Complex (1) (a) Approve the Memorandum of Agreement with Harbor Bay Isle Associates (HBIA) in Connection with a Potential Exchange of 12.2 Acres on North Loop Road Owned by HBIA for 12.2 Acres of the 14-Acre Mif Albright Course Owned by the City Including Receipt by the City of Approximately \$7.2 Million in Recreational Facility Improvements; (b) Authorize the City Manager to Negotiate the Terms of a Long-Term Lease with KemperSports to Operate, Improve, Manage and Maintain the Golf Complex; and (c) Authorize the City Manager to Negotiate the Terms of a Development and Long-Term Management and Maintenance Agreement with Alameda Youth Sports Foundation for a Proposed North Loop Road Sports Complex; or (2) Authorize the City Manager to Negotiate with Two Respondents to the City's Request for Proposal for Long-Term Management and Improvement of the Golf Complex, Specifically Greenway Golf and KemperSports.

The City Manager gave a presentation.

Mayor Gilmore stated the City would still have a 45-hole golf course, including the Mif Albright Course, regardless of which option is selected; that she has extended the

public comment time to five minutes for certain speakers; inquired whether Council would be agreeable to limiting the time to two minutes for other speakers.

Vice Mayor Bonta moved approval of limiting speaker time to two minutes.

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

Councilmember deHaan stated Council discussed the City Attorney's opinion at the last Council meeting; some people think that the matter [land swap] should go to the voters; inquired what criteria would be used this evening.

The City Attorney responded four votes would be required; stated the Charter has two provisions; one [Section 22-12] requires a Council vote, instead of requiring a vote of the people, to go forward with a land swap; another provision [Section 3-10] requires four votes for any land sale.

Councilmember deHaan inquired what is the difference between KemperSports new proposal and the original proposal.

The City Manager responded the original proposal spells out that the City would contribute \$3.5 million to repair the infrastructure and KemperSports would match the contribution; in the swap exchange scenario, the City would put up \$3.5 at the outset and KemperSports would put up \$1 million; \$4.5 million would allow a good deal of work to be done while the golf market is slow; the other \$2.5 million contributed by KemperSports would be scheduled for the following four years; KemperSports has proposed to invest \$5 million in renovations in the new proposal; the City's renovation investment would be zero; the minimal annual rent would be \$50,000; rent participation would take place after renovations; work would not be completed within five years with the current KemperSports proposal; the original proposal had a twenty-year term with two five-year options; the [new] non-exchange option is for ten years with two ten-year options.

Councilmember deHaan stated the non-swap option seems to be viable.

The City Manager stated the City has received better RFP responses this time; Council's decision to seek alternatives was wise and has provided realistic alternatives.

Councilmember deHaan inquired whether all proposals are equal.

The City Manager responded the committee was unanimous that KemperSports and Greenway Golf were the two best options to consider.

Councilmember Johnson inquired how much financial analysis has been done.

David Sams, Golf Consultant, responded both firms have strong financial backing and would be investing \$5 million of their own money; stated the last ten year financials and

pro forma for the next ten to fifteen years have been reviewed; both firms were conservative in their numbers.

In response to Councilmember Johnson's inquiry, Ms. Sullwold stated the other two firms submitted strong proposals as well; Greenway Golf's proposal is intriguing because they want to invest a lot of money into the Jack Clark South Course to change it into more of a links style course; Greenway Golf has a very solid plan for putting in infrastructure improvements.

Mr. Sams stated KemperSport's investment would be \$2.5 million for the north course, \$750,000 for the Mif Albright Course and driving range, and \$1.8 million for the south course.

Ms. Sullwold stated KemperSports would not request \$1 million from the City, which would mean that \$1 million could be added to the proposal; that she is concerned that KemperSports' proposal would invest very little money for the Mif Albright Course; KemperSports would defer the installation of a new pump at the Jack Clark Course until 2014.

Mr. Sams stated the City should be applauded for receiving four proposals; the County of Los Angeles has gone through the process twice for two large properties over the last eighteen months and no proposals were received; the City has been open to the operators' ideas.

In response to Councilmember Johnson's inquiry, Mr. Sams stated both firm's numbers are very conservative.

Ms. Sullwold stated figures are very conservative regarding growth and rate increases.

Vice Mayor Bonta requested information on Greenway Golf's green approach.

Ms. Sullwold stated Greenway Golf prides itself in reducing the amount of chemical use and finding ways for reducing water consumption.

Mayor Gilmore inquired what would ensure that the Golf Course would not be in the same situation [deferred improvements] in twenty years, to which the City Manager responded both firms have strong capital improvement funds.

Mr. Sams stated 4% would be set-aside annually from golf revenues for the capital improvement fund.

The City Manager stated Greenway Golf proposes 3% [for the capital improvement fund] between July 2013 and June 2016 until the amount reaches \$500,000; KemperSports proposes 2% from the City's revenues and 2% from KemperSports revenues; the capital improvement fund would top out at \$750,000.

Vice Mayor Bonta inquired whether the capital improvement fund plans for KemperSports and Greenway Golf would be sufficient to avoid problems that the Golf Course faces today, to which the City Manager responded barring any unforeseen, catastrophic event, the cap should be more than enough once the \$6 million in improvements have been completed.

Councilmember Tam inquired whether with one option [presented in the staff report] Council has a choice in operator and the other option Council does not.

The City Manager responded in the affirmative; stated staff recommends negotiating with KemperSports as part of the land exchange option; however, Council has the prerogative to choose differently.

Councilmember deHaan stated last weekend's rounds were equal if not better than rounds during the summer; marketability could be hampered by shortening the Jack Clark Course; the future lies in longer courses.

Councilmember Johnson inquired whether there would be a minimum Return on Investment (ROI).

Mr. Sams responded the ROI was 15%-18% at one time, which is no longer feasible; stated ROI's are in the single digits now; no one is lending for golf courses these days; revenues generated in the first five years would pay for improvements; the City would receive minimum rent of \$50,000 to \$75,000 per year [during said time]; once improvements are completed, a percentage of rent could be paid up to 12%, which would be \$300,000 to \$400,000.

Councilmember Johnson stated analyzing numbers is critical; stated money spent on the Golf Course would depend upon operating revenue.

Councilmember Johnson inquired why both options do not have a choice for two operators.

The City Manager responded in April, 2011, Council looked at the exchange as a package with KemperSports and HBIA; stated the proposal was intertwined; Greenway Golf would be starting from scratch; Council would not have to abide by the recommendation.

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Councilmember Tam left the dais at 8:30 p.m. and returned at 8:35 p.m. Vice Mayor Bonta left the dais at 8:32 p.m. and returned at 8:33 p.m.

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Opposed to shortening the South Course: Alameda High Women's Golf Team.

Provided a history of the course: Glen Van Winkle, Alameda.

Urged approval of Option 1. using land swap funding for youth sports fields: Ron Matthews, Alameda Youth Sports Foundation; Tim Hoppen, HBIA; Wes Mallette, Alameda; David Bail, Alameda; Alex James, Wolverines Coach; Gabriella Tautabtasi, Alameda; Erik Schuler, Alameda; Olivia Garcia, Alameda; Junior Tautabtasi, Alameda; Anthony Sanchez, Alameda; Will Main, Alameda; Jeff Dixon; Tim Parker, Alameda Youth Sports Foundation; and Pat Bail, Alameda.

Urged approval of Option 2/Opposed the land swap: Jane Sullwold, Golf Commission Chair, Joe Van Winkle, Alameda; Michael Robles-Wong, Community of Harbor Bay Isle; former Mayor Bill Withrow, Alameda; Ashley Jones, Alameda; Ed Downing, Alameda; Jim Strehlow, Alameda; Horst Breuer, Alameda; Alexander Stevens, Alameda; Gail deHaan, Alameda; George Humphreys, Alameda; Richard Verman, Alameda; Larry Branchaud, Alameda; Carol Albright Davis, Lincoln; Ann Quintell, Alameda; Jerry Ghiselli, Alameda; Don Scellato, Alameda; Brian Schumacher, Alameda; Bobby Hoepner, Alameda; Dorothy Moody, Alameda; Sandy Sullivan, Alameda; Tim Scates, Alameda; Sam Moriana, Alameda; Ann Moxley, Alameda; Don Sherratt, Alameda; Nancy Rogers, Alameda; Ken Peterson, Alameda; Mary Manning, Alameda; James Manning, Alameda; James Leach, Alameda; Red Wetherill, Alameda; Mark Palmer, Alameda; Nancy Hird, Alameda, (submitted handout); Lola Brown, Alameda; James Tham, Alameda; James Lynch, Alameda; Norma Arnerich, Alameda; Nancy Gordon, Alameda; former Councilmember Lil Arnerich, Alameda; Victor Quintell, Alameda; Cathy Leong, Alameda; James Lee, Alameda; Karen Bey, Alameda; Robert Wood, Alameda; Nick Cabral, Alameda; Jon Spangler, Alameda; Ann Wlad, Alameda; Diane Emery, Alameda; Doug Siden, Alameda; Dana Sack, Protect our Alameda Parks; Robert Sullwold, Alameda; Janet Gibson, Alameda; Corrine Lambden, Alameda; and Carol Gottstein, Alameda.

Discussed an initiative being circulated to amend Charter Section 22-12: Mary Theresa Anderson, Protect Our Alameda Parks; and Marie Kane, Alameda.

Urged the matter be put before the voters: Trish Spencer, Alameda.

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Vice Mayor Bonta left the dais at 9:48 p.m. and returned at 9:50 p.m. Councilmember deHaan left the dais at 10:15 p.m. and returned at 10:18 p.m. Councilmember Tam left the dais at 10:34 and returned at 10:36 p.m. Vice Mayor Bonta left the dais at 10:52 p.m. and returned at 10:54 p.m.

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(12-106) Councilmember deHaan moved approval of continuing the meeting past 11:00 p.m.

Mayor Gilmore seconded the motion, which failed by the following voice vote: Ayes: Councilmember deHaan and Mayor Gilmore – 2. Abstentions: Councilmembers

Johnson and Tam – 2. Absent: Vice Mayor Bonta – 1.

Following further discussion, Councilmember deHaan moved approval of continuing the meeting past 11:00 p.m.

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

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The City Manager stated [in response to Ms. Bey's comments] the City is in preliminary negotiations with the owner of Jim's on the Course for a long-term lease which was not included in the RFP; [in response to Ms. Lambden's comments] stated staff is not making a recommendation to swap or not to swap; staff was attracted to the money from the swap but recognizes there are a number of considerations.

Vice Mayor Bonta inquired whether having lights at North Loop Road would be possible, to which the City Manager responded that he does not have an answer.

Vice Mayor Bonta inquired whether there are other options to increase field capacity.

The City Manager responded the northwest territories of the former base could be a possibility; stated the City would need to go through the State land process.

Vice Mayor Bonta inquired whether the Boys and Girls Club site could accommodate a regulation size, rectangular field, to which the City Manager responded in the negative.

The Recreation and Parks Director stated the Boys and Girls Club site does not have the appropriate dimensions for such a field.

In response to Vice Mayor Bonta's previous inquiry regarding lights at North Loop Road, the Planning Services Manager stated that the Port of Oakland has advised the City that lights would not be a problem from an airport prospective.

Vice Mayor Bonta stated Piedmont Soccer has a lease to use the Alameda Point field; inquired what options would be provided for local use once the lease expires this fall.

The City Manager responded Council would have the discretion not to renew the lease and reprogram the field.

Councilmember deHaan inquired whether the Federal Aviation Administration (FAA) has requested an official application, to which the City Manager responded staff has not spoken to the FAA, but has spoken to the Port of Oakland, which operates the airport.

The Planning Services Manager stated that he spoke to Port of Oakland staff; he has had no communication with the FAA.

Councilmember deHaan inquired whether any research has been done regarding the

1,600 bleachers, to which the Planning Services Manager responded that he has looked into sports fields, not bleachers.

In response to Councilmember deHaan's inquiry, Ms. Bail responded that she was requested to inquire about a 501c3 non-profit corporation for possible development at North Loop Road.

Councilmember deHaan inquired what sport groups Ms. Bail represents, to which Ms. Bail responded that she does not officially represent any sport; stated that she is pursuing the matter as an individual.

Vice Mayor Bonta inquired what the plan would be for memorial trees under [staff report] Option 1, to which the Recreation and Parks Director responded to either new trees would be planted along the driveway or trees with plaque designations would be relocated.

Ben Blake, Vice President KemperSports, stated that he understands that new trees would be planted along the driveway.

Mr. Hoppen stated the trees would be relocated to the new Mif Albright Course if possible and/or trees that could not be relocated would be replaced with a new in-kind tree.

Councilmember deHaan inquired whether the redwood trees at the entrance to the Golf Course would be removed, to which Mr. Hoppen responded said trees were special to Ms. Arnerich; whether the trees were memorial or not was not the concern in talking with Ms. Arnerich.

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Vice Mayor Bonta left the dais at 11:55 p.m. and returned at 11:57 p.m.

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Councilmember Tam stated that she cannot support the swap; the swap would come at too high a price for the community; the community would rather fund a sport field in some other way than trading golf property; moved approval to direct staff to negotiate with KemperSports and Greenway Golf and pursue the non-exchange option [Option 2] to infuse the much needed capital for the Golf Complex.

Vice Mayor Bonta seconded the motion.

Under discussion, Vice Mayor Bonta stated the swap concept was initiated as a creative, out-of-the box way to potentially ensure that a 45-hole golf course would be sustainable for many years and a youth sports field would be added to the inventory; in the end, there are too many unintended consequences; both issues need to be addressed on two separate tracks to find successful solutions for the community.



Mayor Gilmore stated looking for ways to fix golf started five years ago; Council promised golfers 45 holes, including the Mif Albright Course; the idea for a swap could not be dismissed given the City's monetary situation; Council needed to take the time to test all options, gather facts, listen to public input, and provide staff enough time to perform a thorough analysis; everyone has worked extremely hard on the issue; that she has not been elected Mayor to hear the loudest voice in the room, but to do her homework and use understanding, skill, and judgment for the benefit of the community; sports fields are needed in Alameda; however, the question is where to put the sports fields; pitting one sports group against the other is not good for the community; that she supports Option 2 because the option allows golf to be fixed without taking away from one sporting enterprise to give to another; Option 2 would provide more money for course improvements.

Councilmember Johnson stated Council needs to direct staff on what to negotiate with KemperSports and Greenway Golf; a resident discount is needed and there should be a greater differential between resident and non-resident rates; the \$1 rate should be kept for junior golfers and golf should be free for golf teams; more specifics are needed on where the \$5 million KemperSports proposes to invest for renovations would come from; ensuring that projected revenues would be sufficient is important; inquired what is Greenway Golf's proposed number of years [on the term of the lease].

The City Manager responded that he does not know at this time; suggested having the two firms make a presentation to Council in four to six weeks.

Councilmember Johnson stated it is important to ensure that the selected operator delivers on promises made.

Councilmember Tam restated her motion: approval to move forward with the non-exchange option [Option 2] and direct the City Manager and staff to organize a presentation from both operators so that Council can give more detailed direction.

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

Vice Mayor Bonta thanked everyone for participating in the democratic process; stated the community will continue to be heard.

Councilmember deHaan stated the community understands the facts; the issue has been an ongoing concern for over seven years; thanked everyone for efforts made.

#### CITY MANAGER COMMUNICATIONS

None.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

## COUNCIL REFERRALS

None.

## COUNCIL COMMUNICATIONS

(12-107) Councilmember deHaan submitted correspondence on the Associated Community Action Program.

(12-108) Councilmember Johnson requested a presentation from Peralta College on the use of the sports facility at Alameda College; stated for years, Council has heard that the College will work with the City and nothing has happened except the price has gone up for use of the field.

The City Manager stated staff does not have anything new to report; staff is trying to work through the water issue and a proposal for a ground lease over the long term in exchange for a building that the College wants at the former base.

## ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 12:20 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

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

Mayor Gilmore convened the meeting at 6:05 p.m.

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

Absent: None.

[Note: Vice Mayor Bonta arrived at 6:10 p.m.]

The meeting was adjourned to closed session to consider:

(12-094) Conference with Legal Counsel – Anticipated Litigation; As Plaintiff (City initiating legal action); Initiation of litigation pursuant to subdivision (c) of Section 54956.9; Number of cases: One.

Following the closed session, the meeting was reconvened and Mayor Gilmore announced that the City Council met in Closed Session to discuss the Alameda Belt Line; stated staff was directed to proceed with a Notice of Exemption and rail banking filing with the Federal Surface Transportation Board; this action will basically obtain abandonment of part of the Alameda Belt Line and rail banking of the remainder as a possible transportation corridor; the first step will be circulation of a historic and environmental report.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 6:36 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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