

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 18, 2014- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:03 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:

(14-457) Conference with Real Property Negotiators (54956.8); Property: Site A, Alameda Point; City Negotiators: John Russo, City Manager and Jennifer Ott, Chief Operating Officer - Alameda Point; Organizations Represented: Alameda Point Partners and Brookfield Homes; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment. Not heard.

(14-458) Conference with Legal Counsel - Existing Litigation (54956.9); Case Name: New Cingular v. City of Alameda, et al.; Superior Court of California, County of Los Angeles Case No. BC 462270

(14-459) Conference with Legal Counsel - Anticipated 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 Existing Litigation, the Council gave direction to staff; and regarding Anticipated Litigation, the Council authorized the City Manager to execute a Settlement Agreement with Alameda United Commercial (“AUC”) to avoid litigation of certain disagreements that have arisen between the City and AUC regarding the Exclusive Negotiation Agreement (ENA) for the proposed Taxiway Project at Alameda Point; the key terms of the settlement are: the ENA for the proposed Taxiway Project will terminate immediately and in exchange the City will refund AUC’s deposit.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 6:52 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 JOINT CITY COUNCIL
AND SUCCESSOR AGENCY TO THE COMMUNITY
IMPROVEMENT COMMISSION (SACIC) MEETING
TUESDAY- -NOVEMBER 18, 2014- -6:59 P.M.

Mayor/Chair Gilmore convened the meeting at 7:08 p.m. Councilmember/Agency Member Daysog led the Pledge of Allegiance.

Roll Call - Present: Councilmembers/Agency Members Chen, Daysog, Ezzy Ashcraft, Tam and Mayor/Chair Gilmore – 5.

Absent: None.

Oral Communications

None.

Consent Calendar

Vice Mayor/Agency Member Ezzy Ashcraft moved approval of the consent calendar.

Councilmember/Agency Member 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.]

(14-460 CC/14-015 SACIC) Minutes of the Special Joint City Council and SACIC Meeting Held on October 21, 2014. Approved.

(14-016 SACIC) Recommendation to Accept the Fourth Quarter Financial Report for the Period Ending June 30, 2014. Accepted.

(14-017 SACIC) Resolution No. 14-2, “Approving the Form and Authorizing Distribution of a Preliminary Official Statement in Connection with the Offering and Sale of Tax Allocation Bonds to Refund Outstanding Bonds of the Former Community Improvement Commission of the City of Alameda and Approving Related Documents and Actions.” Adopted.

Adjournment

There being no further business, Mayor/Chair Gilmore adjourned the meeting at 7:09 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 18, 2014- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:10 p.m.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(14-461) The City Manager introduced the new Housing Authority Executive Director.

The Housing Authority Executive Director made brief comments.

(14-462) Presentation by Alameda County Concerning Construction on the High Street and Park Street Bridges.

James Chu, Alameda County, gave a brief presentation.

Councilmember Daysog inquired whether the 8:30 p.m. bridge closures would impact movie theater and restaurant traffic.

Mr. Chu responded the contractors work an eight-hour shift from 8:30 p.m. to 5:30 a.m. in order to reopen the bridge before the morning commute.

Vice Mayor Ezzy Ashcraft inquired whether the work shift is Monday through Friday, which would avoid weekend traffic impacts.

Mr. Chu responded he would need to confirm that the work shift would either be Sunday through Thursday, or Monday through Friday.

In response to Vice Mayor Ezzy Ashcraft's inquiry, Mr. Chu stated construction work would start in 2015.

Vice Mayor Ezzy Ashcraft inquired whether the eight week deck repair and three week vehicle restraint barrier construction on Park Street would be done concurrently, to which Mr. Chu responded in the negative.

In response to Vice Mayor Ezzy Ashcraft's inquiry, Mr. Chu stated AC Transit will be notified when the construction schedule is finalized by the contractor.

Councilmember Daysog inquired whether the eight week construction on Park Street Bridge would be consecutive, to which Mr. Chu responded in the affirmative.

In response to Councilmember Daysog's inquiry, Mr. Chu stated there will be a two week notice advising motorists of date of bridge work; he has been in contact with the Park Street Business Association (PSBA) Director and will send the schedule to be distributed to PSBA members.

Councilmember Daysog stated more than two weeks' notice would be preferred.

Mr. Chu stated the County will continue to meet with City staff to provide updates.

In response to Mayor Gilmore's inquiry, Mr. Chu stated electronic signs on the Northbound and Southbound Interstate 880 in advance of the Alameda exits will inform motorists of the bridge closures and detour routes.

Councilmember Chen inquired how long the bridges were closed during the seismic retrofitting in 2009.

Mr. Chu responded the 2009 closure had a similar time frame.

Vice Mayor Ezzy Ashcraft stated that she appreciates the work the County is embarking on, requested Mr. Chu stay in close communication with City staff.

Mr. Chu stated the County has a good working relationship with City staff and will continue to meet regularly.

ORAL COMMUNICATIONS, NON-AGENDA

(14-463) Arnold Brillinger, Alameda, expressed concern over the Commission on Disability Issues meeting being canceled and still appearing on the City calendar.

(14-464) Janet Gibson, Alameda, stated agenda items cannot be addressed under oral communications; urged the Sunshine Ordinance be revised to allow agenda items to be discussed under Oral Communications.

(14-465) Kurt Peterson, Alameda, urged that the Site A matter [paragraph no. 14-479] be pulled from the agenda.

CONSENT CALENDAR

Mayor Gilmore announced that award of the BFK Engineers contract [paragraph no. 14-468] and the resolution amending the Management and Confidential Employees Association salary schedule [paragraph no. 14-473] were removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

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

(*14-466) Minutes of the Special and Regular City Council Meetings Held on October 7 and 21, 2014. Approved.

(*14-467) Ratified bills in the amount of \$5,694,813.64.

(*14-468) Recommendation to Award a Contract in the Amount of \$148,000, Including Contingency, to BKF Engineers for the Design of the Cross Alameda Trail, Main Street to Webster Street.

Councilmember Daysog stated the Cross Alameda Trail moving forward is good news; inquired about the 70 foot width.

The Transportation Coordinator responded 70 feet is the swath of the City's public land; only 35 feet would be used for the trails; the remaining feet would be used for a bus lane.

Councilmember Daysog moved approval of the staff recommendation.

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

(*14-469) Recommendation to Amend the Contract in the Amount of \$11,643.04 and Accept the Work of JJR Construction, Inc. for Raised Median and Curb Bulb-out Improvements on Grand Street at Wood School, No. P.W. 03-14-16. Accepted.

(*14-470) Recommendation to Award a Contract in the Amount of \$160,997.70, Including Contingency, to Placeworks for the Central Avenue Complete Street Plan. Accepted.

(*14-471) Resolution No. 14977, "Approving the Final Map and Accepting Easements for Tract 8132 (Alameda Landing Residential)." Adopted.

(*14-473) Resolution No. 14978, "Authorizing Execution of the State Standard Agreement for the Housing Related Parks Grant from the State Department of Housing and Community Development for Estuary Park Athletic Fields." Adopted.

(14-473) Resolution No. 14979, "Amending the City of Alameda Management and Confidential Employees Association (MCEA) Salary Schedule Establishing the

Classifications of Public Works Project Manager I, Public Works Project Manager II, Public Works Project Manager III, and Public Information Officer.” Adopted; and

(14-473 A) Resolution No. 14980, “Approving Workforce Changes in the Public Works Department, the Community Development Department, and the City Manager’s Office.” Adopted.

Vice Mayor Ezzy Ashcraft stated there are lots of positions and changes packed into one item; that she would like more time to discuss the Resiliency Coordinator position.

The Human Resources Manager stated the purpose of the position is not technical, the intention is for the person to develop community engagement and outreach, facilitate dialogue and conduct a needs assessment for residents.

The Assistant City Manager noted the Resiliency Coordinator is one-half of the position, the other half are duties currently performed by a part-time person.

Vice Mayor Ezzy Ashcraft inquired how will the half-time position be coordinated with public safety aspect in the Emergency Operations Center (EOC).

The Assistant City Manager responded the employee would be expected to have safety skills and would work closely with the Police and Fire Departments.

In response to Vice Mayor Ezzy Ashcraft’s inquiry, the Assistant City Manager stated staff plans to bring the Resiliency Plan to Council in the Spring.

Vice Mayor Ezzy Ashcraft inquired why the Resiliency Plan was not brought to the Council tonight, to which the Assistant City Manager responded the Resiliency Coordinator position is needed to help develop the plan.

Vice Mayor Ezzy Ashcraft stated she would like the Public Information Officer position fleshed out and brought back to the Council for more discussion.

Councilmember Tam inquired whether pushing back the two positions would delay presenting the plan, to which the Assistant City Manager responded in the affirmative.

Vice Mayor Ezzy Ashcraft stated more notice is better than less; that she would like to get community input on Public Information Officer position.

Councilmember Tam stated that she was involved in a civic engagement process last year with the Assistant City Manager; the Public Information Position was created to address the lack of public involvement in discussions.

Councilmember Tam moved adoption of the resolutions.

Councilmember Chen seconded the motion, which carried by the following voice vote:

Ayes: Councilmembers Chen, Daysog, Tam and Mayor Gilmore – 4. Noes: Vice Mayor Ezzy Ashcraft – 1.

(14-474) Ordinance No. 3114, “Amending the Alameda Municipal Code by Repealing in its Entirety Section 18-5 (Abatement of Improper Sewer Connections), Repealing in its Entirety Section 18-6 (Sewer Lateral Testing) and Adding a New Revised Section 18-5.” Finally passed.

REGULAR AGENDA ITEMS

(14-475) Resolution No. 14981, “Honoring Former City Councilmember Hadi Monsef for His Many Contributions to the City of Alameda.” Adopted.

Mayor Gilmore read and presented the resolution to Jan Mason, OMM Property Management.

Councilmember Tam moved adoption of the resolution.

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

(14-476) Resolution No. 14982, “Amending Master Fee Resolution 12191 to Add and Revise Recreation and Park Fees.” Adopted.

The Recreation and Parks Director gave a Power Point presentation.

In response to Vice Mayor Ezzy Ashcraft’s inquiry, the Recreation and Parks Director stated scholarships are offered and funded by the Recreation and Parks Department, the Alameda Friends of the Park Foundation, and the Bay View Women’s Club; no child in need has been denied.

In response to Councilmember Chen’s inquiry regarding facility rentals, the Recreation and Parks Director stated the percent used by non-profit organizations is small; most facility rentals are weddings or private parties; that she always negotiates discounts with non-profits and there are approximately eight or nine organizations which receives discounts.

Councilmember Chen stated that he does not want new non-profits unaware of discounts to be turned off by the fee increase.

Mayor Gilmore expressed gratitude for Recreation and Park Commission.

Councilmember Daysog stated the increased rate for group oriented activities is great; the City has made a commitment to keep costs down; commended the Recreation and Parks Department for a great job.

Councilmember Tam stated she was impressed with the partnerships and grants; all Recreation Department projects have been successful; increases were done fairly; if the drought continues, there would be another 14% increase in water bills; that she supports the fee schedule.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution.

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

(14-477) Recommendation to Approve an Exclusive Negotiation Agreement (ENA) between the City of Alameda and Pacific Pinball Museum, a California Corporation, for Buildings Known as the Carnegie Library and the Adjacent Children's Library Located at 2264 Santa Clara Avenue.

Councilmember Daysog recused himself and left the dais.

The Economic Development Division Manager gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired whether improvements can begin once the tenant deposits \$3.5 million, to which the Economic Development Division Manager responded in the affirmative.

Vice Mayor Ezzy Ashcraft inquired whether tenant improvements include Americans with Disabilities Act (ADA) improvements, to which the Economic Development Division Manager responded in the affirmative.

In response to Vice Mayor Ezzy Ashcraft's inquiry Economic Development Division Manager stated acoustics would be a tenant improvement specific to their use and has not been itemized as part of the capital investment.

Vice Mayor Ezzy Ashcraft stated Section 6.1 of the ENA states architectural and construction plans would be submitted to, and approved by, the City Manager on behalf of the City; inquired why the City Planner would not be the one to review and approve the plans.

The Assistant City Attorney responded the ENA makes a distinction between the dual role of the City; stated Section 6.1 says the City Manager as the landlord only would review what the tenant is doing; Section 6.2 provision states all regulatory processes will be complied with, including approvals by the Planning Board.

Vice Mayor Ezzy Ashcraft stated Section 6.5 states a ground lease will not be placed on the agenda until tenant improvement plans are approved; inquired who would approve the tenant improvement plans.

The Assistant City Attorney responded both the City Manager, as the landlord, and the Planning Board would approve the plans.

Vice Mayor Ezzy Ashcraft requested language be specified in the ENA to clarify the roles of the City Manager and the Planning Board with regard to the review and approval of the tenant improvement plans.

The Assistant City Attorney stated staff would clarify the language.

Vice Mayor Ezzy Ashcraft inquired whether the City Attorney would also be involved in the determination of the proposed ground lease being placed on the Council agenda, to which the Assistant City Attorney responded in the affirmative; stated the City Attorney's Office and Community Development Department will negotiate the ground lease; once a mutually beneficial agreement is reached between the tenant and the City, the City Manager can decide to place it on the Council agenda.

In response to Vice Mayor Ezzy Ashcraft's inquiry, the Assistant City Attorney stated the museum would take over insuring the building at the execution of the ground lease.

In response to Councilmember Tam's inquiry, the Assistant City Attorney stated the ENA is broken into three parts; the first 12 months will be to meet a financial milestone of \$2.1 million; an additional 12 months to reach the second financial milestone of \$3.5 million; the last six months will be the bulk of negotiations; by the final part, the City would know the tenant is capable of funding the improvements; the lease would be \$1.00 per year, plus the capital improvements which would be negotiated as part of the ground lease; the regulatory entitlement process would also happen in the last six months.

Councilmember Tam inquired whether a ground lease agreement requires four votes of the Council, to which the Assistant City Attorney responded in the affirmative.

Mayor Gilmore noted that an ENA only requires three votes.

Vice Mayor Ezzy Ashcraft inquired whether there is a County agency in the old children's library, to which the Economic Development Division Manager responded in the negative; stated the agency vacated the building last year.

Larry Zartarian and Michael Schiess, Pacific Pinball Museum, gave a Power Point presentation and showed a movie.

Councilmember Chen moved approval of the staff recommendation.

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

(14-478) Recommendation to Approve an Exclusive Negotiation Agreement (ENA) with Alameda Point Partners for Development of Site A at Alameda Point. Approved.

The Chief Operating Officer – Alameda Point gave a Power Point presentation.

In response to Mayor Gilmore's inquiry, the Chief Operating Officer – Alameda Point stated the overall cost for backbone infrastructure, trails, park improvements, and extensive protected bikeways is \$600 million, which translates to approximately \$1 million per acre; the cost for the Site A base infrastructure package and land payments is \$103 million.

Councilmember Tam inquired whether there was strong opposition from the community on the planning guide, to which the The Chief Operating Officer – Alameda Point responded the negative; stated the community appreciated the plan, which focused on jobs and deemphasized housing.

Joe Ernst, Alameda Point Partners (APP), gave a brief presentation.

Urged the matter be delayed: Mayor Elect Trish Spencer, Alameda.

Outlined details not included in the proposed ENA that he would like to see addressed, which justify waiting for the new Council: Councilmember Elect Frank Matarrese, Alameda.

Urged the Council to continue to conduct business and vote on the matter: Councilmember Elect Jim Oddie, Alameda.

Expressed concern over not having an emergency water supply: Joe Cloren, Alameda.

Urged approval of the ENA; discussed the Base Reuse Plan; expressed support for APP: Helen Sause, Alameda Home Team.

Stated that he works for Whole Foods; there is need for a food entrepreneurship center, which could be located at Building 9: Harv Singh, Alameda.

Stated the Chamber supports the staff recommendation: Michael McDonough, Chamber of Commerce.

Expressed concern over the infrastructure problem, business interest and traffic; urged the matter be postponed until other development projects are complete: Michael Karavasilis, Alameda.

Stated the Council and staff have been great supporters of parks; urged approval of the ENA: Bill Delaney, Recreation and Park Commission.

Urged moving forward: Brock Grunt, Alameda.

Expressed concern over the total development creating transportation life-safety issues; stated the matter should be delayed to address said issue: Jesus Vargas, Alameda.

Expressed support for APP; stated Joe Ernst can attract businesses; urged moving forward: Robert Doud, Alameda.

Urged moving forward with the ENA: Cheryl Zook, Alameda Point Studios.

Urged Council not to take action tonight; read a letter from his neighbors Gary and Lola Brown: Brian Schumacher, Alameda.

Urged the matter be delayed: Patricia Gannon, Alameda.

Councilmember Chen left the dais at 9:59 p.m. and returned at 10:01 p.m.

Expressed support for the ENA: Michael Karp, Alameda.

Stated that she would like to move her business back to Alameda and expressed her support for Joe Ernst and moving forward: Alexandra Cohn, Jeff Cohn Cellars.

Stated the Chamber Board unanimously voted to support the ENA: Mark Sorensen, Chamber of Commerce.

Urged the ENA be tabled; stated moving forward is not acting in good faith with the community: Paul Foreman, Alameda.

Councilmember Tam left the dais at 10:05 p.m. and returned at 10:08 p.m.

Urged the matter be tabled for the new Council to address: Leland Traiman, Alameda.

Expressed concern over traffic; stated that he has not seen a reasonable transit plan; urged the matter be tabled: Simon Kim, Alameda.

Stated the process has been outlined; urged the process be continued: Kari Thompson, Chamber of Commerce Past President.

Stated the West End is diverse; progress has been made and needs to be continued; outlined the opposition to previous projects: Nick Cabral, Alameda.

Submitted information; urged the ENA be tabled; stated that she is confident the matter will still move forward; discussed empty retail space: Pat Lamborn, Alameda.

Expressed support for the staff recommendation: Marty Frates, Teamster Local 70.

Urged approval of the ENA: John McNulty, MBH Architects.

Expressed support for moving forward and the need for infrastructure; stated removing the residential component would require complete reevaluation of the funding mechanism: John McManus, Cushman and Wakefield.

Urged approval of the ENA, which is the latest step in a long process: Lois Pryor, Alameda.

Expressed concern over traffic; stated 800 housing units is far too many for Alameda Point: Gretchen Lipow, Alameda.

Urged moving forward with the ENA, which is reasonable and favorable to the City; outlined reasons for the urgency: Doug Biggs, Alameda Point Community Point Partners.

Stated the Alameda Association of Realtors (AAR) urges approval of the staff recommendation; expressed her personal support for moving forward: Anne DeBardeleben, AAR and Alameda resident.

Stated any delay would lead to unintended consequences; urged moving forward with the ENA: Bruce Knopf, Alameda.

Urged the Council to approve the ENA with APP; outlined what she likes about the team and project: Karen Bey, Alameda

Stated, as an architect, she was excited to be asked to be involved with the APP; urged moving forward with the ENA: Veronica Hinkley Reck, Alameda.

Stated housing is needed at Alameda Point to provide a place for people to live adjacent to work; urged the Council to move forward: Jon Spangler, Alameda.

Urged moving forward; outlined the need for affordable housing: Laura Thomas, Renewed Hope Housing Advocates.

Expressed support of the Council moving forward: Lynette Lee, Renewed Hope Housing Advocates.

Submitted comments; outlined the need for housing; read a statement from her friend Angela: Annette Zielinski, Alameda.

Urged Council to defer to the incoming Council; expressed concern over contamination at Alameda Point: George Humphreys, Alameda.

(14-479) Vice Mayor Ezzy Ashcraft moved approval of continuing the meeting past 11:00 p.m.

Councilmember Chen seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Chen, Daysog, Ezzy Ashcraft and Mayor Gilmore – 4. Noes: Councilmember Tam – 1.

Stated that he understands Site A being a catalyst, but is concerned about the rest of the development proceeding; expressed concern over the allocation of housing units: Former Councilmember Doug deHaan, Alameda.

Mayor Gilmore noted the taxiway development is no longer on the table.

Stated the election was about development and the direction of the City, which shows there is major opposition: Travis Wilson, Alameda.

Urged approval of the staff recommendation: Michael John Torrey, Alameda.

Mayor Gilmore called a recess at 11:02 p.m. and reconvened the meeting at 11:11p.m.

Mayor Gilmore stated the need for housing at Alameda Point is a topic which causes angst in the community; requested an explanation of the rationale behind housing.

James Edison, Wildan Financial Services, responded there is a lot of demand for housing and people are willing to pay for it; housing developers have more money to build infrastructure to support improvements; commercial development in Alameda is a tougher sell because of constraints; financial capacity is built into the development by housing allowing for infrastructure.

Mayor Gilmore inquired whether the development can lead with commercial and retail.

Mr. Edison responded Alameda would have to take on a significant debt burden to pay for infrastructure with the commercial approach; staff decided to proceed in finding a developer that will pay for the infrastructure up front so the City does not have to pay.

The Chief Operating Officer – Alameda Point stated redevelopment projects no longer have tax increment financing; Alameda depends on private capital to finance the project; two Request for Qualifications (RFQs) were done to test the market: one for mixed-use residential and one for commercial; one of the four qualified commercial developers dropped out because of uncertainty in Alameda's market and the other two were not willing to commit to any upfront infrastructure; the residential RFQ received

nine responses; not having new infrastructure is a major liability; major infrastructure issues make it difficult to retain existing businesses and attract new commercial development.

Councilmember Tam inquired whether existing leases can pay for infrastructure, to which the Chief Operating Officer – Alameda Point responded in the negative; stated the current leases at Alameda Point are market industrial rents at \$0.40 per square foot, which does not support the infrastructure need.

John McManus, Cushman and Wakefield, stated when parcels are sold, there is a minimum price per acre the City needs to achieve to pay the per-acre fair share; infrastructure expenses would be an unfair burden for the existing tenants and Alameda would lose the tenants.

The City Manager concurred with Mr. McManus; stated Alameda Point would no longer be market competitive; if the burden of new infrastructure is added and tenants are asked to make improvements, they would leave; the current infrastructure is degrading and needs to be replaced; the only way is to begin selling parcels at a rate that supports new infrastructure.

Vice Mayor Ezzy Ashcraft stated that she met with both teams and has received emails suggesting to delay the vote; it is a tough decision, but stalling is not the answer; there will be opportunity for public input if the ENA is approved this evening; the public deserves to be informed about the project by more than campaign slogans; the proposal addresses traffic concerns raised in the election; Council has heard that priorities should be creating jobs and that residents want parks and open space; she is concerned about doing what is right for the citizens of Alameda; she is prepared to approve entering into the ENA.

Councilmember Daysog stated that he was on the governing board that voted for the Community Reuse Plan of 1996; he supports moving forward with Alameda Point; the West End cannot continue to languish; there is argument to allow council elects to have substantive input and another argument not to undo the substantial work of the current Council; the ENA did not happen over only the past 18 months; there are lessons that can be drawn from SunCal; Alameda Point has a way to go and Council needs to be involved during the coming months; the ENA protects all parties but must also be explicit, whatever other boards do has to be at the direction of the City Council; there has to be language that involves the developer; there needs to be more discussion about retail development in terms of economics; there also needs to be language that protects Alameda against situations like Mammoth Lakes and Half Moon Bay where the developer sued the city; that he is ready to move forward but would like further discussion.

Councilmember Tam stated the Half Moon Bay and Mammoth Lakes visions were explicitly considered when Council looked at the ENA with SunCal; it is important to respect and honor the process and move forward; that she inherited the ENA with

Alameda Point Community Partners (APCP) in 2006; because of the downturn in economy, APCP withdrew from the project and the City ended up with a whole different process; each Council learns a lot of lessons from the prior Council; the Council reviewed the cumulative impacts of all the various projects in Alameda; with regard to the emergency water supply, Alameda saw a reduction of 10,000 people when the military left; East Bay Municipal Utilities District (EBMUD) spent \$9 million and was able to accommodate the supply; when a water main breaks at Alameda Point, there is still adequate supply; however, the system does not help provide emergency preparedness, there needs to be a working conveyance system; the issues are not going to improve without some infusion of capital; the project needs to move forward to address urgency needs of failing water, sewer, and electricity systems; issues need to be corrected soon.

Councilmember Chen stated speakers were not against the plan, and just want to delay it, which gives him hope the ENA will work; attracting developers is hard; the Council and the community are committed; that he is looking forward to a healthy vibrant mixed use; staff made the right recommendation with Alameda Point Partners.

Mayor Gilmore stated that she is proud of the community for being the best in civic engagement; thanked everyone for their participation.

Vice Mayor Ezzy Ashcraft moved approval of the staff recommendation.

Councilmember Daysog requested further discussion to propose amendments.

Vice Mayor Ezzy Ashcraft withdrew the motion.

Councilmember Daysog stated that he would like to add language on Page 2 of the ENA, Section 4, Negotiations of the DDA: "subject to guidance of City Council" after the sentence, "the DDA shall include a development plan for the project as more fully described in Alameda Municipal Code 30-4.13 development plan."

The Chief Operating Officer – Alameda Point stated staff would add the language.

Councilmember Daysog stated Section 6.3 discusses the Alameda Point Transportation Demand Management; he would like the developer to be part of the situation in the event the TDSM does not work; suggested language be included which states, "which will also discuss options in the event TDSM does not live up to expectations".

The Chief Operating Officer – Alameda Point stated the TDSM has goals stated in the General Plan; suggested the language, "the strategy will address how the developer will address the situation in the event that the TDM goals are not being met."

Councilmember Daysog concurred; stated the language recognizes the specifics are subject to negotiation.

Mr. Ernst stated his group would agree to the language to the extent they have control over the TDM, but that the TDM is supposed to be a Citywide program.

The City Manager stated Council cannot negotiate the DDA tonight; the vote is on the ENA; the discussions are exactly what the ENA process needs to flesh out; suggests Council use language which states: "consideration will be given to develop a contingency plan for an appropriate payment as part of the project in the event the TDM plan does not meet goals."

Councilmember Daysog concurred with the City Manager on the appropriate language.

In response to Councilmember Daysog's inquiry, the Chief Operating Officer – Alameda Point stated the pro forma could include a break-down of retail uses by product type.

Councilmember Daysog stated that he is satisfied with the amendments.

Vice Mayor Ezzy Ashcraft requested a report regarding the Planning Board and Planning Board Subcommittee's conclusions and recommendations be brought to Council before May.

The Chief Operating Officer – Alameda Point stated staff would provide the report; inquired whether the request is Council direction or should be added to the ENA.

The City Attorney responded staff has heard Council direction.

Mayor Gilmore concurred with the City Attorney; stated Council always has the ability to direct staff at any time.

Councilmember Daysog stated the ENA is a contractual document and that he is satisfied if direction is included in the ENA.

The City Manager stated a process details how the Planning Board works; proposed that staff provide a public report every 6 weeks during the process; if issues arise regarding the terms of the DDA, there would be a public airing of the issues; Council can provide direction to staff.

Councilmember Daysog concurred with the City Manager's suggestion.

Mr. Ernst stated that he has no objection to giving Council updates; inquired whether Council already has the right to direct boards and commissions.

The City Manager responded Council is giving staff direction on a periodic nature of a public report on the status of the process.

The Chief Operating Officer – Alameda Point inquired whether the request for the report should be part of the ENA, to which the City Manager responded in the negative; stated the request is just Council direction.

Vice Mayor Ezzy Ashcraft moved approval of the ENA with Alameda Point Partners for development of Site A at Alameda Point.

Councilmember Daysog seconded the motion with the amended language, [Section 4, add: “subject to guidance of City Council”; and Section 6.3, add: “consideration will be given to develop a contingency plan for an appropriate payment as part of the project in the event the TDM plan does not meet goals.”] which carried by unanimous voice votes – 5.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 12:06 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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