

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MAY 3, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 8:00 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

(11-204) Proclamation Declaring the Month of May as Older Americans Month.

Mayor Gilmore read and presented the Proclamation to Nancy Gormley, Mastick Senior Center Advisory Board President; and Miriam Schiffman, Representing Alameda County Area Agency on Aging.

(11-205) Proclamation Declaring May 6 through May 15, 2011 as Affordable Housing Week.

Mayor Gilmore read and presented the Proclamation to Doug Biggs, East Bay Housing Organization; and Diane Lichtenstein, Alameda Development Corporation.

(11-206) Proclamation Declaring May 12, 2011 as Alameda Bike to Work Day.

Mayor Gilmore read and presented the Proclamation to Jeff Cambra and Patty St. Louis, Bike Alameda.

ORAL COMMUNICATIONS, NON-AGENDA

(11-207) Red Wetherill, Alameda, discussed Alameda government.

(11-208) Clyde Ryan discussed crossing guard issues on Harbor Bay.

(11-209) Irene Dieter, Alameda, discussed camping at Enterprise Park.

(11-210) Harvey Wilson, Alameda, Alameda Citizens Task Force, discussed the budget.

(11-211) Nancy Hird, Alameda Citizens Task Force, discussed not adopting any Memorandum of Understandings (MOUs) prior to budget adoption.

(11-212) Gretchen Lipow, Alameda Citizens Task Force, discussed the process to approve MOUs.

(11-213) Janet Gibson, Alameda, submitted a handout, discussed the naming of the Housing Authority project for the disabled.

Councilmember Johnson requested that the matter be brought to Council for discussion; stated that she does not like the like the idea of a contest.

Mayor Gilmore stated naming the facility through a contest does not sit right.

Councilmember Johnson stated the naming process should come to the Housing Authority Board of Commissioners (HABOC), not the Housing Commission.

Councilmember deHaan stated the City has a policy regarding naming facilities.

The Housing Executive Director stated the project is not owned by the City; the facility naming policy applies to City owned facilities, not non-profit projects.

Mayor Gilmore stated community outreach does not appear to be very wide.

Councilmember Johnson stated the City came up with the concept for the project, has been significantly involved and should have input in the naming of the project.

The Executive Director stated the Planning Board and other boards were notified.

Mayor Gilmore stated notifying boards is fine but it depends upon how the notification was done; sending out an email is inadequate versus an agendized notification.

Councilmember Johnson inquired who owns the property, to which the Housing Executive Director responded the Housing Authority.

Councilmember Johnson stated the matter needs to come back to Council.

Councilmember deHaan stated the [contest] announcement does not outline criteria.

The Acting City Manager stated staff would discuss the matter with the developer and bring the matter to the HABOC.

(11-214) Jon Spangler, Bike Alameda, discussed bicycling in Alameda.

CONSENT CALENDAR

Mayor Gilmore announced that item payment of contribution to Associated Community Action Program [paragraph no. 11-218] was 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.]

(*11-215) Minutes of the Special City Council, Alameda Public Financing Authority and Community Improvement Commission (CIC) Meeting Held on April 6, 2011; the Special City Council, Alameda Reuse and Redevelopment Authority, and CIC Meeting and the Special City Council Meeting Held on April 12, 2011; and the Special City Council and CIC Meeting and the Regular City Council Meeting Held on April 19, 2011. Approved.

Note: Vice Mayor Bonta abstained from voting on the April 19, 2011 meeting.

(*11-216) Ratified bills in the amount of \$3,617,052.76.

(*11-217) Recommendation to Set June 7, 2011 for a Hearing to Consider Collection of Delinquent Business License Fees and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills. Accepted.

(11-218) Recommendation to Authorize Payment of a Contribution in the Amount of \$75,384.62 to Associated Community Action Program.

Councilmember Tam stated it would be a good idea to discuss what happened to the program last year and receive periodic updates.

Councilmember deHaan stated a few updates have been provided by the Acting City Attorney; initially, the \$25,000 contributed by each member was used to clear up payroll; the District Attorney confiscated all records; stimulus money was received but when stimulus money ran out, the operation continued; a 2009 audit showed that the Associated Community Action Program (ACAP) should have been in good condition; the vast majority of services are being provided through other agencies; thankfully, Dublin's City Attorney and City Manager have taken the lead to unravel the magnitude of the problem.

Councilmember Tam stated former Councilmember Daysog was the ACAP representative before she was elected in 2006 but there was no clear handoff; she was asked to attend one meeting and subsequent meetings kept being cancelled; other meetings were in conflict with her schedule; that she notified ACAP when Councilmember deHaan was elected as Vice Mayor; former Mayor Johnson appointed former Vice Mayor deHaan in August, 2009; at the one meeting she attended, the direct nexus between what ACAP provided and the benefits to Alameda was not clear; that she was not clear why Alameda needed to have a representative.

The Acting City Attorney stated other cities were not clear about the connection; the

Joint Powers Authority requires obligations and liabilities to fall on all members equally.

Mayor Gilmore requested an overview on the programs ACAP provided and what percentage of Alamedans were served.

Councilmember Johnson inquired about ACAP's structure and who hired the Executive Director; further inquired where the auditors have been for the last few years.

Mayor Gilmore stated something went seriously down hill if ACAP received a clean audit in 2009; the District Attorney is looking into the issue.

Councilmember Johnson suggested all Joint Powers Authorities be compiled on a list.

In response to Councilmember Johnson's inquiry, the Acting City Attorney stated staff has sought a more extensive accounting.

Councilmember Tam inquired what would happen if the City refuses to pay, to which Mayor Gilmore responded the City could be sued for breach of contract.

Councilmember Johnson questioned whether the County appointed the Executive Director; inquired whether the City would be reserving its right to seek reimbursement if payment is made reluctantly, to which the Acting City Attorney responded in the affirmative.

Councilmember Johnson inquired whether other cities have approved payment, to which the Acting City Attorney responded other cities have paid the initial \$25,000 but she is not sure about the \$75,384.62.

Councilmember Johnson stated perhaps the City should pay on the condition that other cities pay their share.

The Acting City Attorney stated other cities are bringing the Cooperation Agreement to their respective Councils.

Mayor Gilmore stated the City should move forward with payment as showing good faith; having all cities united in one voice would be nice if the City files a claim against the County.

Councilmember Johnson moved approval of the staff recommendation.

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

Mayor Gilmore requested that the Acting City Attorney continue discussions with other cities regarding County liability.

(*11-219) Recommendation to Authorize Call for Bids for Legal Advertising. Accepted.

(*11-220) Recommendation to Authorize the Purchase of a Sewer Inspection Cargo Van in the Amount of \$301,000 and Authorize the Acting City Manager to Execute All Necessary Documents. Accepted.

(*11-221) Recommendation to Authorize the Purchase of a Bio-Diesel Fuel Vector 2103 Jet-Rodder on an International Chassis in the Amount of \$215,085 and Authorize the Acting City Manager to Execute All Necessary Documents. Accepted.

(*11-222) Resolution No. 14563, "Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing the Notice of Public Hearing on June 21, 2011 – Island City Landscaping and Lighting District 84-2." Adopted.

(*11-223) Resolution No. 14564, "Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing the Notice of Public Hearing on June 21, 2011 – Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

(*11-224) Resolution No. 14565, "Authorizing the Acting City Manager to Submit an Application for Measure B Para transit Funding in the Amount of \$210,625 for Fiscal Year 2011-2012 and to Execute all Necessary Documents." Adopted.

(*11-225) Ordinance No. 3031, "Amending the Alameda Municipal Code by Repealing Section 12-17 (Preferential Parking Zones) of Article III (Permit Parking) of Chapter XII (Designated Parking) in Its Entirety, and by Adding a New Section 12-17 (Preferential Parking Zones) to Modify the Procedures Relating to the Designation of Preferential Parking Zones." Finally passed.

REGULAR AGENDA ITEMS

(11-226) Public Hearing to Consider Adoption of the Fiscal Year 2011-2012 Community Development Block Grant Action Plan and Authorize the Acting City Manager to Negotiate and Execute Related Documents, Agreements, and Modifications.

The Housing Development and Programs Manager gave a Power Point presentation.

Speakers: Cynthia Wasko, Social Service Human Relations Board (SSHRB) (submitted correspondence); and Doug Biggs, SSHRB.

Following Ms. Wasko's comments, Mayor Gilmore stated the people in Washington, D.C. making the cuts do not have to live with the cuts; the City has a lobbying firm in Washington; Council should discuss how to use said firm to lobby for some compassion for less fortunate community members.

Councilmember Johnson stated every city across the country is united in supporting the Community Development Block Grant (CDBG) program; for the last eight years, the federal government has threatened to make cuts to the program; funding has always been reinstated because all cities are supportive; unfortunately, the same might not happen this year.

Ms. Wasko stated the City would benefit if the allocation formula was changed and more control was given at the local level.

Mayor Gilmore stated CDBG was one of the top issues at the Mayor's Conference.

Following Mr. Biggs' comments, Councilmember Tam inquired whether lobbying efforts have emphasized how money can be spent.

The Housing Development and Programs Manager responded ACAP administers the Community Service Block Grant (CSBG); stated the federal government has a 15% allocation cap on CDBG public services because CSBG funds are supposed to go 100% to public service programs.

Councilmember Tam inquired whether the County would get the CSBG allocation if ACAP were dismantled.

The Housing Development and Programs Manager responded Oakland and Berkeley, which do not participate in the Joint Powers Authority, have a large enough population to get CSBG funding directly.

In response to Councilmember deHaan's inquiry, the Housing Development and Programs Manager stated a book machine was installed at the Alameda Point Collaborative; a second book dispenser is proposed for Esperanza Housing.

Councilmember deHaan inquired how much flexibility the City has to move funds.

More than 15% [on public services]; The Housing Development and Programs Manager responded the City cannot spend stated the City has maximized its ability to support public services; planning and program administration activity is capped at 20%.

Councilmember deHaan inquired whether the 20% cap could be lowered, to which the Housing Development and Programs Manager responded planning and program administration activity funding is less than 20%.

Vice Mayor Bonta inquired whether CSBG funding has ever been directed to some of the same services funded by CDBG, to which the Housing Development and Programs Manager responded in the negative.

Vice Mayor Bonta inquired whether funding could be redirected, to which the Housing Development and Programs Manager responded services funded to public services

agencies undertake a range of activities that are eligible for CSBG funding.

Vice Mayor Bonta inquired whether the CSBG funding cycle is the same as CDBG, to which the Housing Development and Programs Manager responded that she does not know.

Mayor Gilmore stated staff needs to trace where ACAP funding is going now that it is not going to ACAP and see how funding gets parceled out.

Councilmember Johnson inquired whether ACAP would be dissolved, to which the Acting City Attorney responded in the affirmative.

Councilmember Johnson stated staff needs to find out whether CSBG funding can come directly to the City once the ACAP Joint Powers Authority dissolves.

Councilmember Tam stated poverty and income levels are the issues.

Councilmember Johnson stated the City should get some proportionate share..

Mayor Gilmore stated mechanisms and funds need to be traced to see how the City can receive some of the funds.

The Housing Development and Programs Manager stated that she would report back to Council.

Mayor Gilmore stated staff needs to trace funds while ACAP still exists and find out what will happen once ACAP ceases to exist.

The Acting City Manager stated staff would discuss the matter.

Vice Mayor Bonta stated the SSHRB has been very important in guarding the safety net and ensuring that Council is informed regarding the status of services; the SSHRB brainstorms and thinks about different ways to continue to serve vulnerable people in the community.

Mayor Gilmore stated in tough economic times, there is a tendency to look inward but it should be the time to look outward for ways to partner with other cities and organizations.

In response to Councilmember deHaan's inquiry, the Housing Development and Programs Manager stated redevelopment law requires that 15% of all new housing be affordable for low and moderate income people; the State's 15% requirement would go away if redevelopment law goes away; the City has a 15% inclusionary requirement outside redevelopment project areas; the City might not have the affordable housing resources to address the legality of an inclusionary requirement for ownership housing.

The Acting City Manager stated any on-going tax increment from the 20% set aside that goes to affordable housing would disappear.

The Housing Development and Programs Manager stated the City couldn't use CDBG funds for new, affordable housing construction.

Councilmember Johnson stated affordable housing requires subsidy.

Councilmember Tam moved approval of the staff recommendation.

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

(11-227) Resolution No.14566, "Authorizing the Execution of an Agreement between the City of Alameda and the Board of Supervisors of Alameda County, State of California, and all Necessary Actions to Purchase Tax-Defaulted Property (APN 71-198-111) for Economic Development Purposes Pursuant to the Provisions of Division 1, Part 6, Chapter 8 of the Revenue and Taxation Code." Adopted.

The Acting City Manager gave a brief presentation.

Speaker: Robb Ratto, PSBA.

Councilmember Johnson moved adoption of the resolution.

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

(11-228) Review and Comment on Staff's Preliminary Responses to the Regional Sustainable Communities Strategy – Initial Vision Scenario.

The Planning Services Manager gave a brief presentation.

Mayor Gilmore stated the assumptions are unrealistic and unattainable and assume no fiscal constraints; a lot of things that need to happen would rely on State funding; the City needs to convey that it needs a more realistic scenario; theory should meet hard-core practical reality.

Councilmember Johnson stated the City needs to challenge the numbers with the Association of Bay Area Governments (ABAG); ABAG has admitted that past job projections have been extremely exaggerated and wrong; housing allocation numbers are based on job growth; Piedmont should not be exempt because it is residential; the region has not produced jobs in twenty years; how to bring new jobs needs to be addressed; the City needs to be aggressive in challenging numbers.

Councilmember Tam stated the issue needs to be addressed from a constructive criticism standpoint; the City needs to find out what it can afford and see what is

attainable; noted the Public Works Director estimated \$280 million in infrastructure costs for Alameda Point.

The Acting City Manager stated said estimate was for public benefit costs.

Councilmember Tam stated the going forward process would go nowhere if infrastructure costs to replace the 70 year old former Naval base is approximately \$1 billion.

Mayor Gilmore stated current [infrastructure] costs are between \$600 million and \$800 million.

Councilmember deHaan stated Alameda is a bedroom community; Alameda should get credit for job generation at the former base.

Mayor Gilmore stated costs are going to determine what can be done with the going forward process at Alameda Point; the planning effort should be tied with the Sustainable Communities Strategy effort; housing will end up at Alameda Point because the Northern Waterfront has less capacity for housing; concurred with Councilmember deHaan regarding receiving credit for job generation.

Councilmember deHaan stated money would not be coming from a developer or the State or federal level; however, other money is available; Berkeley Laboratory is a perfect example.

Councilmember Johnson stated a lot of money has been spent on planning; the SunCal plan depended upon a lot of subsidy.

Councilmember deHaan stated job generation would be the balance.

Mayor Gilmore stated infrastructure would be needed in order to have jobs; infrastructure costs money.

Councilmember Tam stated the VF Outdoor groundbreaking required \$1 million dollars in subsidy; 600 jobs are coming from San Leandro but would not generate the type of tax increment needed to pay for parks, roads, or sewers.

The Planning Services Manager stated other cities are making similar comments; the first step in the process is the unconstrained scenario; the next step would be to provide constrained scenarios; the process will take three to four years; Council will know what is realistic for Alameda as a whole once there is a handle on Alameda Point.

Councilmember Johnson stated government could allocate money for needed infrastructure if it was serious about sustainable development; over the last ten years, infrastructure improvements in Tracy and Stockton have encouraged sprawl; policies are in place to encourage sprawl.

Marilyn Ezzy Ashcraft, Planning Board President, stated the Planning Board is excited about the opportunity to get behind Senate Bill 375; things can be done short of putting more homes on the Island; VF Outdoor has set a high bar.

The Acting City Manager announced that the City would host an Alameda Point Financial Basics Webinar on May 18, 2011 at 6:30 p.m. in the Council Chambers.

CITY MANAGER COMMUNICATIONS

(11-229) Receive a Report and Provide Direction on Boards and Commissions Restructuring Options

The Senior Management Analyst gave a brief presentation.

Speakers: John Knox White, Alameda; Dave Duffin, Film Commission; Ken Dorrance, Film Commission; Robb Ratto, PSBA; and Jon Spangler, Alameda.

Vice Mayor Bonta stated broader questions need to be addressed regarding how to maximize efficacy; previously, he suggested creating an ad hoc committee to review Boards and Commissions; the issue would not need to be addressed if Boards and Commissions met to do meaningful work each time; finding ways to make Boards and Commissions more efficient and communicative with Council would be a better approach; suggested opening up broader, more conceptual fundamental questions.

Councilmember Johnson stated that she has no problem with having a public process to accomplish goals; the City has had a 10% staff reduction in the last couple of years; additional staff reductions are likely; most of the cities listed on the chart are larger than Alameda and have fewer Boards and Commissions; that she does not see how having fewer members would save money; the Transportation Commission should stay at seven members; the Youth Commission should stay at eleven members because having representatives from all of the schools is important; having quarterly meetings is not often enough; some Boards and Commissions need to meet bi-monthly or monthly.

Councilmember deHaan stated restructuring is the tip of the iceberg; the Film Commission is an excellent example of helping to generate business within Alameda; some Boards and Commissions have designated seats; that he does not know the solution; the City cannot afford what is being done now; more soul searching needs to be done; most Boards and Commissions have attendance requirements.

The Senior Management Analyst stated eliminating the Film Commission and Public Art Commission is difficult for some people to hear; this phase is attempting to address low hanging fruit; the next phase would require a tougher conversation and would address some of the substantive, paradigm shifts.

Mayor Gilmore stated that she is not in favor of lowering the number of Commissioners

below seven because of quorum issues; having seven members would allow three people to be in a work group, which does not require noticed meetings; that she is not sure whether the matter should be sent back to each Board and Commission; questioned whether a Task Force should be put together with one member from each commission, whether there should be a series of public meetings, or whether the matter should be sent back to the Commissions to advise how things are being done now and how things could be done more efficiently.

Councilmember Tam inquired how Vice Mayor Bonta would envision an ad hoc committee.

Vice Mayor Bonta responded that he has considered the possibility of some type of cross section of representation from existing Commissions; stated the Sunshine Task Force model is good.

Councilmember Tam stated the Sunshine Task Force met ten times; each Councilmember appointed a person from the community; that she is not sure whether the number on each Board or Commission would drive Council to have a clear understanding of possible staff time savings; the goal would be to maximize the efficacies and efficiencies in providing input to Council.

Mayor Gilmore stated the Boards and Commissions provide input to Council and provide the community an opportunity to weigh in on issues; the public gets two bites of the apple by attending the Board or Commission meeting and the Council meeting; seeing how the two functions can be performed more efficiently needs to be reviewed; the matter is being discussed now because of resource issues; the Board and Commission process does not work as efficiently as it should; the mechanism is the struggle; suggested that a Council Sub-committee come back with a plan and method for moving forward.

Vice Mayor Bonta stated that he is fine with said idea.

Councilmember deHaan concurred with Mayor Gilmore; stated the process needs to be considered; more thought needs to be given to the issue.

Mayor Gilmore stated Commissions should be the focus; Board changes would need to be done through a Charter amendment; a plan should be developed for public input and moving the process forward for discussion.

Councilmember Tam moved approval of nominating Vice Mayor Bonta and Councilmember deHaan as Sub-committee members.

The Acting City Manager stated staff would be available to help in any way; the Public Art Commission has only one member; at some point, a commission would be needed to discuss the Public Art plan.

Mayor Gilmore suggested sending the Public Art plan to the Planning Board in the interim; stated the one person on the Public Art Commission should consult with the Planning Board President; the Planning Board could handle the issue if nothing has been resolved.

By consensus, the motion carried by unanimous voice vote – 5.

Vice Mayor Bonta stated the City should harness the power of volunteerism in the community.

Mayor Gilmore suggested creating a database for expert residents and professionals; stated people could sign up at a central location.

Councilmember Tam stated former School Board Member Bill Schaff does not want to be on a Board or Commission but would like to offer help in looking at pension reform and retiree healthcare reform.

The Acting City Manager stated that staff would get the word out on the matter.

ORAL COMMUNICATIONS, NON-AGENDA

(11-230) Michael John Torrey, Alameda, wished everyone a happy Mother's Day.

(11-231) John Knox White, Alameda, discussed informing the Metropolitan Transportation Commission and other regional bodies about local concerns with the Sustainable Communities Strategy.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(11-232) Mayor Gilmore discussed a meeting she had with Alameda's East Bay Regional Park District representative, Doug Siden; stated that she would provide information for review in the City Clerk's office.

(11-233) Mayor Gilmore inquired when Council would be receiving a report from the Sub-Committee on the City Clerk Contract, to which Councilmember deHaan responded soon.

(11-234) Vice Mayor Bonta announced that he attended the League of California Cities Public Safety Policy Committee meeting.

(11-235) Councilmember Tam suggested forming a Council Sub-committee for City Attorney recruitment.

Mayor Gilmore stated the matter is agendaized for the May 17, 2011 Council Meeting.

(11-236) Councilmember Tam inquired when the Sunshine Ordinance would be coming to Council, to which the Acting City Manager responded that she would get back to Council on the matter.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 11:22 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 3, 2011- -6:30 P.M.

Mayor Gilmore convened the meeting at 6:40 p.m.

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

Absent: None.

The meeting was adjournment to Closed Session to consider:

(11-202) Public Employment (Government Code Section 54957); Title: City Manager

* * *

The meeting was recessed at 7:00 p.m. and reconvened at 7:09 p.m.

* * *

Following the Closed Session, Mayor Gilmore announced that Council discussed negotiations for the hiring of a City Manager.

(11-203) Recommendation to Approve Agreement Appointing John A. Russo as City Manager.

The Human Resource Director gave a brief presentation.

Speakers: Allen Michaan, Alameda; Robert Sullwold (read Jane Sullwold's statement); Robb Ratto, Park Street Business Association; Honora Murphy, Alameda; former Councilmember Lil Arnerich, Alameda; and Kate Quick, Alameda.

The Council made brief comments.

Councilmember Tam moved approval of the staff recommendation.

Vice Mayor Bonta seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Bonta, Johnson, Tam and Mayor Gilmore – 4. Noes: Councilmember deHaan – 1.

Mr. Russo made brief comments.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.