

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JANUARY 21, 2014- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:11 p.m. Councilmember Tam led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(14-014) Proclamation Declaring Historic Preservation Season 2014.

Mayor Gilmore read and presented the proclamation to Dennis Owens, Historical Advisory Board; Chris Buckley, Alameda Architectural Preservation Society; and Queen Victoria.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Mayor Gilmore announced that the License Agreement with the Alameda Soccer Club [paragraph no. 14-018] and the resolution entering into an Agreement with Verde Design [paragraph no. 14- 019] were removed from the Consent Calendar for discussion.

Vice Mayor Ezzy Ashcraft moved approval of the remainder of the Consent Calendar.

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

(\*14-015) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular City Council Meeting Held on December 17, 2013. Approved.

(\*14-016) Ratified bills in the amount of \$649,380.60.

(\*14-017) Recommendation to Accept the Quarterly Report on Litigation and Liability Claims Settlements Paid During the Period October to December 2013. Accepted.

(14-018) Recommendation to Approve a License Agreement with the Alameda Soccer Club for the Use and Management of the Hornet Soccer Field for a Total of 5 Years.

Urged approval of the staff recommendation: Bill Shiber and Jon Pecson, Alameda Soccer Club.

Councilmember Tam moved approval of the staff recommendation.

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

(14-019) Resolution No. 14884, “Entering Into an Agreement with Verde Design to Provide Design Services for the Estuary Park Renovation, in an Amount Not to Exceed \$174,145.” Adopted.

Vice Mayor Ezzy Ashcraft stated creating a field for special needs children has been discussed and funds have been raised; that she does not want said use to fall by the wayside; the Recreation Director confirmed the use is still moving forward although it was not mentioned in the staff report.

Spoke on behalf of the special needs children in Alameda; stated a field is needed to serve the group of kids: Roberta Rockwell, Alameda.

In response to Councilmember Tam's inquiry, the Recreation Director stated the field would be used for special needs children; Alameda Little League has verbally confirmed interest in participating in a challenger league, which has a different infield from a Miracle League field; the current budget includes funding for a standard red dirt field, not a synthetic infield; however, nothing prevents moving towards a synthetic infield in the future.

Councilmember Tam inquired whether there could be a synthetic infield at the site or another site, to which the Recreation Director responded in the affirmative; stated funding needs to be identified for a rubberized infield; Estuary Park and other smaller fields could be considered; noted rubberized fields are expensive.

In response to Councilmember Tam's inquiry regarding cost, the Recreation Director stated that she does not have an exact cost estimate; a small rubberized playground was recently built, which cost \$40,000; her rough guess would be \$100,000 to \$150,000.

Councilmember Daysog stated the decision tonight is to approve a contract with Verde Design; staff went through a process to select Verde Design; read background

information staff provided explaining why Verde Design was selected.

Vice Mayor Ezzy Ashcraft stated that she received an e-mail from Jim Rockwell indicating Verde Design created drawings when the Miracle League concept was first being considered; Mr. Rockwell would be happy to share the drawings with the City; staff should be directed to connect with Mr. and Mrs. Rockwell; the City should not reinvent the wheel if work has already been done; Alameda Little League should work with Mr. and Mrs. Rockwell, too.

Councilmember Tam moved adoption of the resolution to approve the consultant agreement with Verde Design, with the proviso that the City received authorization from the prior client [Mr. and Mr. Rockwell] who hired Verde Design to create a design for the Miracle Field to collaborate and share said design with the City.

Vice Mayor Ezzy Ashcraft inquired whether the motion includes providing direction to have Mr. and Mrs. Rockwell involved in the planning with Alameda Little League.

Following Councilmember Tam's inquiry, Vice Mayor Ezzy Ashcraft noted direction could just be given to staff [and not included in the motion].

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

(\*14-020) Ordinance No. 3084, "Levying Special Taxes within the City of Alameda Community Facilities District No. 13-1 (Alameda Landing Public Improvements)." Finally passed.

### REGULAR AGENDA ITEMS

(14-021) Resolution No. 14885, "Appointing John McCahan as a Member of the Housing Authority Board of Commissioners." Adopted.

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Vice Mayor Ezzy Ashcraft left the dais at 7:34 p.m. and returned at 7:35 p.m.

\* \* \*

Councilmember Tam moved adoption of the resolution.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 4. [Absent: Vice Mayor Ezzy Ashcraft – 1.]

The City Clerk administered the Oath and presented Mr. McCahan with a certificate of appointment.

(14-022) Public Hearing to Consider Resolution No. 14886, "Amending Master Fee

Resolution 12191 to Add and Revise Recreation and Park Fees.” Adopted.

The Recreation Director gave a Power Point presentation.

In response to Vice Mayor Ezzy Ashcraft’s inquiry about the youth services after school program, the Recreation Director stated the sessions are 3 months.

Vice Mayor Ezzy Ashcraft noted fees have not had to be raised too much since marketing has resulted in greater participation.

Councilmember Daysog expressed his appreciation for the Recreation Director.

Councilmember Chen concurred with Councilmember Daysog’s comments; stated the fee structure is very affordable, especially for facility rentals; inquired whether Officer Club rental fee has been raised recently.

The Recreation Director responded in the negative; stated facility rental fees have not been raised in 5 to 6 years.

Councilmember Chen inquired whether the swim center fee is \$15 per hour per group or per person, to which the Recreation Director responded the \$15 per hour fee is for a youth organization to rent the swim center.

Councilmember Chen stated keeping the fees very affordable is important to many residents.

Councilmember Tam concurred with the comments made; stated there is a balance between the fees and the community’s sensitivity to costs; inquired what challenges prevented staff from starting the transitional kindergarten program last year.

The Recreation Director responded the challenges included not having enough time to create a new program; stated the School District also distributed its program information late.

In response to Councilmember Tam’s inquiry regarding other community’s experience with the program, the Recreation Director stated the City’s program differs from other communities; the program is not on a school site; sites are spread throughout the City; other communities have had an easier time implanting programs on school sites; that she did not compare costs; the fee was based on the same hourly rate as the kindergarten program fee and is higher because there are more hours.

Councilmember Tam inquired about the differences in fees compared to other cities, such as the swim center fee.

The Recreation Director responded comparisons are difficult because every city offers different services and develops fees in different ways; stated fee comparisons are used,

but do not typically set fees; fees often end up quite different; San Ramon heavily subsidizes its swim program and has very low cost recovery; Alameda has kept the swim fee very low since the facilities are in poor condition; user groups have been told the fee will increase when there is an improved, new facility.

Mayor Gilmore stated that she is happy staff is communicating with the swim community; hopefully, the groups understand the fee will increase when there is an improved facility; pools are very costly to build and maintain.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution amending Master Fee Resolution 12191 to add and revise Recreation and Park fees.

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

(14-023) Summary: Consider Rezoning 2350 Harbor Bay Parkway to Permit Restaurant, Office, or Mixed-use Office and Commercial Use at the Site and Find those Uses to be Permissible under Harbor Bay Isle Development's Original Environmental Impact Report (EIR).

Public Hearing to Consider Introduction of Ordinance Amending the Zoning Map for 2350 Harbor Bay Parkway from Open Space (O) to Commercial-Manufacturing, with a Planned Development Overlay (CM-PD) with Specific Conditions (Parcel 1 of Parcel Map 2024, Assessor's Parcel Number 074-1362-005), and Find that the Project is Consistent with the Original Harbor Bay Isle Development Environmental Impact Report. Introduced.

The City Planner gave a brief presentation.

Vice Mayor Ezzy Ashcraft stated the Bay Area Conservation and Development Commission (BCDC) amended its definition of restaurant to include office; read the definition; suggested the clause outlining commercial uses be added to the ordinance; stated offering waterfront amenities would be nice.

The City Planner stated the language could be added when the ordinance is brought back for final passage.

Councilmember Chen stated that he supports the recommendation; noted the project includes public access improvements, which might not come around for another 25 years, if the City does not move forward.

Mayor Gilmore stated the case is an example and cautionary tale of planning over a long period of time; plans have to include a certain amount of flexibility and cannot be too rigid.

The City Planner concurred; stated plans should establish a vision while recognizing things change.

Vice Mayor Ezzy Ashcraft inquired whether future developments could require completion of public access and amenities before the site is fully developed.

The City Planner responded in the affirmative; stated public infrastructure has to be phased for large projects; stated Harbor Bay public improvements were in place before most lots were built; the one acre site having a temporary path is odd.

Councilmember Daysog stated conditions are sufficient to ensure something nice will be built.

Stated the applicant supports the staff recommendation and the additional language; suggested that the ordinance language also be revised to reflect that the use was included in the 1989 EIR addendum, not the original 1974 EIR; provided history on why the trail was not completed; stated funds to complete the trail are set aside: Daniel Reidy, Representing Applicant.

Vice Mayor Ezzy Ashcraft moved introduction of the ordinance, with the two revisions to the language: 1) visitor serving commercial uses; and 2) Mr. Reidy's changes about the EIR; and approval of the finding that the project is consistent with the EIR.

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

(14-024) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Negotiate and Execute Amendments and Other Corresponding Documents Necessary to Implement the Terms of a Lease with Proximo Distillers, LLC for Ten Years with an Additional Ten Year Option in a Portion of Building 22 Located at 2505 Monarch Street at Alameda Point. Introduced.

The Economic Development Division Manager gave a brief presentation.

Robert Castle, Proximo, gave a brief presentation.

Mayor Gilmore thanked Mr. Castle for the presentation; stated that she is excited about the opportunity.

Vice Mayor Ezzy Ashcraft inquired how many manufacturing jobs would be created, to which Mr. Castle responded 8 to 10 full time positions with additional part time positions as well.

In response to Vice Mayor Ezzy Ashcraft's inquiry regarding additional tasting room staff, Mr. Castle stated around 15 employees would be hired; noted the number could change.

Vice Mayor Ezzy Ashcraft inquired how much sales tax revenue would be generated, to which Mr. Castle responded \$½ million is anticipated.

In response to Vice Mayor Ezzy Ashcraft's inquiry, Mr. Caste stated wholesale shipments would be around \$9.5 to \$10 million per year.

The City Manager noted the figures are wholesale; stated sales tax revenue is only generated at the point of sale.

Councilmember Daysog stated the opportunity is exciting; stated the City might want to contemplate a visitor serving strategy.

Councilmember Chen stated the company could be a catalyst for bringing traffic to Alameda Point.

Councilmember Tam stated the company would bring national notoriety to Alameda; inquired about major distributors.

Mr. Castle responded there is three tier system; stated Proximo has to sell to a wholesaler and cannot sell directly to retailers; retailers sell approximately 60% to 80% and the remaining amount is sold to on-premise accounts, such as bars and restaurants.

Councilmember Daysog moved introduction of the ordinance.

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

#### CITY MANAGER COMMUNICATIONS

(14-025) The City Manager stated the City has a plan to reduce water use; more information would be provided at the next Council meeting; outlined actions; noted grass would turn brown.

Councilmember Chen inquired whether East Bay Municipal Utility District would be implementing anything.

Councilmember Tam responded EBMUD has convened its drought management committee; stated ideas would be presented to the EBMUD Board; customers are being requested to look at voluntary conservation; rationing is not being done at this point; EMBUD is already increasing rates the next few years and will not be charging additional surcharges related to the drought; reservoirs are at 65% capacity and have sufficient water to handle current use.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(14-026) Vice Mayor Ezzy Ashcraft announced that she and the Mayor participated in the Beltline community work day; outlined activities.

(14-027) Mayor Gilmore announced that she attended a Bay Area Conservation and Development Commission meeting last week; noted the Veterans facility at Alameda Point was discussed.

#### ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 8:45 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- -JANUARY 21, 2014- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:01 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(14-011) Conference with Legal Counsel; Workers' Compensation Claim (54956.95); Claimant: Kevin Helms; Agency claimed against: City of Alameda

(14-012) Conference with Legal Counsel – Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9; Number of cases: One (As Plaintiff City Initiating Legal Action)

(14-013) Conference with Legal Counsel – Significant Exposure to Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of cases: One (As Defendant City Exposure to Legal Action)

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that regarding Workers' Compensation Claim, direction was given to staff; regarding Anticipated Litigation, direction was given to staff; and regarding Significant Exposure to Litigation, direction was given to staff.

Adjournment

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

Respectfully submitted,

Lara Weisiger  
City Clerk

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