COUNCIL REFERRAL FORM
(To be submitted to the City Clerk)

Name of Council member requesting Referral: Frank Matarrese

Date of submission to City Clerk (must be submitted before 5:00 p.m. on the Monday before the week of the Council meeting requested): September 8, 2010

Requested Council Meeting date to consider Council Referral: September 21, 2010

Brief description of the subject to be printed on the agenda, sufficient to inform the City Council and public of the nature of the Council Referral:

Given the potential for development, including Alameda Point, the need to create jobs and the severe unemployment in the Bay Area, establishing clear policy is necessary to ensure that when development benefits from the transfer of public land and/or tax payer subsidies, that sufficient public benefit is received in return.

Therefore, I propose this Council Referral to request Council consideration of the following:

Establishing a city-wide project labor agreement (PLA) covering development projects within the City of Alameda which receive taxpayer subsidy, including transfer of public land, tax discounts, direct financial support.

Adopting a resolution and agreement with the appropriate labor organization(s) as the means of codifying City policy including city-wide PLA

Directing the City Manager to meet with the representatives of the appropriate labor organization(s) to draft the above documents for discussion and approval by the Council.

Council Referral #8-A
9-21-10

COUNCIL REFERRAL FORM

Name of Councilmember requesting referral:
Marie Gilmore

Date of submission to City Clerk (must be submitted before 5:00 p.m. on the Monday before the Council meeting requested):
Sept. 13, 2010

Council Meeting date:
Sept. 21, 2010

Brief description of the subject to be printed on the agenda, sufficient to inform the City Council and public of the nature of the referral:

The County of Alameda is looking at implementing a county wide Project Labor Agreement (PLA) with the Building Trades. Agendize a discussion regarding a PLA for the City of Alameda

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 21, 2010- -7:00 P.M.

Mayor Johnson convened the meeting at 7:15 p.m. Councilmember Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson – 5

Absent: None.

AGENDA CHANGES

(10-433) Mayor Johnson announced that the Public Hearing to Consider Resolution Certifying the Final Environmental Impact Report [paragraph no. 10-450] and Public Hearing to Consider Resolution Approving Tentative Parcel Map [paragraph no. 10-453] would be continued to October 5.

Councilmember Matarrese announced that Considering Taking Action Regarding Calming Traffic [paragraph no. 10-456] was to be placed on the October 5 agenda; requested that the Request for Settlement [paragraph no. 10-441] be addressed in Closed Session.

Mayor Johnson inquired whether having a Closed Session on the item would be possible.

The Risk Manager responded generally, settlements need to be done within two to four weeks; stated if not, the issue would go to trail, which would put the City in a bad economic situation.

Mayor Johnson inquired whether waivers would be needed to discuss the issue in public.

The Risk Manager responded that he cannot go into detail because of confidentiality.

Councilmember Matarrese stated that he cannot make an informed decision or ask questions without the benefit of discussion.

The City Attorney stated the name of the employee and nature of the injury cannot be discussed [in open session]; however, information provided in the staff report can be discussed.

The Risk Manager stated the employee could be identified if he explains what happened.

Mayor Johnson stated Council would not be doing due diligence by making a decision

based on a general statement.

Councilmember Matarrese moved approval of scheduling the Request for Settlement Authority [paragraph no. 10-441] in Closed Session as soon as possible.

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

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(10-434) Proclamation Declaring October 6, 2010 as Alameda's Walk and Roll to School Day.

Mayor Johnson read and presented the proclamation to Audrey Lord-Hausman.

Ms. Lord-Hausman thanked everyone who makes the event happen; stated that she looks forward to seeing everyone on October 6th.

(10-435) Presentation of Certificate of Appreciation from the U.S. Census Bureau.

The City Clerk presented the certificate on behalf of the U.S. Census Bureau.

(10-436) Cynthia Wasko announced that Alameda has been named one of the Nation's 100 Best Communities for Young People; provided a press release.

Mayor Johnson thanked everyone for all the hard work in contributing to make Alameda a better place for youth; stated the recognition is great.

CONSENT CALENDAR

Mayor Johnson announced that the Recommendation to Authorize the Interim City Manager to Negotiate [paragraph no. 10-443] and Resolution Approving a Project Operating Agreement [paragraph no. 10-445] were removed from the Consent Calendar for discussion.

Councilmember Matarrese 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.]

(*10-437) Minutes of the Regular City Council Meeting of September 7, 2010. Approved.

(*10-438) Ratified bills in the amount of $ 1,815,376.97.

(*10- 439) Recommendation to Accept the Quarterly Sales Tax Report. Accepted.

(*10-440) Recommendation to Accept the Quarterly Treasury Report. Accepted.

(10- 441) Request for Settlement Authority of Workers' Compensation Claim #ALAO-004385. Not heard.

(*10-442) Recommendation to Award a First Amendment in the Amount of $53,385 to Suarez and Munoz Construction, Inc. for the Webster Street/Wilver "Willie" Stargell Avenue Intersection Project – Landscape and Irrigation Improvements, No. P.W. 06-09-18. Accepted.

(10-443) Recommendation to Authorize the Interim City Manager to Negotiate and Execute the Fifth Amended Joint Exercise of Powers Agreement between the City of Alameda and East Bay Municipal Utility District (EBMUD). Accepted.

Councilmember Tam noted that she would recuse herself and left the dais because she is employed by EBMUD.

Councilmember Gilmore inquired how much the EBMUD is paid for system maintenance.

The Public Works Director responded EBMUD is paid over $750,000 per year for water consumption.

Councilmember Gilmore inquired whether some of the $750,000 is offloaded to tenants.

The Public Works Director responded tenants pay towards water consumption, which is outlined in leases; stated the $750,000 is what the Alameda Reuse and Redevelopment Agency (ARRA) pays for water used at Alameda Point; each tenant has a rate that is charged to lease revenue.

Councilmember Gilmore inquired whether Alameda Point meters are separate.

The Public Works Director responded not all meters are separate; stated EBMUD does not read individual meters, only the master meter; EBMUD wants to know when larger tenants would be individually metered.

Councilmember Gilmore inquired whether water leaks are charged to the master meter.

The Public Works Director responded in the affirmative; stated recently, the wharf had leaks; EBMUD's policy states a bill will be reduced by half if a water leak is documented; the other [EBMUD] payment is for ongoing water facility repair and maintenance; the Public Works Department does not have the expertise to maintain and repair water lines; EBMUD is paid anywhere between $100,000 to $300,000 per year for repairs; water main breaks have lessened over the years.

Councilmember Gilmore stated EBMUD fixes water main breaks on the main island; inquired whether the service is built into rates.

The Public Works Director responded a full, ongoing water system maintenance rate pays for Alameda Point water main breaks; stated EBMUD is charging twice because the water system is not up to standards; that he does not feel the full consumption rate should be paid because some percentage should take care of ongoing water main repairs; that he will be discussing the matter with EBMUD.

Vice Mayor deHaan inquired what upgrading Alameda Point would entail.

The Public Works Director responded EBMUD would like to work with the City on updating an Alameda Point facilities study done by the Navy fourteen years; the study identified projects, including water tank removal that was part of the fire suppression system; cross contamination is a concern; a water main extension on Fox Avenue has been completed; EBMUD typically adds fast flow preventers to prohibit contamination.

Councilmember Gilmore inquired who would pay for things that need to be done.

The Public Works Director responded ARRA; stated the question for EBMUD is what needs to be done now in light of future Alameda Point redevelopment; putting in improvements that would not be used later would not make sense.

Vice Mayor deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 4. Abstention: Councilmember Tam – 1.

(*10-444) Resolution No. 14489, "Authorizing the Interim City Manager to Submit an Application to the Bay Area Air Quality Management District's Fiscal Year 2010-2011 Transportation Fund for Clean Air Regional Fund for $430,000, Provide $43,000 in Special Transportation Projects and Programs Funds for the Local Match, and Execute all Necessary Documents for an Estuary Crossing Bicycle/College Shuttle." Adopted.

(10-445) Resolution No. 14490, "Approving a Project Operating Agreement with the East Bay Regional Communications System Authority." Adopted.

Councilmember Gilmore inquired how much would be left in the fund [City's Equipment Replacement Internal Service Fund] after paying for the system and whether the City's computer upgrades would be affected.

The Interim City Manager responded in the negative; stated $3.1 is projected for the fund this year; staff will determine department charge back costs for the next three to five years once budget forecasts are reviewed.

Councilmember Gilmore moved adoption of the resolution.

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

CITY MANAGER COMMUNICATIONS

(10-446) Police Department Explorer Program

The Acting Police Chief gave a Power Point presentation.

Mayor Johnson stated having Explorers check out uniforms may be better [than allowing uniforms to be taken home]; inquired what staff would look for in a background check; stated that she does not want people to think that a perfect record is necessary for participation; the proposed program could turn a youth around.

The Acting Police Chief responded a person cannot have criminal convictions; stated the background check would involve talking to family, neighbors, and teachers to ensure that the participant is responsible.

Councilmember Matarrese stated the process sounds more like a reference check rather than a background check, to which the Acting Police Chief concurred.

Councilmember Tam inquired whether less people are going into the police academy.

The Acting Police Chief responded in the negative; stated there is a growing need for police academies.

Vice Mayor deHaan inquired how many explorers would be in the Explorer Post.

The Acting Police Chief responded the Post would have no limit; stated participation would be encouraged; staff would need to ensure that the number of participants is manageable.

Mayor Johnson thanked the Police Department for taking the initiative; stated the program will be good for the youth.

(10-447) Communication on Alameda Branch of the Amateur Radio Emergency Service and Fire Department

The Deputy Fire Chief gave a brief presentation.

Mayor Johnson stated that ham operators are very enthusiastic to participate.

The Deputy Fire Chief stated the Citizens' Emergency Response Team (CERT) and ham operators have a close connection; ham operators are very mobile.

Councilmember Matarrese inquired what is the timeframe for getting the Memorandum of Understanding (MOU) signed and testing the network.

The Deputy Fire Chief responded the MOU should be signed within two weeks; stated capabilities will be tested in the upcoming November [Disaster Preparedness] exercise.

Vice Mayor deHaan inquired whether the network would be capable of overlapping with other cities.

The Deputy Fire Chief responded in the affirmative; stated worldwide capabilities enable reaching out much farther than the normal radius.

Councilmember Gilmore stated that she is glad to see the network happening; local radio operators perform their own drills and have been pushing for a closer relationship with the City; having a volunteer citizens group take on the issue would be very impressive; the City would have a great opportunity to take advantage of home-grown talent.

(10-448) September 3 Correspondence from Alameda County Health Care Service Agency Regarding Emergency Medical Services [EMS] Contract

Speakers: Supervisor Alice Lai-Bitker; Jon Spangler, Alameda; Alex Briscoe, Director of Alameda County Health Care Services Agency (submitted letter); Domenick Weaver, IAFF.

Following Mr. Briscoe's comments, the Interim City Manager stated that she received an email from Dale Fanning, Acting Assistant EMS Director, advising that the $840,000 annual payment to the County as noted in the staff report has gone up to approximately $857,000.

Councilmember Gilmore inquired whether the County would not be obligated to provide Advanced Life Support (ALS), but the City would still be able to provide Basic Life Support (BLS) if the County revokes the City's EMS license, to which Mr. Briscoe responded said statement is generally correct.

Councilmember Gilmore inquired whether County counsel contends that voter approval would not be needed if the City annexed into the system; stated the staff report implies that voter approval would be needed.

Mr. Briscoe responded that his understanding is that voter approval would not be needed.

Mayor Johnson inquired whether Alameda residents would pay a fee and not have to vote on the matter if the Joint Powers Authority (JPA) expanded, to which Mr. Briscoe responded in the affirmative.

Mayor Johnson stated that she and Supervisor Lai-Bitker sit on the JPA for lead abatement; she recalls that voters would need to vote to start charging a fee when new cities join the JPA.

The Interim City Manager stated the two issues need to be differentiated; one would be a vote to annex into the EMA District and the other would be to assess property owners.

Mayor Johnson stated that is what she is saying; residents could not be assessed a fee without voter approval.

Councilmember Tam stated that she differentiates the JPA from special assessment districts; inquired whether Alameda is the only City out of the fourteen Alameda County cities not in the EMS District, to which Mr. Briscoe responded in the affirmative.

Councilmember Tam inquired what are the Proposition 218 assessment restrictions; stated that she assumes residents would pay some parcel assessment if the City were annexed; inquired whether the assessment would require a vote of the electorate based upon County legal counsel.

Mr. Briscoe responded Council could take action to annex the City into the EMS District without voter approval.

Mayor Johnson stated that Council is not disagreeing with the annex issue, but questions the assessment issue.

Mr. Briscoe stated that commenting on the assessment issue is not within his scope.

Vice Mayor deHaan stated the initial Contract stated the City would pay the County $630,000 annually; the amount has escalated to $840,000.

The Interim City Manager stated the amount has increased to approximately $857,000 based on the Consumer Price Index (CPI).

Vice Mayor deHaan inquired what is the basis for the increase.

Mr. Briscoe responded the increase is in context of health care costs rising five times the amount of wages.

Councilmember Tam stated page 20 of 30 of the proposed Contract states: “This amount will be paid annually, in quarterly installments to the County to compensate the County for services it provides to Contractor. The amount is $857,830.98 annually. County may increase this amount subject to any Cost of Living Adjustment imposed by the Alameda County Board of Supervisors on the annual assessment paid by property owners with the Alameda County Emergency Medical Services District. The amount may also be adjusted based on a change in the number of benefit units within the Exclusive Operating Area (EOA)”; the letter [from Alameda County Health Care

Services] states that the City has failed to provide 911 response time information; requested an explanation of protocol for submitting information; stated the City provided information up to a certain point and then stopped.

Mr. Briscoe responded Monday's meeting would be a better time to go into detail of what is required; stated currently, the only outstanding data is the second quarter response times, which was due August 1st; enforcement action is difficult without a Contract.

Councilmember Tam inquired whether the City would be fined $50.00 per day for every missed deadline if there were a Contract.

Mr. Briscoe responded that he believes so; stated the City enjoys one of the fastest response times in the County; the City's Fire Department has the potential to be one of the best EMS service providers in the County; the County does not have access to enforcement, oversight, or management measurement mechanisms.

Councilmember Matarrese stated having the City be the best EMS service provider in the County is not a potential, but a reality.

Councilmember Gilmore stated the [Alameda County Health Care Services] letter notes that the Fire Department would be required to share an appropriate number of ambulance calls with other ambulance companies that wish to provide services in Alameda if the County removes Alameda's EOA destination; recently, the County contracted with Paramedics Plus for Countywide responses; inquired whether "other ambulance companies" would mean other ambulances that service the area.

Mr. Briscoe responded the Interim City Manager is in receipt of communication from Paramedics Plus and American Medical Response; stated both ambulance companies have stated that cheaper and better service cannot be provided [in comparison to the City's Fire Department].

Councilmember Matarrese stated requiring the Fire Department to share an appropriate number of ambulance calls seems counter productive if the Fire Department can provide better and cheaper service than a private contractor; direction should be given to preserve the service level.

Following Mr. Weaver's comments, Councilmember Gilmore directed that the item come back as an action item at the first Council meeting in October so Council can make a decision; stated that her preference is to preserve service; she would like to know how the $6.6 million [annual cost for providing the ALS program] is calculated; that she recalls the cost being $4.2 million in past discussions; inquired where the extra $2.4 million comes from; stated collection rates were discussed approximately one year ago; inquired what are the ambulance service collection rates; Council has not been satisfied with collections rates and has directed staff to find another collection entity to get a higher [collection] percentage; that she recalls the collection rate was under 50%; the

1980 staff report assumed a 75% collection rate; that she does not think the [current] collection rate is at 75%; residents use County services; the City should find a way to pay for the services; that she is bothered by the three options because the options are presented as financial calculations; information is not provided regarding impacts; inquired what would happen to response times if the County provided ALS services; stated the issue is not just dollars and cents; two-thirds of the City's calls for service are medical; inquired how many calls utilize ALS versus BLS services; stated that she cannot see going to a lesser service if ALS service is utilized; inquired whether more overtime would be needed; inquired what was the glitch in not reporting on the last 911 response calls.

Councilmember Matarrese inquired whether the $6.6 million [annual cost in providing the ALS program] is the result of $2.3 million in recovered revenues for ambulance transport services and $4.3 being contributed from the General Fund, to which the Interim City Manager responded in the affirmative.

Councilmember Matarrese inquired whether the City would lose $2.3 million in revenue if the City's ambulance service ceases.

The Interim City Manager responded the City would lose $2.3 million in revenue; however, fire-staffing demands would be less; $6.6 million is the total cost for the services.

Councilmember Matarrese stated that he agrees with Councilmember Gilmore; the item needs to be brought back with accounting data in order to make a decision.

Councilmember Tam stated the 1983 memo [from the Assistant City Manager] is very helpful; the community cannot afford to have the Contract in a log jammed position for something as important as ambulance service; in 1982, voters voted 80% to establish a paramedic service and bring critical life saving medical treatments to the City; the vital service is worth the added cost, especially since Alameda has the highest percentage of people over 65 years old; BLS is not sufficient; the Fire Department can provide a service level that surpasses the County's response times; the County is offering a solution through annexation; Alameda is the last City holding out on being part of the EMS District; Measure P funds should be used to help pay for the difference between service costs and insurance reimbursements; ALS service is the highest priority for community public health and safety and is a must have; stated that she would like to direct the City to enter into negotiating a contract.

Vice Mayor deHaan stated Council has had prior Closed Session discussions on legalities of the matter, which have not been flushed out; elements need to be understood before moving forward; Alameda's service level is superior; the County believes that the City has fallen into a $6.6 million hole; legal and financial information is needed; that he is not sure whether said information can be discussed in open session.

The City Attorney stated that she has not seen the County counsel opinion regarding

the County's obligation under State law to provide ambulance services, which specifically includes ALS and BLS services; she is not clear whether County counsel has seen her attorney-client privileged opinion provided to Council; the County is obligated under State law to provide ALS service one way or another; the breakdown has been in negotiating a reasonable cost; the breakdown has extended for five years; granting counties sole authority to set parameters and standards as well as provide EMS services, specifically ALS service, would be anomalous under State law; nothing in State law allows a county to collect service fees from a city.

Mayor Johnson requested that Mr. Briscoe obtain an opinion on the issue from County counsel.

Councilmember Matarrese moved approval of directing staff to meet with County staff, the Mayor, and County Supervisor to flesh out legal opinions on both sides, provide cost and service level breakdowns, report back to Council in Closed Session regarding legal opinions before the next Council meeting, and discuss the issue in open session to provide direction on options with additional points of added clarity regarding finances and detailed service levels.

Councilmember Gilmore stated Council sees the issue as a very high priority; that she understands the matter is a legal issue, but Council needs to get past the matter; health, life, and safety are at stake; the community needs to have the comfort that someone will be there when a 911 call is placed; a Contract needs to be executed.

Councilmember Tam inquired whether Councilmember Matarrese's motion is one of process to get more information, negotiate, and come back to Council.

The City Attorney responded no action could be taken on the item.

Councilmember Matarrese restated that his motion is to give direction to have the County Supervisor, Mayor, and staff flush out financial and legal obligations, bring the matter back to Council in Closed Session to discuss legal obligations and strategies, and come back to discuss and take action on the matter in open session at the next Council meeting.

Councilmember Gilmore stated that she wants the matter to come back sooner rather than later; various funding mechanisms would need to be determined if the Contract goes forward.

Mayor Johnson inquired whether direction is clear, to which the Interim City Manager responded in the affirmative.

Vice Mayor deHaan stated the $857,000 cannot be taken lightly.

Councilmember Gilmore stated the $857,000 is not the only issue.

(10-449) Harbor Bay Parkway Bay Friendly Landscape Median Project

April Philips, April Philips Design Works, gave a Power Point presentation.

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Councilmember Tam left the dais at 8:51 p.m., Vice Mayor deHaan left the dais at 8:52 p.m., and both returned at 8:53 p.m.

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Mayor Johnson inquired whether plants would be planted through cardboard.

Ms. Philips responded small plants would be planted above the cardboard; stated larger plants would be planted through the cardboard.

Mayor Johnson stated landscaping should be changed in other areas also.

Ms. Philips stated Harbor Bay Parkway is committed to having future green and Leadership in Energy and Environmental Design (LEED) certified projects.

Vice Mayor deHaan inquired whether plants would have the same beneficial value [as grass] in absorbing carbon.

Ms. Philips responded more carbon would be absorbed because grass would not be ripped up; stated a carbon sink would be created by having grass decompose into the soil; carbon is released when soil is disturbed.

Councilmember Matarrese stated lawns photosynthesizes carbon dioxide to oxygen; plants would be just as green; inquired whether any gravel or chips would be used, which would take away the photosynthesis, to which Ms. Philips responded the area would have more bio mass and absorb more carbon.

Councilmember Matarrese stated the area has a huge ground squirrel problem; inquired whether cardboard would alleviate the problem.

Ms. Philips responded the cardboard should not make the problem worse; stated a few lavender plants were lost when Peet's Coffee was landscaped.

REGULAR AGENDA ITEMS

(10-450) Public Hearing to Consider Adoption of Resolution Certifying the Final Environmental Impact Report; Adopting Findings and a Statement of Overriding Considerations, and Adopting Mitigation Monitoring Program; Adoption of Resolution Amending the General Plan; Introduction of Ordinance Amending the Zoning Ordinance; Adoption of Resolution Upholding the Planning Board Resolution to Deny PLN 08-0160, and Approval of a Settlement Agreement Pertaining to the Redevelopment of Property Located at 2229 Clement Avenue.

Continued to October 5, 2010.

(10-451) Public Hearing to Consider Introduction of Ordinance Amending Municipal Code Sections 30-17.9 (Requests for Incentives or Concessions for Sites with a Commercial or Mixed Use Zoning Designation) and 30-17.10 (Incentives or Concessions Defined) of Section 30-17 (Density Bonus Ordinance) of Chapter XXX (Development Regulations Article 1 Zoning Districts and Regulations) that Allows Caps or Limits on Concessions and Incentives for Density Bonus Projects on Sites with a Residential General Plan or Zoning Designation. Introduced.

The Planning Service Manager gave a brief presentation and outlined acceptable changes proposed by the Alameda Architectural Preservation Society (AAPS).

Mayor Johnson stated ensuring that the lot size reduction is as clear as possible would be good.

Speaker: Christopher Buckley, AAPS.

Mayor Johnson inquired whether lot coverage would be left at 40%, to which the Planning Services Manager responded in the affirmative.

Vice Mayor deHaan inquired whether setbacks would be left at 40% also, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson stated three feet is not that much and should be the minimum.

The Planning Services Manager stated a developer would not be prevented from requesting a waiver; the idea is to direct developers towards waivers that staff would consider favorably.

Councilmember Matarrese stated having two adjacent, nonconforming properties could end up with a foot and a half setback; an absolute number is needed.

The Planning Services Manager stated a five-foot minimum is already in the Code; the Zoning Code establishes the minimum standard; waivers of any standard can be requested under State law; State law gives very little leeway to say no; the concession and incentive list is steered towards waivers or standards that staff would be most comfortable with; heights are not on the list because staff does not want to encourage tall buildings.

Councilmember Matarrese stated older neighborhoods have all wood houses close together; averaging side yards with an empty lot in between would end up with close houses, which would become a health and safety issue; identifying a five-foot minimum would show that the City is not interested in averaging out.

The Planning Services Manager stated the second reading [of the ordinance] could clarify that reducing the minimum side yard setback beyond the existing standard is not something the City is interested in doing at all.

The City Attorney stated Density Bonus Law allows a developer to get a certain number of incentives or concessions; the number of incentives and concessions is limited; saying no to incentive or concession requests is difficult; the proposed ordinance provides some guidance; waivers are different.

Councilmember Matarrese stated the proposed ordinance should guide away from having houses a foot apart.

The City Attorney stated the provision could be struck entirely.

Mayor Johnson concurred that the provision be struck.

Councilmember Tam moved introduction of the Ordinance as corrected.

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

(10-452) Public Hearing to Consider Resolution No. 14491, "Adopting General Plan Amendment (PLN10-0041) to Amend the General Plan Land Use Diagram to Change the Designation for One .085 Acre Parcel Located at 709 Lincoln Avenue (APN 073 041801400) from Community Commercial to Medium Density Residential." Adopted; and Introduction of Ordinance Amending Ordinance No. 1277, N.S. to Rezone Approximately .085 Acres Located at 709 Lincoln Avenue APN 073 041801400 from CC-Community Commercial Zoning District, to R-5, General Residential Zoning Designation. Introduced.

The Planner I gave a brief presentation.

Speaker: Kathy Moehring, West Alameda Business Association.

Mayor Johnson stated that she completely understands Ms. Moehring's comments regarding the issue of mixed-use neighborhoods.

Councilmember Matarrese stated that he does not have a problem with the staff recommendation; however, General Plan Policy 2.4.b needs to be reviewed; having a traditional residential next to industrial use area that pays good taxes is a huge conflict; Alameda has had the benefit of businesses moving to the City from Emeryville because of said problem; General Plan Policy 2.4.b is heading the City in the wrong direction.

Mayor Johnson stated the project involves a house that has been at the location since 1910.

Councilmember Tam moved adoption of the resolution and introduction of the ordinance.

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

(10-453) Public Hearing to Consider Adoption of Resolution Approving Tentative Parcel Map No. 9876 Planning Application No. PLN09-0185 – a Parcel Map for the Proposed Subdivision of the Site at 2318 Pacific Avenue into Two Parcels.

Continued to October 5, 2010.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(10-454) Consider Establishing a Citywide Project Labor Agreement (PLA).

Councilmember Matarrese stated a Citywide PLA would be for projects that receive a taxpayer subsidy in the form of money or public land; the former Naval Base has a homeless collaborative and veterans' service which should be considered as the first source in formulating a PLA.

Councilmember Gilmore suggested checking with the County to benefit from research already done.

Speaker: Andreas Cluver, Alameda County Building Trades Council.

Councilmember Matarrese moved approval of reviewing templates, looking at model compatibilities or leading with the County, and having a report come back to Council within sixty days to advise how long the matter would take.

Vice Mayor deHaan stated having a PLA would not make a good deal for the City.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam inquired whether direction is to have the Interim City Manager or staff comes back to Council in sixty days after meeting with labor organization representatives and obtaining the County template.

Councilmember Matarrese clarified that the motion is to look at the County template and other templates and come back to Council with an update within sixty days.

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

(10-455) Direct Staff to Hold a Workshop on the Brown Act; Request that the City Auditor Perform an Audit of the Books and Records, Including, But Not Limited to, Legal Bills, Costs, Technology (Hardware and Software) and Employee Time Expended in the Investigation of Councilmember Tam; and Terminate the Legal Contract for the Matter.

Councilmember Gilmore gave a brief presentation.

Vice Mayor deHaan stated most Councilmembers understand the Brown Act extremely well; that he is confident in his understanding the Brown Act; State mandates require Council and Boards and Commissions to take a refresher course every two years; that he does not feel the need for additional training unless interpretation problems exist.

The City Attorney stated the City Attorney's office offers Brown Act training to all Boards and Commissions; concurred with Councilmember Gilmore regarding the League of California Cities' ability to provide a low-cost presentation; however, a presentation by the City Attorney's office would be at no cost.

Mayor Johnson inquired whether Boards and Commissions take refresher courses every two years, to which the City Attorney responded in the affirmative.

Vice Mayor deHaan stated the Brown Act safeguards the public; that he takes exception if someone thinks that he does not understand the Brown Act.

Councilmember Gilmore stated she is not bringing the matter to Council as a personal attack on what Council knows or does not know; lately, the Brown Act has been the subject of much discussion; the workshop would not only be useful to Council, Boards and Commissions, and staff, but the public also; training provided by the City Attorney's office is not available to the public; the workshop could take care of the entire population.

Mayor Johnson suggested that the City Attorney come back to Council with an idea; stated the public may be curious; inquired whether Councilmember Gilmore is requesting a workshop for City officials and the public.

Councilmember Gilmore responded that she is requesting a public session; members of the public would prefer not to have the City Attorney's office perform the training, which is why she is requesting that Terry Francke or the League of California Cities provide a workshop.

Vice Mayor deHaan concurred with Councilmember Gilmore regarding the public's concern with the Brown Act; stated a public briefing would be worthwhile in order to understand constraints; perhaps a half hour presentation at a Council meeting would be good.

Councilmember Matarrese stated that he does not have any problem with a workshop,

particularly for the public; he feels that he has been trained on the Brown Act; that he has been provided with materials from noted State experts; having materials available for the public, rather than having a road training, would be valuable; that he would like to have the City Attorney come back with a public educational workshop plan, sighting reference materials, in addition to reviewing case law; having the City Auditor check the bills is perfectly appropriate; Mr. Colantuono said that he has not seen a letter [from Councilmember Tam's attorney]; the matter will come back to Council after the letter is reviewed which would be the end of the matter since Council will not be pursuing civil litigation; at that point he does not have any problem with the Contract ending.

The City Attorney stated terminating Mr. Colantuono's Contract with the City would be in violation of the City Charter; the Charter gives the City Manager the authority and power to investigate any City official; Section 7-3 states that Council cannot interfere with a City Manager's duties or obligations; the matter was discussed at the September 9th Special City Council meeting; Mr. Colantuono's Contract is one contract; the investigation of Councilmember Tam is not a separate contract; that she would not recommend terminating Mr. Colantuono's services; Council should refrain from doing such a thing.

Councilmember Gilmore inquired whether Mr. Colantuono has a general contract and does not provide specific service descriptions and costs each time.

The City Attorney responded Mr. Colantuono always provides specific service descriptions and costs; stated the City Auditor does not need to be engaged; an audit would not show how much has been spent on internal staff time; that she can advise Council and the community how much has been spent over the last six months.

Speaker: Jon Spangler, Alameda.

Vice Mayor deHaan stated the City has remedied the problem noted by Mr. Spangler [Police Department's failure to provide information]; the public's curiosity has been heightened; having the public understand Brown Act requirements is important; inquired whether anyone has asked the City Attorney how much money has been spent [on investigation of Councilmember Tam].

The City Attorney responded in the negative; stated that she will personally provide the information to Council.

Councilmember Tam stated a Public Records Act request shows that Mr. Colantuono's invoices from March through August totaled $77,000; inquired whether said amount is accurate.

The City Attorney responded the amount may or may not be accurate; stated the response to the referenced Public Records Act request provided the monthly summaries of the total amount of services; Mr. Colantuono's services to the City are in other areas, which has been the case for over a decade.

Councilmember Tam stated a reporter posed a question to the City Attorney regarding how much has been spent on the investigation; the article quoted the City Attorney as saying “that is privileged information and not available to the public.”

The City Attorney stated that she has never had a conversation with anyone in the press regarding the matter; she has not read the referenced article but would be very interested in reading it; no one in the community has asked her how much has been spent [on the investigation] and she cannot imagine being quoted when she has never had such a conversation.

Councilmember Tam inquired whether the City Attorney had a conversation with Ms. Ellson, to which the City Attorney responded in the negative.

Councilmember Matarrese stated having a Brown Act educational workshop would be a good idea; an accounting of money spent on the investigation should be requested; moved approval of directing the City Attorney to 1) come back with an educational workshop proposal for the public, interested Councilmembers, Boards and Commissions; 2) provide an accounting of the legal, hardware, and software costs expended on the investigation of Councilmember Tam.

Councilmember Gilmore requested that the motion include accounting of staff time.

Mayor Johnson suggested that the motion include accounting to the extent possible.

Vice Mayor deHaan stated some people have the understanding that Council has control over the issue [of terminating contracts]; inquired whether the City Attorney has sought other interpretations and is comfortable that the Charter’s intent is not to give Council the authority or power to terminate contracts.

The City Attorney responded in the affirmative; stated giving the City Manager power, authority, and duty to investigate a Councilmember wrong doing while allowing Council or an individual Councilmember to withdraw funding and resources would be anomalous; the situation is akin to the Watergate investigation and firing of Archibald Cox.

Vice Mayor deHaan stated the issue is one of checks and balances.

Councilmember Matarrese stated his motion purposefully leaves that off [contract termination]; this is a request for information.

Councilmember Gilmore stated the City Attorney has made it clear that Council cannot terminate the Contract; requested an accounting [of Mr. Colantuono’s services] and follow up accounting until the matter is concluded.

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

(10-456) Consider Taking Action Regarding Calming Traffic on Residential Streets that Have Become Overburdened, Used as "Cut-Throughs" or Experience Other Traffic Problems.

Referral was to be placed on October 5, 2010 agenda.

COUNCIL COMMUNICATIONS

(10-457) Consideration of Mayor's Nominations for Appointment to the Housing Commission, Library Board, and Planning Board.

Mayor Johnson nominated Fayleen Allen or appointment to the Housing Commission and Nancy Lewis for appointment to the Library Board; continued the Planning Board nomination.

Speaker: Jon Spangler, Alameda.

(10-458) Councilmember Gilmore stated that she attended the School District's workshop regarding the parcel tax; encouraged the public to become engaged and attend the workshops; stated the School District's funding crises is not just a school issue, but a community issue; the community needs to come together to solve or aid the funding crises; that she will do everything that she can; schools are a vital part of the City's infrastructure; the community will not function well without supporting the schools.

(10-459) Councilmember Gilmore stated Council has asked for performance plans from Council's direct reports [Interim City Manager, City Attorney, and City Clerk]; one was due by tonight's meeting; that she has not received the performance plan; Council cannot schedule performance reviews of Council's direct reports; that she wants to know what is the hold up.

(10-460) Vice Mayor deHaan stated a lot of [election] surveys are being done; requested that the City Clerk provide information on the source of the surveys.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 10:05 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- -SEPTEMBER 24, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:07 p.m. Councilmember Daysog led the Pledge of Allegiance.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

(13-418) Rose Sandoval, SEIU 1021, discussed BART employees working conditions and urged people to contact the City's BART Board representative.

AGENDA ITEM

(13-419) Provide Comments on Possible Project Labor Agreement (PLA) Policy.

Urged adoption of a PLA: Assemblymember Rob Bonta.

The City Attorney gave a brief presentation.

Michael Viaming, Viaming and Associates, gave a Power Point presentation and addressed Council questions.

Mayor Gilmore stated Alameda Point is in the forefront; the project will take 20 to 30 years; multiple projects will be built over a long period of time; inquired whether Mr. Viaming would argue for a Project Stabilization Agreement (PSA) instead of a Project Labor Agreement (PLA); further inquired whether perhaps 5 or 10 years would be a reasonable check in point; noted attracting initial projects might be difficult.

Mr. Viaming responded a PSA makes more sense and is a more cost effective solution than a PLA, which would take considerable time to negotiate; stated a PSA makes more sense because of the long term and multiple constructions types that will be done; his recommendation would be a PSA or a policy which would require developers to negotiate with the building trades; the same thing can be accomplished in different ways; estimating when the check in evaluation should be depends on the amount of construction; there would be nothing to evaluate if a 5 year timeline were selected and nothing happens; the time should be shorter, such as three years, if there is lot of construction up front; the City should gauge the construction economy and developer interest to select a good timeline.

Vice Mayor Ezzy Ashcraft inquired when a PSA should be negotiated; whether a PLA or PSA ever delays the start of a project; and how far in advance discussion should begin.

Mr. Viaming responded the City would not want to have a hard deadline and have to race to be covered by a project agreement; stated bid specifications have to be done right and bidders need to be notified that an agreement exists which has required terms and conditions; lead time is needed; encouraged starting as early as possible because what will happen in negotiations is not known; further stated more time is needed if hard elements are being negotiated; not getting an Agreement done in time and running into a problem is an unacceptable risk; the City may run out of time and not reach an Agreement or end up making a concession.

Vice Mayor Ezzy Ashcraft inquired whether negotiations should start six months or a year prior to construction in the example of a new bond funded facility.

Mr. Viaming responded other agencies often start in advance of a bond measure vote and have the agreements in place; stated six months, or slightly longer, should be provided for negotiations; six months is more than enough time for most agreements, unless there is something particularly difficult.

Councilmember Chen inquired whether there is an overlapping common denominator in most PLAs, such as hiring local, minority or women contractors.

Mr. Viaming responded in the affirmative; stated typical provisions include: scope, strike/lock out, referrals, dispute resolution, and safety; said items are typically covered at a macro level; then, local matters include start times, daily machinations and paydays; the agreement standardizes certain things; social progress provisions are generally included in more urban Project Agreements and are becoming more typical in the interior Bay Area, but not rural areas.

Councilmember Chen stated the City of Berkeley addressed a citywide PLA a year and a half ago; inquired what is the general trend and whether any other cities are considering citywide PLAs.

Mr. Viaming responded that he does not know.

Councilmember Chen stated an argument against PLAs is the inability for non-union workers and contractors to compete; inquired how to respond to said argument.

Mr. Viaming responded the argument comes up all the time; inability to bid on a “union” project is fundamentally not true; stated PLAs for public entities are open to union and non-union; the California Supreme Court in a San Francisco Airport case determined a contractor can decide whether or not to bid on a project; whether union or non-union specific work conditions are required of any bidder; projects are open and available to all contractors; provided an example of a bond funded community college project with a large number of non-union contractors performing work under a Project Agreement; the other argument is cost claiming non-union contractors have to add money to bids because they will have to pay more; reviewed how benefits are structured and

associated costs; stated the argument costs are increased is not necessarily true.

Councilmember Tam stated Mr. Viaming is recommending more of a hybrid approach; a PSA makes sense for something as complex, multifaceted, and long term as Alameda Point; regular Public Works projects would fall under the category of a shorter term PLA; inquired what happens when the two types of projects dovetail; stated utilities and infrastructure will be needed at Alameda Point; inquired how the two types work with Disposition and Development Agreements (DDAs); stated the City is going to be conveying parts of Alameda Point.

Mr. Viaming responded his answer is going to seem a lot like a dodge; stated the issue would probably best be considered by having a discussion with the City Attorney; the mechanism and scope depend on a lot of different factors; a number of different elements go into in the matrix; that he would suggest deferring until real input is provided regarding the direction in which Council wants to go; next, staff would establish the best model to achieve objectives, which would be used to create the policy agreement; then, negotiations could begin; providing an opinion now would be premature because he does not know all the elements well enough, and gets the City too far down the road too fast.

Councilmember Tam stated the things in a PSA, such as no strike, no lock out, jurisdictional dispute resolution process, referral procedures, and having mentorship program, are all things the City wants and values.

Mr. Viaming stated one option is to come up with a PSA and another option is to put together a policy which indicates the City is not going to negotiate the Agreement, instead negotiation will be left to the developer; the City policy would include the required elements and direct developers to negotiate with the building trades; there are different ways to accomplish the goal; the City could have a template Agreement and an accompanying policy.

Mayor Gilmore inquired whether it would be possible to treat Alameda Point as its own animal, because it is being rebuilt from the ground up; stated perhaps some sort of PLA that applies to Alameda Point could be done and some other kind of Agreement could be prepared for the rest of the City's built environment projects, such as replacing sewer mains, regular maintenance, or road work; inquired whether having one type of Agreement that covers both is better or whether the City could carve out Alameda Point and treat it differently.

Mr. Viaming responded the decision is the Council's prerogative; stated the Council could decide to take care of one element first as a separate area; an Agreement could require that Public Works projects over a certain amount of money would have a PSA with specific elements that must be negotiated by the contractor; the most cost efficient way might be to have different approaches; the City probably will need multiple approaches.

Councilmember Tam stated inquired how the City of Berkeley deals with private entities; and how Berkeley's citywide policy for public works projects translates in terms of requirements.

Mr. Viaming responded the City of Berkeley set a threshold; stated projects with an estimated value over $1 million qualify and require a PLA to be included in bid documents.

Councilmember Daysog stated City leases in building requiring significant rehabilitation could be one potential project category; an example would be Bladium making $2 million in improvements; questioned putting a threshold in place and subjecting an entity to a PLA; inquired whether Mr. Viaming has encountered a situation where there is not simply a threshold with regard to the value of the project, but something about the entity that is going to have to implement the PLA.

Mr. Viaming responded that he has dealt with the issue; however, it was not an existing tenant doing an improvement; stated the 835 Westfield Project in San Francisco renovated commercial shopping space; a provision in the Agreement required the tenant improvement work for a specific period of time to be covered under the Agreement and after period of time, the Agreement did not apply; having an existing tenant do improvements on a property is difficult; new construction is different; that he would be cautious about imposing a PLA on existing tenants, which might create some challenges; there could be a discussion between the tenant and the building trades.

<u>Provided input on the standards to include in an agreement</u>: Doug Biggs, Alameda Point Collaborative.

<u>Stated entering into an agreement is a partnership</u>: Andreas Cluver, Building Trades Council of Alameda County.

<u>Stated Alameda has a skilled labor force which looks forward to building Alameda Point</u>: Jason Bates, IBEW and Alameda resident.

Vice Mayor Ezzy Ashcraft provided an example of Target taking interest in residents who attended a Housing Authority seminar put on by a retail executive recruiter and trainer, which was a creative example of how the City can help residents acquire jobs in Alameda with new businesses; everyone would love to see a jobs/housing balance in Alameda.

Councilmember Daysog stated Alameda Point cannot just be a real estate project; there is some larger meaning in converting a military base into something more peaceful and positive, contributing to the wellbeing of residents; the possibility of a PLA is exciting; one component is learning from the Mandela Center, Oakland Army base, Alameda Point Collaborative or the building trades; the construction trades can help figure out ways to make economic security tailored specifically to helping homeless families or others in the system, which fulfills a 1995 promise made under the Standards of

Reasonableness; stated that he looks forward to seeing said details.

Mayor Gilmore stated Council needs to provide direction to staff; suggested separating Alameda Point from the rest of the Island; stated one agreement should cover regular maintenance and projects which come up in the City's regular course of business and Alameda Point would be treated as its own animal; recommendations should be provided on how to address existing tenants using their own capital to upgrade and expand businesses; the historic district is challenging in and of itself and may need to have special consideration; social justice aspects should be reviewed; people live at Alameda Point and there should be some mechanism to allow them to participate in the great and wonderful projects that are going to happen around them; the City should be mindful of ways to get Alameda Point residents to participate in the upside of whatever happens.

Vice Mayor Ezzy Ashcraft concurred with the Mayor; stated the four items in the staff report [project category, project parameters, cost added to the project and impacts on public policy goals] need to be fleshed out; project parameters could be narrowed down; Berkeley has a $1 million minimum; leaseholders doing their own improvements and the historic core could be treated differently; regarding cost added to the project, perhaps some research could be provided regarding projects in the area; public policy goals include: historic preservation, marine preservation, competitiveness to attract new commercial users and to retain and expand existing companies, local hiring, and social justice issues, including apprenticeship opportunities; that she would like to hear some specifics about apprenticeship opportunities, especially with an eye to Alameda Point Collaborative residents.

Councilmember Tam stated the City is actively engaging in discussions about the Master Infrastructure Plan (MIP), the Environmental Impact Report (EIR), and the phasing and disposition strategy for Alameda Point; Alameda Point has some unique issues beyond a garden variety PLA or PSA; starting with Alameda Point might make sense; then, regular maintenance projects could be addressed down the line.

Mayor Gilmore stated the staff report project category 1b, "City Project," represents more predictable, maintenance projects done on a schedule; said projects would be parked for a while and the City would start with Alameda Point based on the comments tonight; requested further information be provided to Council regarding having a construction dollar amount which would trigger a PLA, which seems really important to building trades; more information is needed about whether having a dollar amount be a triggering event is reasonable and what the amount should be; that she is not particularly concerned about project complexity because she assumes anything at Alameda Point is going to be fairly complex, involve multiple trades and take over six months; Vice Mayor Ezzy Ashcraft raised questions about the timeframe because projects could be entitled in early 2014.

The City Manager stated the EIR comment period ends October 21st; staff is probably going to start bringing proposals early November; staff has been talking to the trades for

a long time and has discussed, for example, the problem of historic buildings; the building's value is pretty much nil; imposing a PLA on a tenant might be a problem if a new roof is needed; there is agreement that all new construction should be subject to a PLA; backbone infrastructure should be subject to a PLA; a decision needs to be made about a threshold; Berkeley's is $1 million; the trades would like $250,000; backbone infrastructure and new construction projects are going to reach either threshold; urged that the matter be addressed in the next two or three months since staff would be bringing Exclusive Negotiation Agreements (ENAs) to Council pretty soon; stated staff wants to be able to address whether or not the project requires a PLA during negotiations.

Councilmember Daysog stated that he suspects the historic district or buildings with negative value would not generate a rent or sale price which would recoup the investment; however, the possibility of a PLA should not be discounted altogether; requested staff to provide an analysis that includes parameters under which a PLA might or might not work.

The City Manager stated staff provided a report a year ago which indicated historic buildings are never going to be worth the amount repairs will cost; a private sector deal will not allow the buildings to be redone; when the buildings are leased, the City gives a dollar for dollar rent credit for any tenant repairs; stated that he would provide the report to Councilmember Daysog.

Councilmember Chen stated that he supports moving forward with the two prong approach: one PLA specifically for Alameda Point and a second Citywide PLA; the wheel should not be reinvented; the City can pick and choose from existing models to determine what works for Alameda; Berkeley could be the starting point.

Mayor Gilmore clarified that she would prefer to move forward on the Alameda Point PLA and park the City projects for a little while; stated the Alameda Point PLA should focus on backbone infrastructure and new construction and the historic district should be carved out; the sticking point is what, if anything, to require of existing tenants.

The City Attorney inquired whether Council would like her come back with a policy or try to start to negotiate something with the unions.

Vice Mayor Ezzy Ashcraft responded that she wants answers to questions posed in the staff report to allow the Council to craft a policy; stated a sample agreement and categories could be provided when the matter returns.

Mayor Gilmore stated the actual policy should be provided which addresses backbone infrastructure and new construction when the matter is brought back.

Councilmember Tam stated the City Attorney should work in consultation with the building trades council in developing the language.

The City Manager stated the City Attorney should not be in the position of taking a position if there are items which cannot be agreed upon; the City Attorney should bring back a proposed policy and include what the trades want which differs; then, the Council can decide what to do.

Vice Mayor Ezzy Ashcraft questioned whether Council should direct the City Attorney to consult with various stake holder parties, such as trades representatives, contractor representatives, or others who would be a party to a PLA, as well as Mr. Viaming.

Councilmember Daysog stated that he would also like the Alameda Point Collaborative included.

CITY MANAGER COMMUNICATIONS

(13-420) The City Manager reminded everyone to attend the Joint City Council and Planning Board meeting tomorrow night.

COUNCIL COMMUNICATIONS

(13-421) Councilmember Tam announced that all Councilmembers attended all or a portion of the League of California Cities conference last week; discussed the sessions she attended.

The City Manager noted the City's bond rating increased.

Councilmember Tam continued her review of the sessions.

Councilmembers Chen and Daysog discussed the sessions they attended.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 9:26 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -DECEMBER 3, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:22 p.m. Councilmember Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, and Mayor Gilmore – 4.

Absent: Councilmember Tam – 1.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-545) Proclamation Declaring December 12, 2013 as Thomas S. Woods Day.

Mayor Gilmore read the Proclamation and presented it to the Public Works Director who accepted on behalf of Mr. Woods.

ORAL COMMUNICATIONS, NON-AGENDA

(13-546) Former Councilmember Frank Matarrese, Alameda Sister City Association, and Cynthia Bonta, discussed the potential of establishing a Sister City with Dumaguete, Philippines; stated a letter and gift from the Mayor of Dumaguete would be provided to the City.

Councilmember Chen commended Ms. Bonta; noted a Sister City conference would be held in the Bay Area and Mayor Gilmore would serve as a host.

Mayor Gilmore thanked former Councilmember Matarrese and Ms. Bonta.

Councilmember Daysog expressed his excitement.

CONSENT CALENDAR

Councilmember Chen moved approval of the Consent Calendar.

Vice Mayor Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Tam – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*13-547) Minutes of the Joint City Council and Public Utilities Board Special Meeting, the Joint City Council and Successor Agency to the Community Improvement

Commission Meeting, and Regular City Council Meeting Held on November 5, 2013. Approved.

(*13-548) Ratified bills in the amount of $2,646,647.03.

(*13-549) Recommendation to Accept the Affordable Housing Ordinance Annual Review Consistent with Section 27-1 of the Alameda Municipal Code and California Government Code Section 66001 and Accept the Annual Report. Accepted.

REGULAR AGENDA ITEMS

(13-550) Recommendation to Receive Report and Comment on Draft City-wide Performance Measures.

The City Manager gave a brief presentation and Nancy Hetrick, Management Partners, gave a Power Point presentation.

Mayor Gilmore inquired how performance measures tie into performance evaluations.

The City Manager responded in 2014 all City employees will have performance evaluations; stated Department Heads would be evaluated on performance measures; stated performance measures are objective measures that provide information about efficiency, effectiveness, accountability and transparencies; information would not be gathered until the next 2017/2019 budget cycle.

Vice Mayor Ezzy Ashcraft inquired what are priority one calls referenced under the Police Department's benchmark measures.

The Police Chief responded priority one calls are crimes such as robbery, homicide, sexual assault, or a crime in progress; stated examples of priority two calls are cold car thefts or prior incidents.

Vice Mayor Ezzy Ashcraft stated under the Public Works benchmark measures, she believes residents may be less concerned with the number of trees pruned, but more concerned about the conditions of streets and sidewalks.

Mayor Gilmore stated streets are already listed in the benchmarks for Public Works.

Ms. Hetrick stated additional measures could be crafted to address the Vice Mayor's concerns.

Councilmember Daysog stated there has to be a correlation between the measurements of how internal business is conducted relative to service outcomes; the goal at the end of the day is to improve the quality of life for Alameda's citizens.

Councilmember Chen suggested adding the number of complaints under the Police

Department benchmark measures and response time for ambulance services under the Fire Department.

Ms. Hetrick stated the ambulance response time is already incorporated under Emergency Medical Services (EMS) response time.

Mayor Gilmore inquired if ambulances and Fire trucks are dispatched at the same time on a priority one call.

The Acting Deputy Fire Chief responded in the affirmative; stated both a Fire engine and ambulance are dispatched, although not necessarily from the same station; in a worse-case scenario, if all of Alameda's ambulances are dispatched, the responder would be Paramedics Plus, which is dispatched from the County.

Councilmember Chen requested a breakdown of the response times.

The Acting Deputy Fire Chief stated a breakdown would be included.

Councilmember Chen inquired if a public survey which rates road and sidewalk conditions could be added, to which the Public Works Director responded in the affirmative.

Councilmember Chen inquired whether the overall rating of the Permit Center could be included as a line item, to which Ms. Hetrick responded in the affirmative.

In response to Councilmember Chen's inquiry, Ms. Hetrick stated the Library tracks the number of new library cards issued.

Councilmember Chen inquired why a measure is not included under Alameda Point that tracks the percent change in number of tenants.

The Chief Operating Officer – Alameda Point responded tracking the change in number of tenants has not been proposed because tenants would leave since the goal is to ultimately tear down the buildings to redevelop the property.

The City Manager stated there is a difference between a measure and a goal; recommended Councilmember Chen have a conversation with the Chief Operating Officer to frame a different method of addressing his concern regarding Alameda Point leasing.
Councilmember Daysog stated paying down Other Post Employment Benefits (OPEB) should be tracked.

Mayor Gilmore stated that she would like to add a list of examples of quality of life service requests under Public Works and add a measure about the rate at which the City adopts or deploys new technology under Information Technology (IT).

Vice Mayor Ezzy Ashcraft inquired if the technology measurement would be compared to other cities.

The City Manager noted the measurements could vary widely between cities; data collected would have to be standardized.

Mayor Gilmore stated that she would like to measure how successful Alameda is in deploying new technology, whether it is efficient and provides information and transparency.

The Assistant City Manager stated Alameda County City Managers Association Leadership Academy will be reviewing the matter; baseline information would be available in the spring.

Mayor Gilmore stated IT tracking does not have to be part of performance measures; but should be tracked to determine whether or not Alameda is becoming more efficient and transparent and if the City is realizing a return on its investment; provided an example: the Council uses iLegislate to receive packets on iPads and the Clerk's office reduced from 40 paper packets to five.

Suggested measure should be added regarding disability access and library computers: Carol Gottstein, Alameda.

Mayor Gilmore inquired whether there will be public meetings or electronic communications to engage the public regarding the performance measures.

The Assistant City Manager responded the City would use both public meetings and communications, to engage as many citizens as possible; stated there at least three meetings will be held.

The City Manager stated the public meetings will be held at Mastick, the West End, and Harbor Bay.

(13-551) Adoption of Resolution Regarding Project Stabilization Agreement Policy at Alameda Point. Not adopted.

The Administrative Services Director gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired whether the $2.5 million threshold is project cost as opposed to labor cost, to which the Administrative Services Director responded in the affirmative.

The Administrative Services Director stated Tom Marshall of Catellus provided a large scale view of Catellus' experience with Project Labor Agreements (PLAs); Catellus finds PLAs very effective for horizontal construction projects such as backbone infrastructure and streets; for Alameda Landing, the PLA was limited and Catellus allowed it to expire.

Councilmember Daysog inquired if the $2.5 million is the value of the project through the building permit process.

The Administrative Services Director responded in the negative; stated there are two types of projects: Public Works and development; Alameda Point is a development project, the $2.5 million applies to the construction estimate only and subtracts the land acquisition and entitlement costs; Alameda would be careful in tailoring the PLA requirements to be suitable to the type of project, such as projects that carve out sub-contracting or specialty areas which increase project costs.

Expressed support for the Project Stabilization Agreement Policy; suggested thresholds be determined during negotiations: Mike Croll, Operating Engineers Local 3.

Stated Alameda has had PLAs in the past; expiration dates should not be included; discussed career pathways; stated thresholds should be set as part of negotiations; suggested clarifying resolution language: Andy Slivka, Carpenters Union and Building Trades Council.

Mayor Gilmore inquired if the City of Berkeley had to go outside Alameda County to reach its goal of providing jobs.

The Administrative Services Director responded in the negative; stated the City of Berkeley had a parameter of Berkeley residents first, the Green Corridor second, and Alameda County last; and exceeded the 30% goal; Alameda's parameter should be Alameda City residents first, then Alameda County as second tier, and not utilize the Green Corridor at all to reach the 30% goal.

Vice Mayor Ezzy Ashcraft inquired if the Veteran's Helmets to Hardhats program and other internship programs would be included in the agreement.

The Administrative Services Director responded in the affirmative; stated staff has strategized on how an internship program could work.

Vice Mayor Ezzy Ashcraft inquired if an apprenticeship opportunity for students could also be included.

Mr. Slivka responded in the affirmative; stated every PLA negotiated in Alameda County has a specific section on the Helmets to Hardhats program; he is very supportive of local hires, students and young adults because they are the future of the trades; invited Council to visit the Cypress Mandela Training Center to see the pre- apprenticeship program.

Councilmembers Daysog and Chen expressed support for the apprenticeship program and jobs opportunities for students and locals.

Councilmember Chen inquired why Alameda is setting the limit at $2.5 million project cost.

The Administrative Services Director responded the City of Berkeley had workforce issues and exceeded staff time; Alameda is also concerned about staff resources and determined $2.5 million is appropriate for Alameda Point.

Councilmember Chen inquired how many projects were between $1 to $2 million, to which the Administrative Services Director responded five projects.

Councilmember Chen inquired how many projects were over $2.5 million, to which the Administrative Services Director responded three projects.

Councilmember Chen stated that he recommends having staff negotiate with the labor union; setting a $2.5 million threshold is premature.

Councilmember Daysog stated that he is open to calibrating thresholds according to the varying projects.

Vice Mayor Ezzy Ashcraft stated vertical construction and costs are higher; she is concerned about affordable housing and advocates starting cautiously; the threshold could be negotiated and lowered if feasible.

Mayor Gilmore inquired if the one-year and three-year look back were built into Berkeley's contracts up front.

The Administrative Services Director responded in the affirmative; stated Berkeley is looking at a one-year extension.

The City Manager stated the City of Berkeley is meeting tonight; staff would have more information for the Council after the meeting.

Mayor Gilmore stated the agreement should have two look backs; that she concurs with Councilmember Daysog on different limits for horizontal versus vertical projects; suggested data be collected to evaluate and determine whether or not to bifurcate the threshold; stated that she would like to keep the threshold at staff's recommendation.

Councilmember Daysog inquired how far the project needs to go to collect data.

The Administrative Services Director responded Berkeley's initial term was three years; Alameda would start with shorter term with two check-ins; stated the results on very large projects are not known for 5 to 10 years; however, but staff would have bid information.

Mayor Gilmore inquired if staff can move forward without Council adopting the resolution.

The City Attorney responded in the affirmative; stated the resolution adopts Project Stabilization, the Council can take action to authorize staff to begin negotiating.

Councilmember Daysog inquired if language needs to be added that clearly states the threshold may be altered at the check-in.

Mayor Gilmore responded she did not want to wordsmith the language of the resolution at tonight's meeting; stated the comments reflected in the minutes will be enough direction for staff to begin negotiating.

Vice Mayor Ezzy Ashcraft stated that she would like to see a breakdown between horizontal versus vertical; she agrees with Mayor Gilmore that the check-in language does not need to be added to the resolution; staff and consultants are capable.

Councilmember Daysog inquired if the $2.5 million threshold is a deal killer for the Building Trades representatives.

Mr. Slivka responded the matter should be worked out at the negotiation table; stated the Berkeley agreement should be considered as a whole; any kind of suggestions to negotiators should be vetted at the negotiation table; suggested the Council hold back until an agreement is done.

The City Manager concurred with Mr. Slivka; suggested Council direct staff and the negotiator to take comments into consideration, negotiate a tentative agreement and return with a resolution.

Councilmember Chen moved approval of directing staff to negotiate a tentative agreement, and bring a revised resolution back to Council.

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

(13-552) Recommendation to Approve the 2014 Federal Legislative Agenda.

The Assistant City Manager gave a Power Point presentation.

Councilmember Chen inquired whether $144,000 budget for a lobbyist is realistic.

The City Manager responded staff is confident regarding the budget constraints.

Councilmember Chen suggested scaling back and prioritizing the most urgent needs.

The Assistant City Manager stated the standard practice with federal contracts is three years, not one year, which is more reasonable.

Mayor Gilmore stated progress on any given item is generally incremental; at the end of three years, the hope is to have progress on most of the issues; a relationship has to be built with the lobbyist.

Vice Mayor Ezzy Ashcraft moved approval of the 2014 Federal Legislative Agenda.

Councilmember Chen seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Tam – 1.]

(13-553) Recommendation to Approve the 2014 State Legislative Agenda and the Contract with Perata Consulting, LLC, in the amount of $90,000, to pursue the City's California Legislative Agenda, which is a $144,000 Program In Total.

The Assistant City Manager gave a brief presentation.

In response to Vice Mayor Ezzy Ashcraft's inquiry about advocating processes for infill development, the City Manager stated Alameda wants to be prepared to discuss California Environmental Quality Act (CEQA) reform because it impacts Alameda Point.

Councilmember Daysog inquired what is meant by the conclusion of Webster-Posey Tube traffic improvements.

The Assistant City Manager responded the Webster-Posey Tube project to lessen congestion is funded but has been stalled for over a decade; stated Alameda, Oakland, and the County are involved.

The City Manager clarified that the Webster-Posey Tube project is the Broadway/ Jackson interchange; Alameda does not have transportation infrastructure, and residents have to go off the island for major transportation resources, such as interstate highways, BART or light rail; a concept of better connection between Interstate 880 and the tube has been considered for 11 years; the issue is regional, not just Alameda.

Councilmember Daysog stated that he would like Alameda to play a leading role in the Webster-Posey Tube project.

Mayor Gilmore stated Alameda has attempted to take leading role and a solution has not been reached for the past decade; she concurs with the City Manager; if Alameda takes the lead, it is viewed as Alameda's problem; if the County takes the lead as a regional issue, there is more potential for Alameda to work collaboratively with the County and other players to reach a solution and be successful in developing Alameda Point.

Councilmember Daysog stated that he would like Alameda be the lead in a stalemate solution, rather than give up leadership to the County in hopes they will break the stalemate.

Vice Mayor Ezzy Ashcraft stated Perata Consulting has experience and institutional knowledge and would keep the issue in Alameda's control.

The City Manager stated he is happy to provide a briefing to Councilmember Daysog on the details of the transportation issues; achieving a solution is high on his list.

Councilmember Chen stated that he supports the Legislative Agenda; inquired whether a new crossing could be considered to help mitigate the traffic issue.

The City Manager responded the issue could be captured under State and County Transportation Funding; stated Alameda can accomplish a lot if all parties put aside bureaucratic imperatives for a regional solution.

The Assistant City Manager stated the total amount the Council is approving tonight is $90,000 because the remaining contracts do not require Council approval; the Rockefeller Foundation grant would be worth three times Alameda's total lobbying budget for State and federal, which is a fantastic return on investment.

Councilmember Daysog inquired when an update would be provided to the Council.

The Assistant City Manager responded staff talks to the Federal team weekly; stated a progress report from the State level could be provided in a year.

Councilmember Daysog inquired if a progress report could be provided in six months instead of a year, to which the Assistant City Manager responded in the affirmative.

Councilmember Daysog moved approval of the staff recommendation.

Councilmember Chen seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Tam – 1.]

(13-554) Summary: Declares Intent to Form a Community Facilities District ("CFD") at Alameda Landing and Authorizes the City to Issue Bonds to Finance Public Infrastructure for the CFD.

Resolution No. 14872, "Declaring Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Therein - Alameda Landing Public Improvements." Adopted.

(13-554 A) Resolution No. 14873, "Declaring Intention to Incur Bonded Indebtedness of the Proposed City of Alameda Community Facilities District No. 13-1 (Alameda Landing Public Improvements). Adopted.

(13-554 B) Notice of Public Hearing on January 7, 2014 - Declaring Intention to Establish A Community Facilities District (CFD) and to Incur Bonded Indebtedness of the Proposed City of Alameda Community Facilities District No. 13-1.

The Community Development Director gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired why East Bay Municipal Utilities District (EBMUD) would not be paying for improvements on a water system it is going to own.

The Community Development Director responded Alameda has a joint use agreement with EBMUD; stated having developers pay for infrastructure is standard practice.

Vice Mayor Ezzy Ashcraft stated an election of the property owners in the CFD would be conducted to establish the CFD, the levy of special taxes, and issuance of bonds; inquired if there are any property owners.

The Community Development Director responded in the affirmative; stated the Successor Agency and TriPoint are property owners eligible to vote.

Councilmember Chen moved adoption of the resolutions.

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

(13-555) Summary: Declares Intent to Form a Community Facilities District ("CFD") at Alameda Landing and Authorizes the City to Levy Special Taxes on Property in the CFD.

Resolution No. 14874, "Declaring Intention to Establish A Community Facilities District and to Authorize the Levy of Special Taxes Therein - Alameda Landing Municipal Services District. Adopted.

(13-555 A) Notice of Public Hearing on January 7, 2014 - Declaring Intention to Establish a Community Facilities District for the Provision of Maintenance and Municipal Services.

The Community Development Director gave a brief presentation.

Councilmember Chen moved adoption of the resolution.

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

CITY MANAGER COMMUNICATIONS

(13-556) The City Manager announced Alameda was awarded a Rockefeller Foundation Grant for a Chief Resiliency Officer for disaster preparedness.

The Community Development Director made an announcement regarding the City's shop local campaign, called Alameda Island Shopper.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(13-557) Councilmember Chen discussed “Around the World”, a Boy and Girls Club’s program to educate children about cultural diversity.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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