CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL,
COMMUNITY IMPROVEMENT COMMISSION (CIC),
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA), AND
HOUSING AUTHORITY BOARD OF COMMISSIONERS (HABOC)
TUESDAY - - - JUNE 20, 2006 - - - 5:30 P.M.

Time: Tuesday, June 20, 2006, 5:30 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner of Santa Clara Avenue and Oak Street

Agenda:

1. Roll Call

2. Public Comment on Agenda Items Only

   Anyone wishing to speak on agenda items only, may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

CITY COUNCIL

3-A. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Craig Jory and Human Resources Director

Employee Organizations: Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association

CITY COUNCIL, CIC, ARRA, HABOC

3-B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Operation Dignity v. Alameda Reuse and Redevelopment Authority, City of Alameda, Community Improvement Commission and Housing Authority

CIC

3-C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Fleet Industrial Supply Center

Negotiating parties: Community Improvement Commission and ProLogis

Under negotiation: Price and terms

4. Announcement of Action Taken in Closed Session, if any

5. Adjournment

Beverly Johnson, Mayor
Chair, Community Improvement Commission, Alameda Reuse and Redevelopment Authority, and Housing Authority Board of Commissioners

CITY OF ALAMEDA • CALIFORNIA

ANNUAL MEETING OF THE COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - JUNE 20, 2006 - - - 7:25 P.M.

Location: **Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation
Anyone wishing to address the Commission on agenda items or business introduced by Commissioners may speak for a maximum of 3 minutes per agenda item when the subject is before the Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

PLEDGE OF ALLEGIANCE - Alameda High School Baseball Team, North Coast Section Championship

ROLL CALL

CONSENT CALENDAR

1-A. Minutes of the Special Community Improvement Commission Meetings of June 7, 2006.

1-B. Recommendation to authorize the Executive Director to execute an amendment to the Master Consulting Agreement with Harris & Associates for engineering and construction support services for the remaining phases of the Bayport Project by adding additional budget authority in an amount not to exceed $265,000.00, of which $115,000.00 will be reimbursed by the homebuilder for In-tract Plan Review and Inspection. (Development Services)

REGULAR AGENDA

2-A. Public Hearing to consider adoption of Resolution, "Adopting the Five-Year Implementation Plan: Fiscal Years 2005/06 - 2009/10 for the Alameda Point Improvement Project. (Development Services)

ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

COMMISSION COMMUNICATIONS (Communications from Commissioners)

ADJOURNMENT

CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - - - - - - - - REGULAR MEETING OF THE CITY COUNCIL
TUESDAY - - - - - - - JUNE 20, 2006 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL JOINT MEETING OF THE CITY COUNCIL, COMMUNITY IMPROVEMENT COMMISSION, ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,AND HOUSING AUTHORITY BOARD OF COMMISSIONERS, CITY COUNCIL CHAMBERS CONFERENCE ROOM Separate Agenda (Closed Session)	5:30 P.M.
ANNUAL MEETING OF THE COMMUNITY IMPROVEMENT COMMISSION, CITY COUNCIL CHAMBERS Separate Agenda	7:25 P.M.
SPECIAL JOINT MEETING OF THE CITY COUNCIL, ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY, AND COMMUNITY IMPROVEMENT COMMISSION, CITY COUNCIL CHAMBERS, Separate Agenda	7:31 P.M.

1. ROLL CALL - City Council

2. AGENDA CHANGES

3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

3-A. Presentation of Certificates to the Alameda High School Baseball Team members for winning the North Coast Section Championship on June 3, 2006.

3-B. Proclamation declaring June 2006 as Gay Pride Month.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

4-A. Minutes of the Special City Council Meetings on May 30, 2006, May 31, 2006, and the Special and Regular City Council Meetings held on June 6, 2006. (City Clerk)

4-B. Bills for ratification. (Finance)

4-C. Recommendation to award Contract for Legal Advertising for Fiscal Year 2006-07. (City Clerk)

4-D. Recommendation to reject the sole bid, value engineering and re-bid revised bid documents for the construction of the Bayport Community Building. (Development Services)

4-E. Recommendation to authorize filing for a $2.3 million grant application to the Metropolitan Transportation Commission to implement the Webster Renaissance Project, Phase II. (Development Services)

4-F. Recommendation to accept the work of Republic Electric for the Crosswalk In-Pavement Lights (SR2S) to serve Donald Lum Elementary School, Haight Elementary School, Wood Middle School, and Chipman Middle School Project No. P.W. 01-04-01. (Public Works)

4-G. Recommendation to adopt Plans and Specifications and authorize Call for Bids for Modular Recreational Building and Site Improvements at Washington Park, No. P.W. 05-06-17. (Public Works)

4-H. Recommendation to accept the work of Zaccor Company for the Bay Farm Island Dike - Emergency Repair, No. P.W. 01-06-02. (Public Works)

4-I. Adoption of Resolution Approving an Agreement for Funding from the State of California Coastal Conservancy to Implement Spartina Eradication and Mitigation Measures. (Public Works)

4-J. Adoption of Resolution Authorizing the City Manager to Submit an Application for Measure B Paratransit Funding for Fiscal Year 2006-07. (Public Works)

4-K. Adoption of Resolution Authorizing Grant of a Non-Exclusive Easement from the City of Alameda to Pacific Gas and Electric Company within Parcel 3 of Parcel Map No. 4497. (Public Works)

4-L. Adoption of Resolution Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000. (Finance Department)

4-M. Adoption of Resolution Establishing a Five-Day Workweek Alternative with Corresponding Salary for the Classification of Chief of Police. (Human Resources)

REGULAR AGENDA ITEMS

5-A. Adoption of Resolution Acknowledging City Attorney Carol Korade for Her Contributions to the City of Alameda.

5-B. Public Hearing to consider adoption of Resolution, "Approving Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of Assessments, Island City Landscaping and Lighting District 84-2." (Public Works)

5-C. Public Hearing to consider adoption of Resolution, "Approving Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove)." (Public Works)

5-D. Public Hearing to consider adoption of Resolution, "Authorizing Collection of Delinquent Integrated Waste Management Accounts by Means of the Property Tax Bills." (Public Works)

6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

Councilmembers can address any matter, including reporting on any Conferences or meetings attended.

7-A. Written communication from the League of California Cities requesting designation of Voting Delegate for the League's 2006 Annual Conference.

7-B. Consideration of Mayor's nominations for appointment to the Civil Service Board, Commission on Disability Issues, Economic Development Commission, Historical Advisory Board, Housing and Building Code Hearing and Appeals Board, Housing Commission, Library Board, Planning Board, Public Utilities Board, Social Service Human Relations Board, and Transportation Commission.

8. ADJOURNMENT

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- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us

- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter

- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting

- Accessible seating for persons with disabilities, including those using wheelchairs, is available

- Minutes of the meeting available in enlarged print

- Audio Tapes of the meeting are available upon request

- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting

CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,
AND COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - JUNE 20, 2006 - - - 7:31 P.M.

Location: **City Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation
Anyone wishing to address the Council/Board/Commission on agenda items or business introduced by the Council/Board/Commission may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Board/Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

ROLL CALL

MINUTES

Minutes of the Joint City Council, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission Meeting held on June 6, 2006. (City Clerk)

AGENDA ITEMS

1. Discussion of Fiscal Year 2006-2007 and 2007-2008 Citywide budget and adoption of Resolution, "Approving Interim Expenditures Prior to Adoption of the Operating Budget for Fiscal Year 2006-2007." (Finance)

2. Discussion of City Attorney/General Counsel Legal Services and staffing options. (City Attorney)

ADJOURNMENT

Beverly Johnson, Mayor
Chair, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
WEDNESDAY- -JUNE 7, 2006- -5:31 P.M.

Chair Johnson convened the Special Meeting at 5:35 p.m.

Roll Call - Present: Commissioners Daysog, deHaan, Gilmore, Matarrese and Chair Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Legal Counsel - Existing Litigation; Name of case: Community Improvement Commission v. Cocores Development Company.

Following the Closed Session, the Special Meeting was reconvened and Chair Johnson announced that the Commission received a briefing from its legal counsel and gave direction and settlement parameters.

Adjournment

There being no further business, Chair Johnson adjourned the Special Meeting at 7:00 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

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

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
WEDNESDAY- -JUNE 7, 2006- -7:01 P.M.

Chair Johnson convened the Special Meeting at 7:35 p.m.

ROLL CALL - Present: Commissioners Daysog, deHaan, Gilmore, Matarrese and Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Chair Johnson announced that both Consent Calendar items were withdrawn for discussion.

(06-) Recommendation to authorize the Executive Director to execute a First Amendment, adding $96,225 and extending the term six months, to Agreement with ERM-West, Inc. to evaluate PAH Contamination on a portion of the Fleet Industrial Supply Center property.

The Base Reuse and Community Development Division Manager gave a brief presentation.

Commissioner deHaan stated the game plan was to provide a report; inquired when the report was to be provided and whether the funding is being requested for said report, including the Human Health Risk Assessment (HHRA) and Feasibility Study (FS).

The Base Reuse and Community Development Division Manager responded the HHRA is a new request from the Department of Toxic Substances Control (DTSC) toxicology department; stated money from the initial contract will be spent to write the report for the FS; the report cannot be written until additional sampling is completed.

Commissioner deHaan stated remaining funds would be used to prepare the HHRA and FS, which he thought were in the initial allocation; inquired whether all the [original] funding has been spent.

The Base Reuse and Community Development Division Manager responded all funding has not been used; stated there is money for the FS; over 65% of the additional work in the amended contract amount is for fieldwork; the remaining funds are for the HHRA and the meetings with the Navy and DTSC.

Commissioner deHaan inquired how many additional samplings would be done, to which the Base Reuse and Community Development Division

Manager responded 45.

Commissioner deHaan inquired whether 300 samplings were already done, to which the Base Reuse and Community Development Division Manager responded in the affirmative.

Councilmember deHaan inquired whether the sampling would be a different type.

The Base Reuse and Community Development Division Manager responded the samplings are the step-outs from the twenty hot spots; clarified three samples are taken at each location; stated there will be three depths at some locations; sampling will be done at twenty locations, for a total of 45 samples.

Commissioner Daysog moved approval of the staff recommendation.

Commissioner Matarrese seconded the motion.

Under discussion, Commissioner deHaan stated he would not support the motion and did not support the motion in the past; his concern is the property use is not finalized.

On the call for the question, the motion carried by the following voice vote: Ayes: Commissioners Daysog, Gilmore, Matarrese and Chair Johnson - 4. Noes: Commissioner deHaan - 1.

(06-___) Recommendation to approve a Contract with Strategy Research Institute, Inc. for $14,500 to conduct a survey of local residents for the update of the City of Alameda Economic Development Strategic Plan.

The Development Manager gave a brief presentation.

Commissioner Daysog stated the sample size is 300: 150 community at large participants and 150 registered voters; the staff report indicates the survey would be statistically valid with a confidence level of 95%; inquired whether 300 participants are needed to have a statistically valid survey of either registered voters or community at large participants.

George Manross, Ph.D., Strategic Research Institute, Inc., responded in the affirmative; using two separate groups increases the sampling error.

Chair Johnson and Commissioner Daysog noted just having community at large participants would make the survey more statistically valid.

Dr. Manross outlined sampling and accuracy levels.

Chair Johnson inquired the reason for having both community at large and registered voters.

Dr. Manross responded the groups represent two distinct populations; the community at large has one set of core values and collective wishes; the electorate has a different set of core values; if a funding mechanism were entertained, the City would want to know where the electorate stands and where the electorate agrees with and differs from the community at large.

In response to Chair Johnson's inquiry regarding whether a survey done today would be relevant in a couple of years, Dr. Manross stated core values do not change; there can be shifts; however, benchmarks would be established.

Commissioner Daysog stated if the sample is increased from 300 to 400, the cost increases from $14,500 to $15,500; suggested a sample size of 600, 300 community at large and 300 registered voters.

Dr. Manross stated the recommendation was proposed in order not to exceed a $15,000 budget; the proposed study typically takes 15 to 17 minutes; a 12 minute study would be restrictive as to the amount of information that can be secured; keeping the sample at 300 and increasing the time from 12 to 15 minutes, would cost $16,000, but additional information would be gathered; increasing the sample to 400 and the time to 15 minutes would cost $17,000; suggested the Commission consider a higher sample amount or longer survey.

Commissioner Daysog stated the survey should be as accurate as possible.

Dr. Manross stated an economic development and redevelopment study is typically 400 participants and 15 to 17 minutes, which would be his recommendation.

Commissioner deHaan stated the City is trying to update the visioning process and the Economic Development Strategic Plan (EDSP); the City did not use a questionnaire last time; inquired why a survey should be used now and whether future funding mechanisms would be included.

The Development Manager responded the budget was over $100,000 for the EDSP and downtown visioning plan in 2000; there was a 25 member task force and an extensive community process; there is not funding or need for something as extensive; the survey is intended to be a

periodic review, is a more formal way to supplement the community workshops and stakeholder interviews, and to get a read of the community to help Development Services direct resources.

Commissioner deHaan inquired whether the information from the last two meeting has been summarized and is available, to which the Development Manager responded in the affirmative.

Commissioner deHaan requested said information.

The Development Manager noted the information has been provided to Dr. Manross to assist him with developing questions.

Commissioner deHaan stated that he would like to see the questions once developed.

The Development Manager stated an Economic Development Commission (EDC) subcommittee would assist with drafting the questionnaire.

Commissioner deHaan inquired what would be done with the data.

The Development Manager responded the data with be reviewed, analyzed and presented to the EDC.

Dr. Manross stated the information gathered would be tested in the community; there would be a return on the investment.

The Development Services Director stated the survey would be an update to the EDSP, which provides the foundation; the survey would ensure the EDSP stays valid.

Commissioner deHaan stated results should be presented to the community; his concerns are ensuring results of meetings held are included and the crafting of the questions; there is no hidden agenda for funding streams.

Ani Dimusheva, Alameda, stated the best way to get the opinion of the community at large is to talk to the community; suggested holding a town hall meeting once a month at cafes throughout town; stated a study is not needed.

Commissioner Daysog moved approval of the staff recommendation, with the change to cap the budget at $17,000 to allow staff and the consultant to determine how to proceed; stated that he would hope for a higher sample size; however, increasing the time is acceptable.

Commissioner Matarrese seconded the motion.

Under discussion, Commissioner Gilmore inquired how authorizing additional funds would affect the Development Services or general fund budgets.

The Development Services Director responded additional funding would not affect the General Fund budget; stated the Development Services budget can accommodate the funding out of the regular operating budget for supplies and general services.

Chair Johnson stated the motion allows Development Services to decide to spend less.

Commissioner deHaan stated some preliminary work has been completed; requested to see the findings and the questions after EDC review.

Commissioner Matarrese stated an expert is being hired to work with a subcommittee of the EDC to craft the questions.

Commissioner Daysog stated the consultant indicated the questions would be provided to the Commission.

Chair Johnson clarified the process would be to have the contract go forward in order have questions prepared.

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

AGENDA ITEM

(06-___) Recommendation to reject the Sole Bid and authorize a 60-day negotiation with Qualified Contractors for the Restoration and Rehabilitation of the Historic Alameda Theater.

The Development Services Director provided a brief presentation.

Commissioner Daysog inquired what Option 2, revise the bid document, means.

The Development Services Director responded staff would have to look for a way to make the bid document more enticing to contractors; stated revising the bid document could involve additional engineering or architectural work to have a finite process for the least costly approach and could take a significant amount of time.

Speakers in support of Option 5 (Reject the bid, terminate the

project Disposition and Development Agreement (DDA) and re-scope the project): Rosemary McNally, Alameda; David Kirwin, Alameda; Pat Bail, Alameda; Ani Dimusheva, Alameda (submitted comments); Richard Rutter, Alameda; Robert Gavrich, Alameda; Kristianne Koenen, Alameda; Kevin Frederick; and Nancy Kerns, Alameda.

Speaker in support of staff recommendation (Option 1, Reject the bid and negotiate with Overaa Construction): Lars Hansson, Park Street Business Association.

Chair Johnson closed the public comment.

The Development Services Director responded to comments.

Commissioner deHaan provided a handout; inquired whether using the parking contractor as an alternate is legally acceptable.

Legal Counsel responded Option 1, contracting with the parking garage contractor low bidder who has not been selected, would be legal under the facts of the situation; stated economy of scale is possible, making the option legally permissible.

Commissioner deHaan stated the displaced contractor has done an admirable job on the library; inquired whether the parking structure budget would be close to $900,000 with contingency.

The Development Services Director responded in the affirmative.

Commissioner deHaan inquired whether the developer has provided information on the cineplex portion, to which the Development Services Director responded the developer has a project estimate in excess of $5 million; he has been getting estimates; his formal cost estimates will be in next week.

Commissioner deHaan inquired whether the developer has seen a major increase.

The Development Services Director responded the developer is fairly confident; four contractors are sharing preliminary estimates.

In response to Commissioner deHaan's inquiry regarding project costs to date, the Development Services Director stated $3,378,500 has been spent, including acquisition of two properties.

Commissioner deHaan outlined cost increases since 2002; stated cost estimates were $17.6 million in 2004; today's costs are around $33.6 million; there has been growth.

The Development Services Director stated construction costs could not be estimated until the design plans were developed; previous estimates did not include land acquisition or architectural engineering; outlined the project phases; stated project costs are unknown until bid documents are prepared.

Commissioner Gilmore stated the handout from Commissioner deHaan outlining budgets shows the large increase has been for the historic theater, which is the most complex part of the project filled with the most unknowns; the other two pieces are new construction.

Commissioner deHaan stated another option would be to decrease the theater project to a single floor and take two floors off the parking structure; the cost would decrease from $33.7 million down to $28.8 million.

The Development Services Director noted disabled access would have to be added to the historic theater.

Commissioner deHaan stated Option 5 could be considered, with caveats, such as satellite parking areas and using the entire Video Maniacs site for the cineplex and retail.

The Development Services Director stated most cost overruns are with the historic theater; noted satellite parking would involve dealing with land acquisition again.

Commissioner Matarrese stated that he appreciates the information from Commissioner deHaan and speakers; there seems to be support to tone down the parking garage and cineplex in favor of funding the renovation of the historic theater; $11 million is not the best bid; the bid should be rejected and the City should negotiate a lower price; he would entertain the idea of a better price being obtained through modification of the other two components [garage and cineplex]; 60 days would give staff an opportunity to review; a different project would probably result with Option 1.

Commissioner Daysog stated there seems to be a cafeteria approach to the project; bonds have been issued on the entire project; $17 million was identified for the project with $9 million slated for rehabilitation of the historic theater; $17 million was part of the $42 million bond total; the total bond will cost $100 million with interest; his question is how the project ties into the total bond issuance; he is not convinced that a cafeteria approach will work; most of the cost overruns are with the historic theater; if the historic theater is not going to be rehabilitated, there is no reason to do the garage and Cineplex if the historic theater is not

going to be rehabilitated; however, bonds have already been issued; the focus should be on rehabilitation of the historic theater; suggested the City consider operating the renovated historic theater.

Commissioner Matarrese stated the City bonded for a project that included the theater, off street parking and some retail; everyone is looking to accomplish the project; the look will have to be adjusted; the cost of the historic theater has led to tonight; Development Services has come up with a way to handle costs; money will have to be taken from elsewhere to fund the renovation project if the 60 days do not prove successful; that he would not support general fund money for the project or lowering the contingency budget; he does not support Option 5 because he does not want to can the project.

Commissioner Daysog stated that he voted against the bonds because it was putting the cart before the horse and the true cost of the project were not understood; now the City is trying to pick up the pieces and realizes there are no funds; perhaps everyone could be happy with just having the historic theater.

Commissioner Gilmore stated the project has to have a contingency fund to go forward; staff has included a contingency fund; she would not support a project without a healthy contingency fund of 15 to 20%; that she is in favor of the 60 day negotiation period because the City will have learned valuable information about the historic theater even if there is no contract at the end of the period; gathering additional information is a good thing; negotiating does not commit the City to go forward; she has a problem with Option 5 because she would not support acquiring the historic theater without having a plan; the City should not be stuck with a piece of property without the knowledge of whether the property can be developed economically; the timeframe for acquiring the theater is sooner than alternatives could be created if the project is rejected.

Chair Johnson stated the 60-day time period is reasonable after the time and effort that has been spent; that she supports the staff recommendation.

Commissioner deHaan stated his concern is that an opportunity to review other options would be missed by allowing 60-days to negotiate; a 15% contingency might not be enough for the historic theater project; value engineering might not work and other options should be reviewed to determine how existing funding can complete the entire project; all of the funding might have to go to renovating the theater; a $7 million loan is included because

enough money was not bonded; other options should be reviewed quickly.

Commissioner Matarrese moved approval of the staff recommendation to reject the bid and negotiate for 60 days with the caveat that options for the current configuration of the project be outlined in parallel to allow the City to reach the end of the 60 days with a full pallet of information; the two months would not be lost if the results are not favorable.

Commissioner Gilmore seconded the motion, which carried by the following voice vote: Ayes: Commissioners Gilmore, Matarrese and Chair Johnson - 3. Noes: Commissioners Daysog and deHaan - 2.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 9:35 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

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

CITY OF ALAMEDA
Memorandum

To: Honorable Chair and
Members of the Community Improvement Commission

From: Debra Kurita
Executive Director

Date: June 20, 2006

Re: Authorize the Executive Director to Execute an Amendment to the Master Consulting Agreement with Harris & Associates for Engineering and Construction Support Services for the Remaining Phases of the Bayport Project by Adding Additional Budget Authority in an Amount Not to Exceed $265,000 (of which $115,000 will be Reimbursed by the Homebuilder for In-Tract Plan Review and Inspection)

BACKGROUND

On March 31, 2004, the Community Improvement Commission (CIC) approved the third amendment to the Harris & Associates Master Consulting Agreement adding $567,557 to the budget for the continued implementation of the Catellus Mixed Use Development, for a total contract amount of approximately $2.47 million. The fourth, fifth and sixth amendments to the Agreement were term extensions.

Harris & Associates ("Harris") was selected in 2001, through a formal competitive selection process and has been retained as the City Engineer for the FISC Catellus Project. As the designated City Engineer for the Project, Harris is responsible for plan review development approvals, and ensuring compliance with all City Public Works standards. Harris is also tasked with resolving any non-standard issues or exemptions with Public Works as required and serves as the City's construction inspector for both in-tract and backbone improvements on the Project.

The proposed seventh amendment to the Agreement will extend the term of the contract to June 7, 2007, and add additional budget authority in an amount not to exceed $265,000, of which $115,000 will be reimbursed by the Bayport homebuilder for in-tract plan review and inspections.

Report 1-B
CIC Meeting
6-20-06

DISCUSSION

The existing Agreement expires June 30, 2006. A twelve-month term extension provides for Harris & Associates continuation as the City Engineer for the Bayport project through its anticipated completion date of June 30, 2007.

Under the terms of the Agreement, Harris is compensated pursuant to costs estimated based on the Project schedule for various activities. These include: program management, technical reviews for public improvements and construction services, technical reviews for in-tract improvements, and construction services, and special assignments. It is important to note that as the Project progresses, Harris' role on the Project will decrease significantly as major infrastructure improvements and mitigation projects are completed.

In accordance with the Disposition and Development Agreement ("DDA"), as amended, consultant services related to the CIC's Project obligations are paid from revenues generated from the Project. Consultant services related to in-tract improvements are paid for by the Developer. Services that Harris will perform for in-tract improvements are estimated at approximately $115,000. The CIC's portion of the contract is approximately $150,000.

The seventh Amendment to the Agreement will increase the total Harris contract by $150,000 from $2.47 million to approximately $2.62 million, which represents 3.7 percent of the CIC's $71.4 million Residential Infrastructure Project Budget. As a percentage of the total Residential Infrastructure Project Budget, the proposed Harris contract amendment amount is within the three to four percent city administration assessment added to projects funded through citywide development fees.

POLICY DOCUMENT CROSS REFERENCE

This request is in conformance with the City's Fiscal Neutrality Policy.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The proposed Amendment will be funded from Bayport project revenues pursuant to the Disposition and Development Agreement. As directed, no general fund monies will be used for implementation of the Project.

RECOMMENDATION

Authorize the Executive Director to execute a Seventh Amendment to the Master Consulting Agreement with Harris & Associates for engineering and construction support services for the remaining phases of the Bayport Project by adding additional budget authority in an amount not to exceed $265,000 and extending the term of the Agreement to June 7, 2007.

Respectfully submitted,

Leslie A. Little
Development Services Director

Douglas Cole
Redevelopment Manager

DK/LAL/DC: dc

Attachment

SEVENTH AMENDMENT TO MASTER AGREEMENT

This Amendment of the Agreement, entered into this 20th day of June 2006, by and between COMMUNITY IMPROVEMENT COMMISSION (hereinafter referred to as "CIC") of the CITY OF ALAMEDA, a municipal corporation (hereinafter referred to as "City"), and HARRIS & ASSOCIATES, a California corporation, whose address is 120 Mason Circle, Concord, CA 94520, (hereinafter referred to as "Consultant"), is made with reference to the following:

RECITALS:

A. On June 1, 2001, an agreement was entered into by and between CIC and Consultant (hereinafter "Agreement").

B. On June 1, 2002, an amendment to this agreement was entered into by and between CIC and Consultant.

C. On December 1, 2003, a second amendment to this agreement was entered into by and between CIC and Consultant.

D. On April 4, 2004, a third amendment to this agreement was entered into by and between CIC and Consultant.

E. On November 30, 2004, a fourth amendment to this agreement was entered into by and between CIC and Consultant.

F. On June 13, 2005, a fifth amendment to this agreement was entered into by and between CIC and Consultant.

G. On December 20, 2005, a sixth amendment to this agreement was entered into by and between CIC and Consultant.

H. CIC and Consultant desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

1. Paragraph 1 ("Term") of the Agreement is modified to read as follows:

"The term of this Agreement shall commence on the 1st day of May 2001, and shall terminate on the 30th day of June 2007, unless terminated earlier as set forth herein."

2. Paragraph 3 ("Compensation to Consultant") of the Agreement is modified to read as follows:

"Consultant shall be compensated for services performed pursuant to this Agreement in the amount set forth in each Task Order. Consultant may invoice CIC monthly for work completed, and CIC shall pay for work satisfactorily completed within thirty (30) days of receipt of each invoice. Total compensation for all Task Orders issued under this Seventh Amendment to Master Agreement shall not exceed $265,000.00 (Exhibit "A-1"). Payment shall be made by checks drawn on the treasury of the CIC, to be taken out of the FISC/Catellus fund."

3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed on the day and year first above written.

HARRIS & ASSOCIATES

By: Robert S Gulotz
Title: VP
6/7/06

COMMUNITY IMPROVEMENT COMMISSION

Debra Kurita
Executive Director

RECOMMENDED FOR APPROVAL:

Leslie A. Little
Development Services Director

Debbie Potter, Manager
Base Reuse & Community Development

APPROVED AS TO FORM:

Teresa Highsmith
City Attorney

Exhibit "A-1"

HARRIS & ASSOCIATES BUDGET ESTIMATES FOR 2006
ALAMEDA CATELLUS PROJECT

Harris & Associates

BUDGET ESTIMATES	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Total
PHASE 1 - BAYPORT												
PROJECT (Task Orders 3a, 4, 8, 10 and 12)												
Management	$14,220	$12,550	$9,440	$7,200	$4,320	$2,880	$2,880	$2,880	$2,880	$1,440	$1,440	$62,130
Construction	$14,080	$14,080	$12,720	$8,720	$7,360	$7,360	$6,800	$0	$0	$0	$0	$71,120
Special Assignments	$1,440	$1,440	$1,440	$1,440	$1,440	$1,440	$1,440	$1,440	$1,440	$1,440	$1,440	$15,840
Subtotal	$29,740	$28,070	$23,600	$17,360	$13,120	$11,680	$11,120	$4,320	$4,320	$2,880	$2,880	$149,090
IN-TRACT (Task Orders 3b, 5, 6, and 9)												
Management	$8,730	$5,850	$5,470	$5,470	$5,470	$4,030	$1,440	$1,440	$1,440	$1,440	$1,440	$42,220
Construction	$14,080	$14,080	$12,720	$8,720	$7,360	$7,360	$6,800	$0	$0	$0	$0	$71,120
Subtotal	$22,810	$19,930	$18,190	$14,190	$12,830	$11,390	$8,240	$1,440	$1,440	$1,440	$1,440	$113,340
Phase 1 Subtotal	$52,550	$48,000	$41,790	$31,550	$25,950	$23,070	$19,360	$5,760	$5,760	$4,320	$4,320	$262,430

SCOPE OF SERVICES - 2006/07
BAYPORT RESIDENTIAL AND ALAMEDA LANDING PROJECTS

Harris & Associates

The following are tasks previously identified and will be continued through the conclusion of the project.

TO#	Title	Description (Full Task Description)
3	Program Mnanagment	Provide "steady state" activities, not related to specific Tract submittals, which assist City in managing program, including: participate in meetings (eg. Steering Committee, subgroups, utilities, USCG); evaluate alternatives; budget analysis; schedule assistance; document prep and review; coordination between City departments; attendance at DRC, Planning Board and other forums; generally represent PW Dept. on Catellus Project. Oversee Harris services, providing progress reports, invoices, and budget monitoring. Serve under the direction of Doug Cole, City project manager.
3a		Portion of TO#3 charged to Project
3b		Portion of TO#3 that is in-tract cost
4	Technical Review	Technical review of "project" improvement plans (demolition and backbone infrastructure defined per MDIGP); review/recommend design exceptions; review of engineering calculations and reports (soils, storm, sewer, etc); set design criteria; City ordinance compliance; coordination with City Engineer and other departments; assist in issues resolution and mitigation compliance; review contract documents; provide compliance check list; attend DRC if needed; account for each project separately.
5	"In-tract" Plan Technical Review:	Technical review of in-tract Bayport improvement plans; review/recommend design exceptions; review of engineering calculations and reports (soils, storm, sewer, etc); set design criteria; check for compliance with City ordinances and conditions of approval; assist in issues resolution; review contract documents; provide compliance check list; attend DRC and Planning Board if needed; account for each Tract separately; coordinate with City Engineer and other departments. These costs are to be reimbursed to the City by Warmington.
6	"In-tract" Final Map	Review of Bayport phased final tract maps; check for compliance with City ordinances, State Map Act, and conditions of approval; check closure calculations; review CC&Rs and easements for completeness and accuracy; draft the Subdivision Improvement Agreement; coordination with City Engineer and other departments; provide compliance check list; prepare staff report and resolution for City Council; account for each Tract separately. These costs are to be reimbursed to the City by Warmington.
7	Assessment Engineering	Work Complete.
8	"Backbone" Construction Service	Review grading and backbone infrastructure construction documents (constructability review) for MDIGP projects; provide bid period assistance (attend bid meetings, review bids, assist with negotiations); review and approve recommendation from Catellus on contractor selection; provide inspection services that would normally be provided by the PW Dept.; review contractor submittals related to public facilities; maintain inspection logs regarding public facilities inspected; assist CM with conflict resolution; refer engineering decisions to design engineer; clearly define and document responsibilities between Catellus and Harris; serve as construction liaison between City and Catellus (Catellus serves as Construction Manager; roles are further described in Construction Reimbursement Agreement).
9	"In-tract" Construction Services	Review in-tract construction documents with respect to public and private infrastructure systems. Provide inspection services that would normally be provided by the PW Dept, such as (a) streets and other improvements to be dedicated to the City, and (b) private facilities such as alleys and storm drains that tie into public systems or affect the health and safety of residents. Review submittals affecting such facilities. Assist CM with conflict resolution; maintain inspection logs; serve as construction liaison between City and Catellus. These costs are to be reimbursed to the City by Catellus. Harris will coordinate and arrange for City's on-call surveying firm to perform independent verification surveys of pad elevations, monuments, and Tract perimeter corners (Catellus will be billed directly by the surveyor).
10	Special Assignments	Allowance for assignments from City beyond the "steady state" activities represented by other Task Orders. Past and future examples include: Oakland Traffic Mitigation cost impacts; USCG coordination; 115kv electrical relocation; Main Street Linear Park maintenance; Catellus Term Sheet cost input; MDIGP and infrastructure CIP - peer review and matrix for capital costs, maintenance costs, and responsibilities; EBMUD environmental issue resolution; FEMA CLOMR; compliance with settlement agreement for 39 unit housing; Right of Entry agreement; Alameda Belt Line easement; PG&E gas line relocation negotiations; turning radius resolutions; chlordane removal strategies, inspection, and cost accounting; activities related to ACET or other projects outside the residential Bayport area; UPRR right of way / easement activities; Mariner Square Loop relocation analysis; Tinker/Webster project services.
11	Phase 2 Project (Alameda Landing) Technical Support	Provide technical support for the Phase 2 re-entitlement process.
12	Bayport Park Project Management	Provide design review, front end specifciation preparation, bidding services, construction management and inspection of the Bayport Park.

Harris & Associates

RANGE OF HOURLY RATES:
ALL EMPLOYEES

Effective January 1 - December 31, 2006

ENGINEERING DESIGN AND MUNICIPAL SERVICES GROUPS	HOURLY RATE
Project Directors	$190-270
Project Managers	125-240
Project Engineers	100-210
Technical Support	75-140
Administration	65-120

CONSTRUCTION / PROGRAM MANAGEMENT	HOURLY RATE
Project Director	$190-270
Project Managers	125-240
Construction Managers	100-200
Resident Engineers	150-200
Construction Engineers	110-170
Scheduling Engineers	110-200
Cost Engineers	110-200
Inspectors	100-170
Technicians	90-150
Administration	65-120

*Notes: Rates are subject to adjustment due to promotions during the effective period of this schedule. A new rate schedule will become effective January 1, 2007. Unless otherwise indicated in the cost proposal, hourly rates include most direct costs such as vehicles, mileage, equipment, computers, communications and reproduction (except large quantities such as construction documents for bidding purposes).

CITY OF ALAMEDA
MEMORANDUM

To: Honorable Chair and Members of the Community Improvement Commission

From: Debra Kurita
Executive Director

Date: June 20, 2006

Subject: Public Hearing to Consider a Resolution Adopting the Five-Year Implementation Plan: Fiscal Years 2005/06 – 2009/10 for the Alameda Point Improvement Project

BACKGROUND

Pursuant to California Redevelopment Law, Section 33490 of the California Health and Safety Code requires that redevelopment project areas adopted after January 1, 1994, prepare a Five-Year Implementation Plan as part of approving the initial redevelopment plan. Implementation Plans are then re-adopted, following a public hearing, every five years. Implementation Plans contain specific goals and objectives for the project area, specific programs, including potential projects, and estimated expenditures over the five-year period covered by the Plan.

In 1998, the CIC established the Alameda Point Improvement Project (APIP) and, as a part of that process, adopted its first Five-Year Implementation Plan. A subsequent APIP Five-Year Implementation Plan was not prepared in 2003, as scheduled, due to stalled negotiations with the Navy for relinquishment of the Alameda Naval Air Station. Redevelopment efforts to date have been limited because the Navy still owns the property and the tax increment received is constrained to possessory interest tax only (i.e., no property tax increment is generated because the Federal government still owns the property). However, in December 2003, in an effort to re-energize property conveyance negotiations with the Navy, the Alameda Reuse and Redevelopment Authority (ARRA) initiated an ARRA-funded pre-development planning process. City staff and consultants prepared a Preliminary Development Concept (PDC) for Alameda Point and continued to negotiate and plan a schedule for the conveyance of the property from the Navy to the ARRA during this period. With the assistance of the Alameda Point Advisory Committee, six well-attended public workshops were held to receive community recommendations on the PDC. Following presentations to the Planning Board, Transportation Commission and Economic Development Commission, the PDC was accepted by the ARRA Board in February 2006. The updated goals and objectives from the PDC are reflected throughout the Implementation Plan for FY 2005/06-FY 2009/10.

Notification of the public hearing for the proposed FY2005/06-FY2009/10 APIP Implementation Plan was done in accordance with the California Health and Safety Code and included publishing

Agenda Item #2-A
CIC Meeting
6-20-06

a public notice weekly for three weeks in a local newspaper, and posting a notice in four locations in the project area. Notification was also mailed to the Navy, all commercial and residential tenants at Alameda Point and other interested parties. In addition, the draft FY 2005/06-2009/10 APIP Implementation Plan was presented at the June 15th Economic Development Commission meeting. The EDC did not have any suggested changes to the Plan.

The purpose of the public hearing at the CIC meeting is to provide an opportunity for the general public to review and comment on the proposed Implementation Plan. Following the public comment period, the Commission can consider the Resolution approving the FY 2005/06-2009/10 Implementation Plan for the APIP.

DISCUSSION/ANALYSIS

The proposed APIP Implementation Plan for FY 2005/06 – FY 2009/10 contains the same broad program goals as the initial Implementation Plan, as well as a record of completed projects, on-going projects, and proposed projects. The Implementation Plan reflects the goals contained in the newly adopted PDC and remains consistent with other City policy documents including: the City's General Plan, City-Wide Retail Policy, and the Alameda West Strategic Retail Implementation Recommendations.

The following is a summary of the FY 2005/06-2009/10 APIP Implementation Plan:

- Goals and Objectives
  - Eliminate blighting influences and correct environmental deficiencies.
  - Assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation and open space.
  - Replan, redesign, and develop portions of the Project Area, which are stagnant or improperly utilized.
  - Strengthen the economic base of the Project Area and the community by installing site improvements to stimulate new residential, commercial, and light industrial expansion, employment, and social and economic growth.
  - Expand, improve, and preserve the community's supply of housing available to low- and moderate-income persons and families.
  - Implement high site design standards and environmental quality and other design elements.

- Non-Housing Programs, Potential Projects and Estimated Revenue and Expenditures. Annual APIP revenues for non-housing projects are projected to be approximately $325,000 annually through the end of the Implementation Plan period. These funds will be used to support the following programs:

    - Complete legal negotiations with the Navy and develop the Disposition and Development Agreement with the Master Developer.
    - Facilitate high priority private or public-sponsored catalyst projects.
    - Support ongoing activities aimed at business attraction and retention and enhancement of the economic mix in the APIP area.
    - Design and construct streetscape improvements.
    - Improve traffic circulation and regional access to the City.
    - Make improvements to public infrastructure and facilities.

- Housing Programs, Potential Projects And Estimated Revenue and Expenditures. Annual APIP revenues for housing projects are projected to be approximately $135,000 through the end of the Implementation Plan. APIP 20% funds will be made available to projects at Alameda Point consistent with State Redevelopment Law. Twenty-five percent of new units constructed at Alameda Point will be inclusionary units serving families earning up to the area median income. The Implementation Plan projects that approximately 150 inclusionary units will be built by December 2010.

- Blighting Conditions in the APIP. The major blighting conditions of the APIP, as defined under the special legislation established for decommissioned military bases in Section 33492.11 of the CRL, are as follows: buildings unsafe or unhealthy for persons to live and work, factors inhibiting economically viable reuse of buildings or areas including environmental contamination, existing incompatible uses, buildings that will not comply with subdivision, zoning, or planning regulations, and infrastructure that does not meet current standards.

- Alleviation of Blight in the APIP. The Implementation Plan describes how projects are intended to alleviate physical, social and/or economic blight including: catalyst private sector residential and commercial projects, business retention and attraction efforts, preservation of historic structures, construction of infrastructure improvements, open space and recreational facilities and environmental remediation,

ENVIRONMENTAL IMPACT

Adoption of an Implementation Plan does not constitute a project as defined in Section 21000 of the California Public Resources Code. Under SB 732, adoption of an Implementation Plan does not constitute the approval of any specific program, project, or expenditure. Thus, each specific project, program or expenditure in the Implementation Plan will be subject to the standard California Environmental Quality Act (CEQA) review otherwise required at the time of its approval.

FINANCIAL IMPACT

Implementation Plans do not imply a financial commitment to specific projects. Funding for specific activities are reviewed annually at the time the CIC budget is adopted or upon separate presentation to and consideration by the Commission.

RECOMMENDATION

Conduct the public hearing and consider approving the attached Resolution adopting the Five-Year Implementation Plan: Fiscal Years 2005/06 – 2009/10 for the Alameda Point Improvement Project.

Respectfully submitted,

Leslie A. Little
Development Services Director

By: Debbie Potter
Base Reuse & Community Development Manager

Attachment: FY 2005/06 - 2009/10 APIP Implementation Plan

COMMUNITY IMPROVEMENT COMMISSION
of the
CITY OF ALAMEDA

FIVE-YEAR IMPLEMENTATION PLAN:
Fiscal Years 2005/06 – 2009/10

ALAMEDA POINT IMPROVEMENT PROJECT

As Required By

California Health & Safety Code Section 33490

City of Alameda
Development Services Department
950 West Mall Square, Second Floor
Alameda, CA 94501
510-749-5800

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I. INTRODUCTION

I-1 Scope of the Implementation Plan for the APIP

The Five-Year Implementation Plan is an important component of the compliance requirements for Project Areas under California Redevelopment Law (CRL). This FY 05/06 – FY09/10 Implementation Plan for the Alameda Point Implement Project (APIP) Area outlines on-going efforts in economic and housing redevelopment and refers to applicable policy documents in place, such as the General Plan and the Preliminary Development Concept.

The Implementation Plan is intended to identify programs and goals in the APIP Redevelopment Area, and is not intended to address specific projects. Any specific projects that are listed are provided as typical examples, only. Additionally, programs and projects listed do not limit the CIC from modifying the Plan as need or opportunities arise.

I-2 Implementation Plan Requirements

Section 33490 of the California Health and Safety Code, California Redevelopment Law requires that for each five-year period following the APIP adoption, the CIC prepare an Implementation Plan for the APIP area. In 1998, the CIC adopted its first Five-Year Implementation Plan. The CIC did not adopt the second Five-Year Implementation Plan in 2003, as scheduled due to an on-going community participation-based planning process and stalled negotiations with the Navy for relinquishment of the property. Redevelopment efforts from 2003 to present were limited to maintaining the status quo at Alameda Point. Negotiations with the Navy are now nearing completion and the planning process concluded with the acceptance of the Alameda Point Preliminary Development Concept (PDC) in February 2006. Therefore, this second Five-Year Implementation Plan will address FY 05/06 through FY 09/10. In addition, because the Navy still owns the property the tax increment received has been very limited and therefore has constrained activities.

California Redevelopment Law, Section 33352 of the Health and Safety Code, requires that an Implementation Plan contain the following elements:

a. Specific goals and objectives of the CIC for the APIP (see Section II)

b. Specific programs, potential projects and estimated expenditures proposed to be made during the next five years (see Section III)

c. Implementation of the low- and moderate-income housing requirements per Section 33333.10 if applicable, and Sections 33334.2, 33334.4, 33334.6, and 33413 (see Section III), with specific CIC responsibilities set forth therein (see Section III) including:

- The tax increment available in the low- and moderate-income housing fund and for each of the five years, the estimated amounts which will be deposited and expended;

- Estimates of the number of new, substantially rehabilitated or price-restricted units to be developed or purchased both over the life of the plan and during the next ten years;

- Estimates of the number of units of very-low, low-, and moderate-income households which have been developed or are required to be developed in order to meet California Health and Safety Code Section 33413(b)(2); and,

- Estimates of the number of CIC-developed residential units that will be developed during the next ten years, including units for very-low, low- and moderate-income households that will be governed by California Health and Safety Code Section 33413(b)(1).

- An explanation of how the CIC is meeting the Housing Fund targeting requirements set forth in Section 33334.4 of the Health & Safety Code.

- Identification of CIC projects that will result in destruction of existing affordable housing, and, if any, the identification of proposed locations suitable for replacement housing required pursuant to Section 33413

d. An explanation of how the goals and objectives, programs, and expenditures will eliminate blight within the project area and implement the requirements of Sections 33334.2, 33334.4, 33334.6 and 33413 (see Section V)

The CIC must hold a noticed public hearing prior to adoption of each Implementation Plan. The adoption of the Implementation Plan does not constitute a project as defined in section 21000 of the California Public Resources Code, nor does the adoption of an Implementation Plan constitute the approval of any specific program, project, or expenditure. Thus, each specific project, program or expenditure in an Implementation Plan will be subject, if necessary, to standard California Environmental Quality Act (CEQA) review.

In addition, the CIC must hold a public hearing to review the progress of the Implementation Plan no earlier than two years and no later than three years after adoption of the Implementation Plan. In 2002, the CIC held a public hearing to review progress of the first Implementation Plan for the APIP.

I-3. Background Documents

This Implementation Plan is a compendium of and hereby incorporates by reference a variety of documents and research efforts that have been or will be prepared to provide guidance in achieving the objectives of the CIC. Key documents at present include:

- The CIC Budget for FY 2005/06;
- The "Community Improvement Plan for the Alameda Point Improvement Project";
- The "Survey of the Alameda Point Improvement Project Area";
- The City of Alameda General Plan;
- The City of Alameda General Plan Amendment;
- The NAS Alameda Community Reuse Plan;
- The Alameda Citywide Retail Policy;
- The Alameda West Strategic Retail Implementation Recommendations;
- The Alameda Point Preliminary Development Concept.

If consistent with this Plan, additional studies, reports, strategies, and programs may be prepared and implemented.

II. GOALS AND OBJECTIVES

II-1 APIP Goals and Objectives

Building upon the broad principles in the Naval Air Station (NAS) Alameda Community Reuse Plan that was drafted in 1996 prior to the decommissioning of the NAS, the Community Improvement Plan (CIP) for the Alameda Point Improvement Project (APIP) was adopted in 1998 to provide a critical tool for eliminating blighting conditions by promoting economic development through the provision of new public improvements, commercial development and affordable housing. These goals and objectives were prepared by the CIC at the time of the adoption of the Project Area and reflect State law requirements currently in place. The CIP established a process and basic framework within which specific plans would later be developed, thereby retaining the CIC's ability to respond to development constraints, changing market conditions and unanticipated circumstances such as the protracted negotiations with the U.S. Department of the Navy for the transfer of land ownership to the City of Alameda. The major goals of the 1998 CIP are:

- The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work, small and irregular lots, faulty exterior spacing, obsolete and aged building types, mixed character or shifting uses or vacancies, incompatible and uneconomic land uses, substandard alleys, and inadequate or deteriorated public improvements, facilities, and utilities.

- The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.

- The replanning, redesign, and development of portions of the Project Area, which are stagnant or improperly utilized.

- The provision of opportunities for participation by owners and tenants in the revitalization of their properties.

- The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new residential, commercial, and light industrial expansion, employment, and social and economic growth.

- The provision of adequate land for parking and open spaces.

- The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements, which provide unity and integrity to the entire Project.

- The expansion, improvement, and preservation of the community's supply of housing available to low- and moderate-income persons and families.

The goals and objective for the APIP were incorporated into various key City of Alameda planning documents since 1998:

- In 2003, a Housing Element was adopted which reflected the housing development goals for the APIP.

- In 2003, 123 acres in the APIP area (the "Exchange Area") were transferred to the Business and Waterfront Improvement Project Area (BWIP) through an amendment process.

- The City's General Plan was also amended in 2003 to address the reuse and redevelopment of the NAS. The CIC had adopted the APIP under special provisions regarding closed military facilities. At that time, the General Plan designation for the majority of the project area was Federal Facilities. California Redevelopment Law requires that the CIP and General Plan be consistent in order for tax increment to be spent. Therefore, until 2003, redevelopment activities were funded with a loan from the City of Alameda General Fund. The General Plan policy direction was presented in a set of development objectives, which include:

  - Seamlessly integrate Alameda Point with the rest of the City of Alameda
  - Foster a vibrant new neighborhood
  - Maximize waterfront accessibility
  - De-emphasize the automobile and make new development compatible with transportation capacity
  - Ensure economic development
  - Create a mixed-use environment
  - Establish neighborhood centers

In addition to incorporating policies and diagrams from the Reuse Plan, the General Plan Amendment included updated information about the development plans for Alameda Point, the Golf Course and the Wildlife Refuge.

In December 2003, the Alameda Reuse and Redevelopment Authority (ARRA) initiated an 18-month, ARRA-funded pre-development planning effort during which city staff and consultants would prepare a Preliminary Development Concept (PDC) for Alameda Point and negotiate and plan a schedule for the conveyance of the property from the Navy to the ARRA. With the assistance of the Alameda Point Advisory Committee, six well-attended public workshops were held to receive community recommendations on the PDC. Following presentations to and feedback from the Planning Board, Transportation Commission and Economic Development Commission, the PDC was accepted by the ARRA Board in February 2006.

Taking into account land use constraints, physical constraints, institutional and contractual constraints, guiding principals were adopted to ensure consistency with the APIP CIP and General Plan. The PDC is now the primary document for the redevelopment of Alameda Point and its specific goals and objectives are reflected throughout this Five-Year Implementation

Plan. The CIC's ability to implement the goals and objectives of the APIP remain contingent upon two key contractual relationships.

- The ARRA is involved in lengthy negotiations with the U.S. Department of the Navy regarding the timing and financial terms of the conveyance of Alameda Point. Staff continues to meet at least monthly with the Navy to discuss disposition timelines and other administrative activities related to conveyance. Staff also continues to negotiate with the Navy regarding environmental remediation activities, including privatized clean up. Staff is attending Navy-sponsored BCT and RAB meetings to monitor remediation activities and working closely with DTSC and EPA. Conveyance, including resolution of environmental clean up efforts, is estimated by December 2007.

- The CIC/ARRA/City also maintain a contractual relationship with the selected master developer, Alameda Point Community Partners (APCP). APCP, a partnership of Shea Homes, Centex Homes and Shea Properties works closely with the ARRA staff, per the terms of a Conditional Acquisition Agreement (CAA), to assess the feasibility of various development scenarios, including those outlined in the PDC. It is anticipated that a Disposition and Development Agreement will be executed following the conveyance of land from the Navy to the ARRA in December 2007.

III. PROGRAMS, POTENTIAL PROJECTS AND ESTIMATED EXPENDITURES

This section of the Implementation Plan reviews specific programs, proposed projects, anticipated revenues and estimated expenditures for the next five years. Estimated expenditures are based on current and potential activities that achieve the Plan's goals and objectives. These expenses include, but are not limited to, the CIC's senior obligations for long-term debt such as bond payments, fiscal agreements, and ongoing subordinate payments for contracts, reimbursements to other agencies, and operational and administrative costs incurred when carrying out the Redevelopment Plan.

The following program and project descriptions include specific activities for illustrative purposes. The examples are intended to reflect the PDC and to help clarify the range of potential programs, projects, or expenditures, and are not intended to represent an inclusive listing of potential activities. Details will be reviewed annually at the time of adoption of the CIC budget.

III – 1. Estimated APIP Revenues and Expenditures

Table 1 details projected APIP revenues by fiscal year. The projection is based on the fiscal consultant report, which uses a 2% growth rate to determine property valuations. State law requires that 20% of APIP revenues be set-aside for affordable housing projects and those revenues are detailed in Section III-3. The remaining 80% of APIP revenues[1] will be used for non-housing related projects intended to alleviate blighted conditions in the APIP area, and are discussed in Section III-2.

Table 1
Estimated APIP Revenues
(Values in Thousands of Dollars)

FY	2005/06	2006/07	2007/08	2008/09	2009/10
Housing Projects	120	135	136	137	138
Non-Housing Projects	482	325	332	544	547
TOTAL	602	461	468	681	685

[1] The balance is subject to County, local and other statutory pass-thru obligations for APIP established under CRL.

III – 2. APIP Non-Housing Programs

Estimated expenditures on APIP non-housing programs and summary program descriptions are provided below. As projected revenue increases annually, the expenditures are anticipated to deplete resources at the same level. Timing and level of expenditures involve collaborative efforts with private sector entities and other government agencies. Actual expenditures are established annually as part of the CIC budget process. Section III-3 details housing programs, projects and estimated expenditures on an individual project basis.

Table 2
Estimated APIP Non-Housing Expenditures
(Values in Thousands of Dollars)

FY	2005/06	2006/07	2007/08	2008/09	2009/10
Non-Housing Expenditures	482	325	332	544	547

Program: "Implementation of recommendations in the Community Reuse Plan. Examples of specific projects include regulatory changes (revisions to the General Plan and Zoning Ordinance), fiscal impact analyses, etc., necessary for high quality development within the APIP."

Status:

- Completed Project: Housing Element updated to include Alameda Point in 2000.
- Completed Project: General Plan Amendment Environmental Impact Report (EIR) was certified by the City in 2003.
- Completed Project: General Plan Amendment for Alameda Point and new Housing Element adopted in 2003.
- Completed Project: ARRA has accepted the Preliminary Development Concept to guide reuse and redevelopment activities. The PDC anticipates development informed by the following seven principles:

    - Each phase of the development should support and contribute to the creation of a balanced mix of land uses at Alameda Point to build community and create a pedestrian friendly environment.

    - Development at Alameda Point should be transit-oriented and facilitate convenient access to multiple modes of transportation in close proximity to homes and businesses.

    - Alameda Point development must be well integrated into surrounding existing neighborhoods.

    - The development of Alameda Point should support creation of a diverse community with a variety of housing types, income groups, employment

and recreational opportunities.

- The development at Alameda Point must be an economically viable project that will not require or rely upon General Fund subsidies.

- The development at Alameda Point should support and facilitate the environmental remediation program and facilitate conveyance of the property from the U.S Navy.

- Alameda Point should be a sustainable, environmentally sound community. Site planning, building orientation, landscape design and materials, construction techniques, choice of transit vehicles, and opportunities for partnerships with Alameda Power and Telecom and the use of solar power must all be carefully considered throughout the initial design, construction, and maintenance phases of the project.

- On-going Project: Conveyance negotiations on-going with Navy. EDC MOA amendment to be complete by December 2007.

- On-going Project: Master Developer for AP selected in 2001. Exclusive Negotiating Agreement completed in 2002. Conditional Acquisition Agreement approved in November 2003. Cooperative efforts to complete pre-development tasks and related negotiations are on-going. An 18-month EIR and entitlement process to begin in July 2006. A Disposition and Development Agreement (DDA) anticipated to be complete in December 2007.

Redevelopment of Alameda Point will be phased over 15 years, with Phase I activities occurring from 2008 – 2013. With the completion of the General Plan Amendment in 2003, the Community Reuse Plan goals and objectives were folded into the City's General Plan. The Reuse Plan has been further refined through the PDC. Therefore, this "Program" has been replaced, for redevelopment purposes, by these updated documents.

Program: "Facilitation of high priority privately or publicly sponsored catalyst development projects in the form of financial/engineering/architectural/ environmental analyses, site planning and project development, etc. Possible projects include adaptive reuse of existing industrial or commercial sites or buildings on the former base, including, but not limited to, non-traditional residential activities such as live/work spaces, and acquisition, disposition or reuse of underutilized public or privately owned properties.

Status:

- On-going Project: Environmental Remediation – The Navy is actively working with the USEPA and the California EPA to evaluate and clean up environmental contamination throughout Alameda Point. The environmental regulatory agencies have approved closure of many fuel storage tanks and other petroleum facilities. For

other sites investigation and cleanup are in progress. All of the sites with non-petroleum contamination are being investigated and some are in the active clean-up phase. A few non-petroleum sites have achieved closure sign-off from the environmental regulators, e.g., the Skeet Range and the Former Transformer Storage Area. By the end of 2010, the Navy's cleanup is expected to be complete or to have progressed to a long-term monitoring phase for most areas, but not the West Beach Landfill (IR-02), the Northwestern Ordinance Storage Area (IR-32), and the most industrialized areas (OU-2) north and east of the Seaplane Lagoon.

- On-going Project: Ploughshares Nursery, an economic development endeavor of the Alameda Point Collaborative, is open for business on four acres of open space fronting Main Street. During the next several years, permanent improvements will include an indoor retail and classroom facility as well as propagation and outdoor sales areas.

- On-going Project: In accordance with the Stuart B. McKinney Act of 1987 the ARRA subleased over 178,000 square feet of existing buildings to the Alameda Point Collaborative for use in providing supportive services and economic development opportunities. $330,000 of Community Development Block Grant funds have been invested in upgrades to these facilities as well as in technical assistance to enhance the capacity of Alameda Point Collaborative staff to provide services to the residents of 200 very-low income housing units at Alameda Point.

According to the PDC, between 2008-2013, only Phase I of the plan will be implemented. Phase I is proposed to include 107,000 square feet of Community/Civic/Institutional uses, 512,000 square feet of office and research/development uses, and 115,000 square feet of town-center retail space. At the completion of Phase I redevelopment in 2013, the following physical improvements will be in place:

- Potential Project: A Town Center on the Seaplane Lagoon with up to 115,000 square feet of community retail shops and services.

- Potential Project: Several new neighborhoods with parks, pedestrian pathways and neighborhood centers will be built. These new neighborhoods will add up to 1,100 new housing units. A minimum of 25% of the new housing will be affordable to very low-, low-, and moderate-income households. Neighborhood-serving, small-scale retail centers will offer commercial services, day care centers, places of worship etc.

- Potential Project: Approximately 500,000 square feet of job generating non-residential uses, including industrial and manufacturing businesses, maritime related businesses, research and development businesses, office uses and other commercial enterprises.

- Potential Project: 50-acre regional sports complex to be located at Alameda Point. The complex will include soccer fields, baseball fields, swimming facilities and a gymnasium.

- Potential Project: Approximately 44 contributing structures in the historic district will be preserved and adaptively reuse consistent with the Secretary of the Interior Standards for the Preservation and Rehabilitation of Historic Structures.

- Potential Project: 215-acre Alameda Point Golf Course/Resort Development/Public Access project to be located in the northwest corner of Alameda Point. The proposed new development will include public access lands along the water's edge consisting of two public parks, a hiking and biking trail, parking and restrooms. The 2002 Request for Qualifications did not result in the selection of a golf course/resort hotel developer. The Golf Course project Draft EIR has been released and will be presented at a Public Hearing in June 2006.

Program: "Support for ongoing activities aimed at business attraction/retention, business promotion, and enhancement of the economic mix in the APIP area. Potential projects include contracting with local and regional business associations for design, promotional business retention and attraction activities. Possible projects include financial assistance for facade improvements of commercial buildings, seismic upgrading and the adaptive reuse of key landmark buildings. This will help achieve the goal of strengthening commercial and industrial business districts in the APIP."

Status:

- Completed Project: Electrical System conveyed by ARRA to Alameda Power & Telecom.

- Completed Project: Alameda Power & Telecom completed installation of underground high-speed fiber optic system at Alameda Point that serves the entire island.

- Completed Project: Electrical services were relocated and upgraded for Pier 2 and Pier 3 to accommodate a 20-year sublease to MARAD.

- Completed Project: Electrical, plumbing and structural upgrades have been completed with $10 million grant from the EDA to Hanger 11, 23 and 39 and Building 77, 400A and 530, to attract several key business tenants.

- On-going Project: The ARRA has an active interim leasing program with more than 90 businesses, with 2000 employees, occupying 2 millions square feet of existing space at Alameda Point.

Program: "Design and construction of streetscape improvements. Possible projects include feasibility studies to carry out the recommendations contained in the NAS Alameda Street Improvement Plan."

Status:

- Completed Project: Main Street Linear Greenway property acquired and improvements complete.

- Potential Project: The ARRA approved a Streetscape Beautification Agreement with the Master Developer in September 2002. No funding has been identified for this project to date.

- Potential Project: Main Street will be reconfigured to include one lane for cars in each direction, a center turning lane, 5-foot bike lanes and on-street parking. Landscaping will complement the improvements made along the Main Street Linear Greenway.

Program: "Improvements to traffic circulation and regional access to the City. An example is the determination of an alignment for the proposed Mitchell-Mosley and/or Tinker Extension, which will guide development on FISC properties. Establishment of the alignment will improve circulation to presently underutilized properties, making them suitable for private development."

Status:

- Ongoing Project: The Mitchell-Moseley and Tinker Improvements are both in the BWIP area following the 2003 boundary adjustment. Therefore, the status of these projects is tracked in the BWIP Five-Year Implementation Plan. However, the importance of the improvements to the redevelopment of the APIP remain significant. The Tinker Extension is scheduled to be completed in 2009. The Mitchell-Moseley improvements will provide major access point to Alameda Point but will be configured as a neighborhood boulevard west of the intersection at Main Street. The Mitchell-Moseley improvements are scheduled to be completed in 2015. A portion of Mitchell-Moseley will be constructed as part of the Phase I AP improvements.

- Ongoing Project: ARRA received a $250,000 MTC grant in 2005 to prepare a specific plan for the proposed multi-modal transit center at Alameda Point. The specific plan will be completed in early 2007.

- Potential Project: A multi-modal transportation program designed to attract new homeowners and businesses that are willing to pay for, support and use transit and other alternatives to the automobile is planned for Alameda Point. The program

includes frequent bus and ferry services, use of zero or low emission transit vehicles, car-share and bicycle facilities etc.

Program: "Improvements to public infrastructure and facilities that are of benefit to the APIP and allowed by Community Redevelopment Law. Possible improvement projects include transportation, parking, public safety, storm drains, sidewalks, curbs, gutters, sewer lines and laterals. Examples of possible projects include developing more public parking; developing new park and recreational open spaces; and improving existing open spaces."

Status:

- Completed Project: Public Works completed a water separation project to segregate the fire suppression system from the domestic water system.

- On-going Project: PM Realty Group, on behalf of the ARRA, has replaced and/or repaired raised sidewalks throughout Alameda Point, with emphasis on areas experiencing the greatest pedestrian traffic. Annual assessments and repairs are done utilizing non-redevelopment funds.

- On-going Project: A 565 acre national wildlife refuge currently managed by the US Fish and Wildlife Service to protect migratory birds, endangered species and other wildlife habitat. The US Navy intends to transfer the ownership of the land to the US Fish and Wildlife Service in the future.

- Potential Project: A key component of the golf course/conference center will be development of a shoreline trail along the Estuary. Looping through the golf course, it will connect to the Wildlife Refuge trail, or return to the Main Street portion of the Bay Trail. The conceptual golf course plan provides three park areas along the trail, with a waterfront promenade, esplanade, observation points, and picnic facilities. Approximately 14,000 feet, or almost three miles, of new trail would be provided by the project.

- Potential Project: Seaplane Lagoon: The PDC recommends a major new park on the north side of the Seaplane Lagoon. The park may include areas for passive recreation, water access, and organized community gatherings and still preserve bay views.

- Potential Project: Water System/Sanitary Sewer, Storm Drain and Dry Utility System: The existing systems at Alameda Point are not built to current City or utility company standards so the PDC recommends the systems be replaced with new pipes and structures on a phased basis as each phase of the development is constructed.

Program: "Development of design improvements and coordinated design standards for the Atlantic Avenue entrance to APIP. Possible projects include preparation of streetscape improvements."

Status:

- Potential Project: The PDC recommends that the existing Atlantic Avenue be straightened by extending Ralph J. Appezzato Memorial Parkway directly west to and along the north side of the Seaplane Lagoon and San Francisco Bay. This broad boulevard could accommodate rail or bus ways in the future. Implementation is anticipated as part of the Phase I AP redevelopment (2008-13).

Program: "The current basis of calculating State's Education Revenue Augmentation Fund (ERAF) payments is subject to change, but the CIC does make annual payments."

Status:

- On-going Project: State Legislature re-established a requirement for redevelopment agencies to make ERAF payments during FY 2002/03. Through FY 04/05 the CIC has made $1,638,247 in ERAF payments.

Program: "Administrative and personnel costs associated with carrying out all of the above programs, projects and expenditures."

Status:

- On-going Project: Both the CIC and ARRA budgets support on-going administrative and personnel costs. During FY 2003/04, the ARRA budgeted $3.5 million toward the 18-month pre-development planning period that resulted in the PDC.

III-3. APIP Housing Programs

The Community Improvement Commission is committed to meeting its requirements for affordable housing under Community Redevelopment Law.

Section 33413(b) of the Health and Safety Code (Community Redevelopment Law) requires that (a) "at least 30 percent of all new or rehabilitated dwelling units developed by an Agency shall be available at affordable housing cost to persons and families of low- moderate-income" with not less than 50 percent of such units to be occupied by very low-income households and (b) "at least 15 percent of all new or rehabilitation units developed by public or private entities or persons other than the Agency shall be available to persons of low- or moderate-income" with not less than 40 percent of such units to be available at affordable housing cost to very low-income households. The housing units referred to in this paragraph must remain affordable for not less than 55 years for rental units and 45 years for homeownership units.

Section 33413 was amended, effective January 1, 1992, to require the CIC, as a redevelopment agency, to adopt an inclusionary housing compliance plan to insure that such requirements will

be met every ten years. Every five years the plan must be reviewed in conjunction with the City of Alameda Housing Element cycle and, if necessary, amended. If the 30/15 percent housing requirements are not met by the end of the ten-year period, then the CIC must meet these goals on an annual basis until the requirements for the ten-year period are met. If the CIC has exceeded the housing requirements for the ten-year period, the CIC may count the excess units toward compliance in the next period.

Ten-Year Production

Special legislation affords Alameda the option of counting housing units given over for housing the homeless against state-mandated inclusionary housing units, required at a rate of 15 percent of new units built. A legal settlement with Renewed Hope and Arc Ecology requires that 25% of the new units built at Alameda Point be available to and occupied by, very low-, low-, and moderate-income families. Two hundred units have already been rehabilitated and converted for very-low income housing units and are managed by the Alameda Point Collaborative under several 59-year long-term leases. This conveyance is the result of negotiations with the Homeless Collaborative in compliance with the Stuart B. McKinney Act of 1987 and subsequent federal legislation.

The FY 1997-2003 CIP approved by the CIC assumed the development of 157 new units in the first ten years of the APIP CIP. It is anticipated that none of these units will be developed by the CIC, acting as the developer. The CIC may, however, acquire parcels or provide other financial contribution based on demonstrated need to assist developers in the provision of these affordable units. Consistent with the Housing Element adopted on May 6, 2003, it is the policy of the CIC to require developers to construct housing units for low and moderate-income households within their projects. Furthermore, a minimum of six percent of the total units in each residential development must be affordable to very low-income households.

Since the inception of the APIP in 1997, there have been no new units developed by the CIC. Two hundred forty-six (246) substantially rehabilitated units were developed by other public or private developers in the five-year period 1997-2002. Of these, one hundred seventy-eight (178) are affordable to very-low income households. Not included in these production numbers is the Spirit of Hope II development located in the Alameda Point Improvement Project (APIP), which utilized BWIP funding to produce 22 units of housing affordable to very low-income households. California Redevelopment Law allows the aggregation of units, and a finding has been made that, based on substantial evidence, aggregation of these APIP units with the BWIP will not cause or exacerbate racial, ethnic, or economic segregation. These units were aggregated to meet the inclusionary requirement for the BWIP for the 10-year period 1994–2004. Given delays in the conveyance of land to the ARRA no new housing units have been constructed in the APIP. Inclusionary housing production developed in the APIP during the last period exceeded the CRL 15% inclusionary requirement and will be carried forward into the current period.

Table 3 shows the historical production of housing in the APIP (The calculation of inclusionary housing units reflects the established City policy of rounding to the nearest whole unit.)

Table 3 **APIP Historical Housing Development (1997 – 2006)**				
	Total Units	**Very Low**	**Low/Mod**	**Market**
Total Units Developed	246	178	0	68
Inclusionary % **(CRL requires 15%)**		72%		

It should be noted that a policy to increase the inclusionary requirement to 25% in all redevelopment areas has also been adopted in the City's Housing Element and by the CIC. Therefore, the CIC anticipates it will continue to exceed inclusionary requirements within the APIP for the remainder of the ten-year period.

Table 4 details the number of units projected to be completed during the ten-year plan period covering 7/1/05 – 6/30/10. According to the PDC, between 2008-2013 only Phase I of the plan will be implemented. Phase I is proposed to include the 200 affordable housing units already occupied and 1148 newly constructed housing units built primarily by private developers in a range of housing types that will serve a diversity of household sizes, incomes and ages. It is not anticipated that the CIC will develop new units during this current period. 25% of new units built will be inclusionary units with 6% affordable to very-low income households. For the remainder of the plan, the CIC anticipates that an additional 587 units will be constructed with 25% inclusionary units. It should be noted that, as predicted in the Housing Element, any Navy delay in completing environmental remediation and conveyance related activities would impact the housing production schedule at the APIP.

Table 4 **Projected APIP Housing Development**						
FY	2005/06	2006/07	2007/08	2008/09	2009/10	Total
New Housing Units Developed	0	0	0	300	300	600
Total Inclusionary Housing Units	0	0	0	75	75	150
Very Low-Income Units	0	0	0	18	18	36
Low/Moderate-Income Units	0	0	0	57	57	114

Table 5 details the Housing Fund balance and projected Revenue and Expenditures for the APIP project area. It is anticipated that during the five-year period covering 7/1/05 – 6/30/10, the ARRA will provide $3.6 million of Housing Funds to satisfy the Alameda Point Collaborative's contribution to infrastructure for its existing 200 very-low income units. By agreement, the

ARRA will provide. The use of any remaining APIP 20% funds will be made available to projects at Alameda Point consistent with State Redevelopment Law.

Table 5
Estimated Revenues and Expenditures of APIP Housing Fund
(Values in Thousands of Dollars)

FY	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Est. Revenue	120	135	136	137	138	621
Est. Expend.	120	135	136	137	138	621
Ending Balance	0	0	0	0	0	0

It is anticipated that no excess surplus will exist for the duration of this Implementation Plan. Once the $3.6 million APIP housing funds obligation to infrastructure noted above is met, future funds will be accumulated until sufficient funds exist to assist the Alameda Housing Authority in the development of an affordable project or to assist a private developer in completing a larger project with a significant number of affordable units. It is anticipated that the units noted above would be both owner- and tenant-occupied. A variety of financial tools are available to assist affordable housing development. In addition to the 20 percent housing set-aside (Housing Fund), federal HOME funds, City Affordable Housing fees and tax-increment financing could be utilized to assist such development.

III-4 Plan for Replacement of Demolished Existing Affordable Housing

No demolition of occupied affordable housing which would require replacement (Per Section 33413(a) of CRL) is anticipated in the APIP, and no replacement housing is expected to be required. If replacement housing is required, it would be provided consistent with CRL requirements, including those related to location. Replacement housing could be provided in residentially-designated areas within the APIP or, following adoption of a resolution beneficial to the Project Area, units could be acquired or developed on a scattered basis outside of the Project Area at a rate of two units for every one unit of affordable housing removed.

III-5 Expenditure Targeting Statutory Requirements for Housing

CRL requires agencies to set aside, in a separate low and moderate income housing fund, at least 20% of all tax increment revenue generated from their project areas for the purpose of increasing, improving and preserving the community's supply of low and moderate income housing. Revisions adopted under AB 637, effective January 1, 2002, and SB 701, effective

January 1, 2003, require agencies to address how their Housing Fund expenditures will meet the newly instituted Housing Fund Targeting requirements. Section 33334.4 of the Health and Safety Code has been amended to include the following:

Income Targeting

Each agency shall expend over each 10 year period the monies in the Low and Moderate Income Housing Fund to assist with housing for persons of low income and housing for persons of very low income in at least the same proportion as the total number of housing units needed for each of those income groups to the total number of units needed for persons of moderate, low, and very low income within the community, as those needs have been determined for the community.

The number of units needed for low and very low income households relative to the total number of units needed for persons of moderate, low, and very low income within the community is determined by the Regional Housing Need Determination (RHND), also called the "fair share" determination. The Association of Bay Area Governments (ABAG) calculates this every five years. Based on the current regional fair share allocation, 34% of the CIC Low and Moderate Income Housing Fund for each project area must be targeted to very-low income households and 20% to low income households. According to the RHND, the City of Alameda will need to develop 443 units affordable to very-low income households and 265 units affordable to low income households in order to meet its regional fair share goals. The legislation requires agencies to account for Low and Moderate Income Housing Funds spent by income levels in both the "past period", which is defined to be from July 1, 1997, to June 30, 2005, and for the "current period", defined to be from July 1, 2005 to June 30, 2010. Table 6 lists past and current period expenditures by income affordability of units produced in the APIP.

All of the projected APIP expenditures in the current period will be used in support of very low-income units through the $3.6 million contribution to be made by the CIC on behalf of the APC. Therefore, the planned CIC contributions exceed CRL income targeting requirements for very-low income households in the current period. Over the lifetime of the redevelopment project area, the income targeting requirements will be met via projects funded by the CIC, as well as those private developers construct for low income households. All units will be restricted by a recorded covenant in accordance with the requirements of CRL. The CIC will work closely with APCP during the current period to ensure that a detailed production schedule, that meets the RHND targeting requirements, is developed and implemented when new housing development begins at Alameda Point.

Table 6 Estimated APIP Income Targeted Fund Expenditure (Values in thousands of dollars)					
	Past Period: FY 1997-98 to FY 2004-05		Current Period: FY 2005-06 to FY 2010-11		
	Funds Expended	% Total Funds Expended	Funds Expended	% Total Funds Expended	RHND Targeting Requirement
Very Low Income (VLI)	126	100%	1325	100%	34%
Low Income (LI)				0%	20%
Moderate Income (Mod)				0%	46%
TOTAL APIP	126	100%	1325	100%	

Table 7 Estimated Income Targeting Expenditure (Values in thousands of dollars)					
	2005/06	2006/07	2007/08	2008/09	2009/10
Very Low Income (VLI)	120	135	136	137	138
Low Income (LI)	0	0	0	0	0
TOTAL APIP	120	135	136	137	138

Targeting for Persons Regardless of Age

Each agency shall expend over the duration of each Implementation Plan, the monies in the Low and Moderate Income Housing Fund to assist housing that is available to all persons regardless of age in at least the same proportion as the population under age 65 bears to the total population of the community as reported in the most recent census of the United States Census Bureau.

As of January 2002, the Agency is required to target unit production to persons regardless of age in at least the proportion of the population under sixty-five to the total population, as listed in the latest Census. According to the 2000 Census, the City of Alameda's population of 72,259 persons consists of eighty-seven (87%) percent persons under the age of sixty-five, and thirteen percent (13%) over the age of sixty-five. As with the income targeting requirement, the legislation requires that funds targeted by age levels report expenditures in the "past period" (FY 1997/98 to FY 2004/05) and the "current period" (FY 2005/06 to FY 2009/10). Table 8 shows the status of the APIP in meeting this requirement.

In the past period, 100 percent of APIP funds have been spent on housing for persons regardless of age. In the current period, 100 percent of APIP funds will be targeted for

housing for persons regardless of age. The CIC is therefore, exceeding CRL requirements.

Table 8
APIP Fund Expenditure Targeting on Persons Regardless of Age
(Values in thousands of dollars)

	Past Period: FY 1997-98 to FY 2004-05		Current Period: FY 2005-06 to FY 2014/2015		
	Funds Expended	% Total Funds Expended	Funds Expended	% Total Funds Expended	RHND Targeting Require-ment
Senior Housing	0	0%	0	0%	Less than 13%
Non Senior Housing	126	100%	1325	100%	At least 87%
TOTAL APIP	126	100%	1325	100%	

IV. APIP BLIGHTING CONDITIONS

The APIP CIP identifies the existing conditions of blight as defined under the special legislation established for decommissioned military bases in Section 33492.11 of the CRL. The major blighting conditions of the APIP are as follows:

- Buildings in which it is unsafe or unhealthy for persons to live and work - The NAS facility consists of many old, deteriorated and functionally obsolete buildings, many of which must be demolished due to a lack of maintenance by the Navy, resulting from a lack of funds and the anticipated closure.

- Factors inhibiting economically viable reuse of buildings or areas - In many cases, the cost of a total building upgrade would exceed the replacement value of the structures and would require enormous initial capital investment.

- Incompatible uses - The large scale maintenance and repair work performed at the base has resulted in many adjacent uses that would be incompatible in civilian communities. Many heavy industrial uses are located near residential areas, with large warehouse structures inappropriately located in residential neighborhoods.

- Buildings that will not comply with subdivision, zoning, or planning regulations - Alameda Point land use patterns differ from traditional, private industrial developments. Buildings on the base are distributed in clusters of warehouses and industrial buildings for which legal parcels have not been created, points of entry and vehicle access are limited, and there is minimal landscaping on APIP properties.

- Infrastructure that does not meet current standards - Then need for new infrastructure, which is necessary to revitalize the 1,700 plus acre complex, is overwhelming to a city the size of Alameda. Specifically, the cost for infrastructure improvements is estimated to be $300 million.

V. ALLEVIATION OF BLIGHT

This section of the Implementation Plan describes how the planned projects are intended to alleviate the physical, social or economic blight in the Project Area. As set forth in Section III-3 the CIC's housing goals, objectives, programs and expenditures will implement the affordable housing requirements of Sections 33334.2, 33334.4, 33334.6 and 33413. Provided below is a summary of the major existing blighting conditions observed in the APIP and the projects and expenditures proposed to alleviate the blight. The table on the following page correlates to the proposed projects.

V-1 Alleviation of Structural Blight

Structures that are unfit or unsafe to occupy because of: defective design or age, obsolescence, deterioration, dilapidation, toxic contamination, mixed character or shifting uses. In the APIP, catalyst private-sector residential and commercial projects and development of design improvements and design standards will help alleviate structural blight by facilitating projects that spur an increase in economic activity and private sector investment in nearby properties. Investment has begun in the existing buildings at Alameda Point that are part of the interim leasing program. Only those buildings and grounds that do not require environmental remediation are involved in the interim leasing program. The PDC identifies particular historic structures that will receive significant investment and remain part of the historic district as well as others that are functionally obsolete and will be replaced with new development.

V-2 Alleviation of Physical Non-Structural Blight

Non-structural blight is characterized by properties that suffer from economic dislocation, deterioration, or disuse because of various physical, social, and economic conditions. Blighting physical conditions present in the Project Area include: inadequate public improvements, facilities, and utilities and major environmental contamination. Catalyst residential and commercial projects, design and construction of streetscape improvements and development of coordinated design standards are all intended to help improve inadequate physical conditions by directly providing public improvements, facilities, and utilities or by providing revenues for public improvements, facilities, and utilities. The PDC includes extensive plans for infrastructure improvements that will support reinvestment as well as environmental remediation strategies that will enable residential, commercial and public uses at Alameda Point.

V-3 Alleviation of Social Non-Structural Blight

Social conditions that result in non-structural blight include inadequate open spaces and recreational facilities, and the prevalence of social maladjustment. Many recreational facilities are available at Alameda Point including the O'Club facility, skateboard park, soccer fields and open spaces. Social non-structural blight will be addressed by providing open space and recreational facilities and mitigating burden and detriment to other taxing entities that provide recreational and educational facilities. The extensive public infrastructure improvements identified in the PDC will also help alleviate these social conditions. The PDC includes plans for a new Golf Course, Sports Complex, and extensive bike and pedestrian routes.

V-4 Alleviation of Economic Non-Structural Blight

Depreciated values, impaired investments, and economic maladjustments are economic conditions that lead to non-structural blight. In the APIP the support for business retention and attraction efforts has the primary objective of easing these conditions by increasing the demand for existing commercial, industrial and residential structures within the Project Area. In addition, future commercial, industrial and residential development will help alleviate the economic non-structural blight, as will the removal of existing environmental and other development constraints.

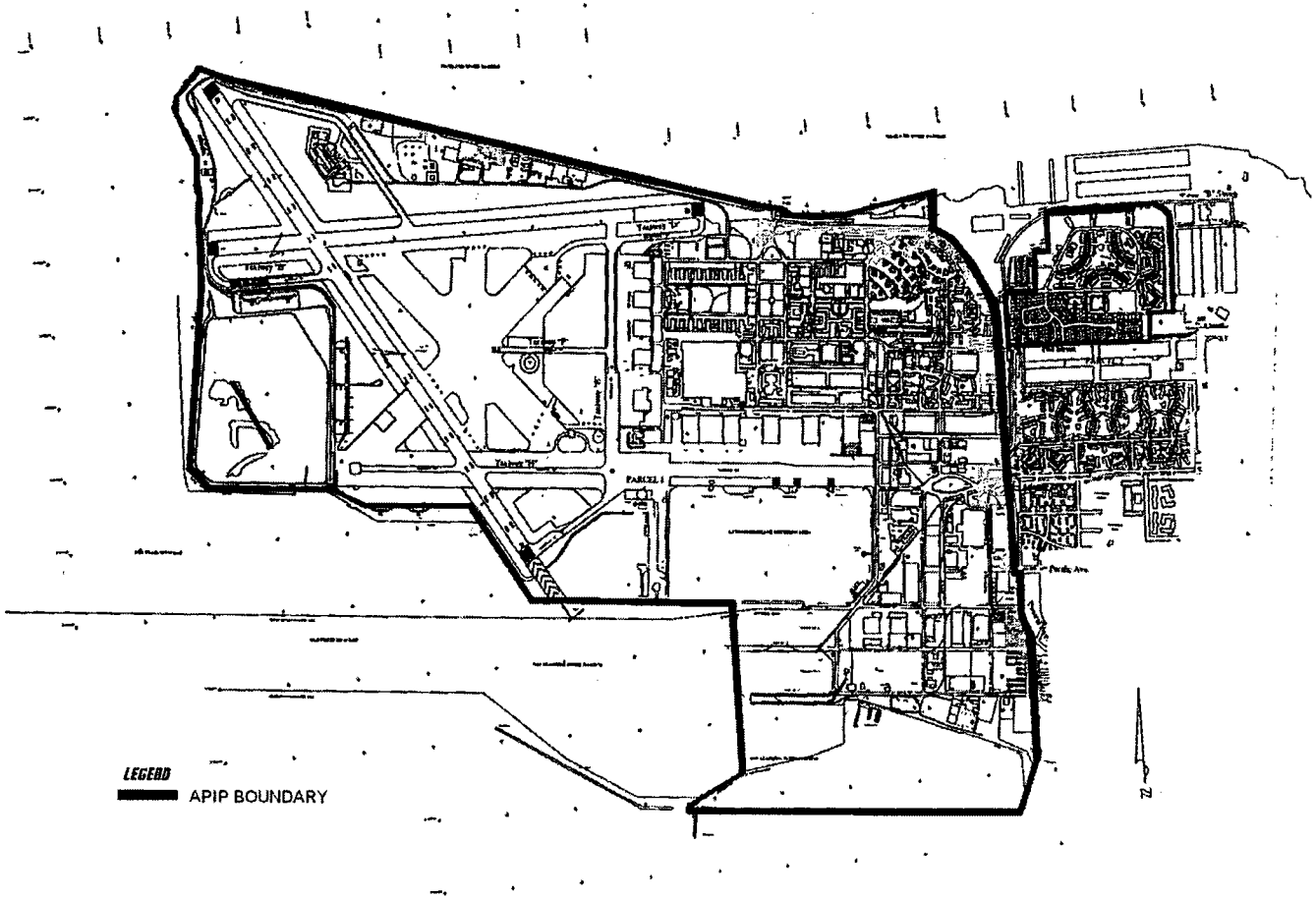
Table 8
APIP: Alleviation of Blight

	Structural Blight	Non-Structural Blight		
		Physical	Social	Economic
Recommended Regulatory Refinements	*			*
Catalyst Projects	**	**		*
Business Retention/ Attraction				**
Streetscape Improvements		**		*
Traffic Circulation/ Access		*		*
Public Infrastructure/Facilities		**	**	
Design Improvements	**			*
Administrative/ Personnel Costs	*	*	*	*

** Primary Linkage
* Secondary Linkage

EXHIBIT A

MAP OF THE ALAMEDA POINT IMPROVEMENT PROJECT AREA



Boundary Map
Alameda Point Improvement Project
Redevelopment Project
City of Alameda

COMMUNITY IMPROVEMENT COMMISSION
OF THE CITY OF ALAMEDA

RESOLUTION NO._____

ADOPTING THE FIVE-YEAR IMPLEMENTATION PLAN: FISCAL YEARS 2005/06 - 2009/10 FOR THE ALAMEDA POINT IMPROVEMENT PROJECT

Approved as to Form
GENERAL COUNSEL

WHEREAS, the City Council of the City of Alameda originally approved and adopted the Community Improvement Plan for the Alameda Point Improvement Project ("APIP") on March 3, 1998, by Ordinance No. 2754, as subsequently amended;

WHEREAS, the Community Improvement Commission of the City of Alameda ("CIC") has been designated as the official redevelopment agency to carry out in the City of Alameda the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Community Improvement Plan for the APIP;

WHEREAS, Section 33490 of the Health and Safety Code requires that redevelopment agencies adopt five-year implementation plans for each of their redevelopment projects;

WHEREAS, the CIC prepared and adopted the first Five-Year Implementation Plan for the APIP in 1998;

WHEREAS, due to a lengthy community participation-based planning process and delays in negotiations with the U.S. Navy over relinquishing property within the APIP to the CIC, which resulted in very limited tax increment revenue, activities within the APIP were stalled during fiscal years 2003/04 and 2004/05;

WHEREAS, the community participation-based planning process recently concluded with the acceptance of the Alameda Point Preliminary Development Concept and negotiations with the U.S. Navy for the transfer of property within the APIP to the CIC are nearing completion;

WHEREAS, the CIC has now prepared the Five-Year Implementation Plan for fiscal years 2005/06 through 2009/10 ("Implementation Plan");

WHEREAS, a public hearing was noticed and held by the CIC on June 20, 2006, in accordance with Health and Safety Code Section 33490, for the purpose of reviewing the Implementation Plan and evaluating the progress of

the APIP and the testimony of all persons interested in the matter was heard; and

WHEREAS, the CIC has reviewed and considered the Implementation Plan.

NOW, THEREFORE, THE COMMUNITY IMPROVEMENT COMMISSION OF THE CITY OF ALAMEDA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The CIC hereby adopts the Five-Year Implementation Plan: Fiscal Years 2005/06 - 2009/10 for the Alameda Point Improvement Project, in substantially the form currently on file with the CIC Secretary and presented to the CIC at the public hearing held on June 20, 2006, subject to any further minor, technical or clarifying changes that may be approved by CIC Counsel.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda at a meeting assembled on the 20th day of June, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this ____ day of _____, 2006.

_____
Lara Weisiger, Secretary
Community Improvement Commission

_____
Beverly Johnson, Chair
Community Improvement Commission

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Kenny Arnerich

Signature: *Beverly J. Johnson, Mayor*

Date: *June 20, 2006*

Agenda Item #3-A
6-20-06

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Danny Brown

Signature: _____ *Date:* *June 20, 2006*

Beverly J. Johnson, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Jeff Croft

Signature: _____ *Date:* *June 20, 2006*

Beverly J. Johnson, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Devin Grigg

Signature

Beverly J. Johnson, Mayor

Date: June 20, 2006

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Zac Kondo

Signature: _____ *Date:* *June 20, 2006*

Beverly J. Johnson, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Devin Hobbs

Signature: *Beverly J. Johnson, Mayor*

Date: *June 20, 2006*

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Ari Levine

Signature: *Beverly J. Johnson, Mayor*

Date: *June 20, 2006*

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Jason Miller

Signature: _____ *Date:* *June 20, 2006*

Beverly J. Johnson, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Westin Moyer

Signature: _____ *Date:* June 20, 2006

Beverly J. Johnson, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Jeff Murphy

Signature: _____ *Date:* *June 20, 2006*

Beverly J. Johnson, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Casey O'Reilly

Signature: _____

Beverly J. Johnson, Mayor

Date: June 20, 2006

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Jeff Perri

Signature: _____ *Date:* *June 20, 2006*

Beverly J. Johnson, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Brian Peterson

Signature: _____
Beverly J. Johnson, Mayor

Date: *June 20, 2006*

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Alex Prael

Signature: *Beverly J. Johnson / Mayor*

Date: *June 20, 2006*

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Jordan Pries

Signature: _____
Beverly K. Johnson, Mayor

Date: *June 20, 2006*

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Jordan Scott

Signature: _____ *Date:* *June 20, 2006*

Beverly J. Johnsen, Mayor

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Will Sherratt

Signature: *Beverly J. Johnson, Mayor*

Date: *June 20, 2006*

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Paul Wada

Signature: _____

Beverly J. Johnson, Mayor

Date: June 20, 2006

Certificate of Achievement

presented to

Alameda High School

2006 N.C.S. Baseball Champion

Anthony Woodd

Signature: _____

Beverly J. Johnson, Mayor

Date: June 20, 2006

Proclamation

Whereas, members of the Alameda gay and lesbian community recognize June as their international month of pride and celebration; and

Whereas, members of our gay and lesbian community contribute to and participate in activities beneficial to the City of Alameda; and

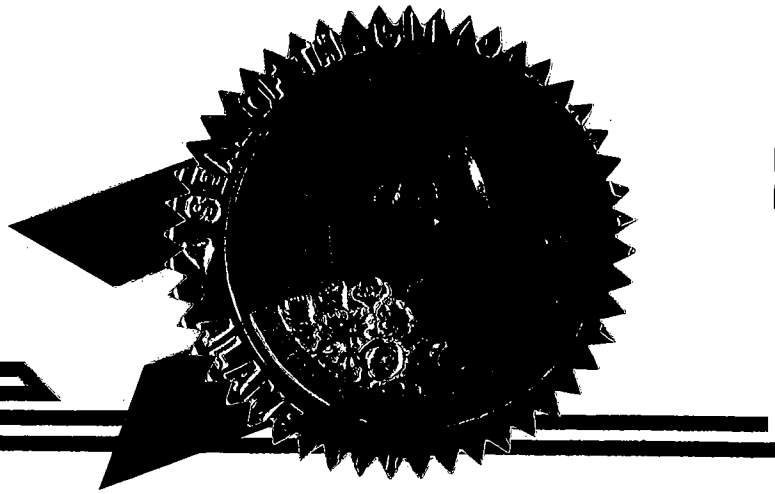
Whereas, members of the Alameda gay and lesbian community share in and contribute to our collective culture of strong, loving, and enduring friendships and families; and

Whereas, members of the Alameda gay and lesbian community have and continue to dedicate their lives to our country in every capacity, including the military and military reserves, in times of peace and war; and

Whereas, members of the Alameda gay and lesbian community have made numerous material and financial contributions in support of various city-wide activities and projects; and

Whereas, members of the Alameda gay and lesbian community have and continue to serve on various City boards, commissions, and committees, such as the Social Service Human Relations Board, Cable Television Oversight Committee, Restoration Advisory Board, Police Department Community Advisory Committee, and Library Board.

Now therefore, I, Beverly Johnson, Mayor of the City of Alameda, hereby recognize the contributions to our city by our gay and lesbian citizens and encourage the community to recognize these contributions, particularly during the month of June; Gay Pride Month.



Beverly J. Johnson
Mayor

Proclamation 3-B
6-20-06

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 30, 2006- -5:30 P.M.

Mayor Johnson convened the special meeting at 5:40 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Labor Negotiators; Agency negotiators: Marie Gilmore and Frank Matarrese; Employee: City Attorney.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that the Council received a briefing from its Labor Negotiators regarding the City Attorney position.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 6:00 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL CITY COUNCIL MEETING

TUESDAY- -MAY 30, 2006- -6:00 P.M.

Mayor Johnson convened the special meeting at 6:15 p.m. Councilmember Matarrese led the Pledge of Allegiance.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese and Mayor Johnson - 5.

Absent: None.

(06-) Study Session to consider the City's Two-year Financial Plan and Capital Improvement Projects for Fiscal Year 2006-08.

The City Manager gave a Power Point presentation.

During review of the Public Works budget, Councilmember Matarrese requested the structure of the Public Works budget be reviewed to ensure the infrastructure hole is not being dug deeper.

During review of the Capital Improvement Projects (CIP) budget, Mayor Johnson requested the fund balances for funds, such as the sewer fund.

Councilmember Daysog requested the list of streets that are being considered for resurfacing.

Councilmember deHaan requested the list and amount for the renovations under the "other building renovations" category.

Mayor Johnson requested information on the condition and amount of repair needed at the Alameda Point gym.

In response to Vice Mayor Gilmore's question regarding prioritization, the City Engineer stated that she would provide the criteria used to select CIPs.

Councilmember Daysog requested information on the Veterans' building kitchen.

During review of the Library budget, Councilmember Matarrese requested the projected amount of Measure O funds that would be available for branch library improvements.

During review of Challenges, Councilmember deHaan requested a monetary value be placed on the items listed.

Councilmember Daysog stated that he would caution listing items, such as the Webster Street garage and park and ride, prior to obtaining community consensus; the policy discussion should take place prior to reviewing funding.

Councilmember deHaan requested that centralizing City Hall be added to the list of Challenges.

The City Manager concluded her presentation.

Kevin Kennedy, City Treasurer, discussed deferred maintenance, staffing levels and the 10-year financial model tool.

Kevin Kearney, City Auditor, raised questions about un-funded staff positions and discussed the 10-year plan.

Councilmember Daysog stated where the funds for infrastructure would come from should be clear; streets ratings do not need to be A or A+.

Councilmember Matarrese requested that a disproportionate amount of new funding for Fiscal Year 2006-2007 go to Public Works.

Mayor Johnson requested that the figure showing how much additional funding is available for each fiscal year be provided.

Mayor Johnson requested that the numbers be provided for the chart showing the number of full time employees.

Councilmember Matarrese stated a new ground rule should be established to not call department head positions un-funded; further suggested that any un-funded positions, other than department heads, be eliminated.

Councilmember deHaan requested the job descriptions of the positions currently not funded.

Vice Mayor Gilmore suggested that discussion on the positions take place when the de-authorization of the positions is brought back to Council.

Mayor Johnson requested the numbers be added to pie charts; further requested review of the City Charter regarding Council's ability to approve AP&T's budget.

Councilmember deHaan requested that the Alameda Reuse and Redevelopment Authority (ARRA) budget be revisited.

Councilmember Daysog requested the rating sheets for CIPs; further requested copies of all CIP proposals submitted.

Mayor Johnson requested the website include more historic information in order to allow the public to conduct research on-line; requested the reserve be included in pie chart; further requested a goal be set to allow Alameda residents to purchase what they want in Alameda.

Councilmember deHaan requested a more defined golf budget; further requested a side-by-side comparison with the last two-year budget.

David Kirwin, Alameda, suggested the information be put on the website with figures attached; suggested the 10-year tool be placed on the website, too.

In response to Mr. Kirwin's comments regarding redevelopment funding, the Development Services Director provided a brief overview.

Councilmember Matarrese requested the explanation of redevelopment funding be posted on the website.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 9:40 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
WEDNESDAY- -MAY 31, 2006- -5:30 P.M.

Mayor Johnson convened the special meeting at 5:40 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Labor Negotiators; Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: Alameda City Employees Association, International Association of Fire Fighters, International Brotherhood of Electrical Works, and Management and Confidential Employees Association.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that the Council received an update from labor negotiator and direction was given to labor negotiator regarding efforts to various bargaining units in the City.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:15 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL CITY COUNCIL MEETING

TUESDAY - - - JUNE 6, 2006 - - - 6:30 P.M.

Mayor Johnson convened the Special Meeting at 6:35 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Note: Mayor Johnson was present via teleconference from the Paris Hotel, 3655 Las Vegas Boulevard South, Las Vegas, Nevada 89109.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Legal Counsel - Existing Litigation; Name of case: Jose Ricabal v. Yu, City of Alameda, et al.

(06-) Conference with Labor Negotiators: Agency negotiators: Craig Jory and Human Resources Director; Employee organizations and employees: Alameda City Employees Association, Chief of Police, Executive Management Group, Fire Chief, International Brotherhood of Electrical Works, and Management and Confidential Employees Association.

(06-) Conference with Labor Negotiators: Agency negotiators: Marie Gilmore and Frank Matarrese; Employee: City Attorney.

(06-) Public Employment; Title: City Attorney.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Conference with Legal Counsel, Council gave direction to Legal Counsel regarding settlement parameters; regarding Employee organizations and employees: Alameda City Employees Association, Chief of Police, Executive Management Group, Fire Chief, International Brotherhood of Electrical Works, and Management and Confidential Employees Association, Council received briefing from labor negotiators and gave direction; regarding City Attorney, Council received a briefing from Labor Negotiators regarding the City Attorney position.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

UNAPPROVED MINUTES

MINUTES OF THE REGULAR CITY COUNCIL MEETING

TUESDAY- -JUNE 6, 2006- -7:30 P.M.

Vice Mayor Gilmore convened the Regular Meeting at 7:52 p.m. Councilmember deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, and Matarrese - 4.

Absent: Mayor Johnson - 1.

AGENDA CHANGES

Vice Mayor Gilmore announced that the recommendation to approve Employment Agreement [paragraph no. 06-] would be heard prior to Proclamations, Special Orders of the Day and Announcements.

CONSENT CALENDAR ITEM

(06-) Recommendation to approve Employment Agreement for City Attorney.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated the Council spent a lot of time reviewing the position and making the Contract understandable; Ms. Highsmith will be a great City Attorney; he appreciates arriving at a straight forward Contract which will be easier for Council and the public to understand.

Vice Mayor Gilmore stated that the City is very fortunate to have Ms. Highsmith take the position; the City will have continuity.

Councilmember deHaan stated the transition would be easy; Council feels confident that Ms. Highsmith can fulfill the commitments.

Councilmember Daysog stated residents should feel confident; stated Ms. Highsmith will be a great City Attorney.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

Vice Mayor Gilmore stated that Mayor Johnson wished to convey her gratitude and excitement on Ms. Highsmith becoming the new City Attorney.

Ms. Highsmith stated she has been very happy working in Alameda for the past ten years; she enjoys working with the Council; introduced her family.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-___) Library project update.

The Project Manager provided a brief presentation.

Councilmember deHaan stated the Alameda Journal had a great article on the Library project; the article highlights the value engineering efforts which have paid big dividends.

CONSENT CALENDAR

Vice Mayor Gilmore announced that the recommendation to set Hearing date [paragraph no. 06-___], and the Resolutions Authorizing the Filing of Applications for Federal Congestion Mitigation and Air Quality Improvement Program Funding [paragraph nos. 06-___ and 06-___A] were removed from the Consent Calendar for discussion.

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

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.] Note: Councilmember Matarrese abstained from voting on the recommendation to authorize the execution of Landscape Maintenance Management Contract [paragraph no. 06-___].

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*06-___) Minutes of the Special and Regular City Council Meetings held on May 16, 2006. Approved.

(*06-___) Ratified bills in the amount of $4,399,404.21.

(*06-___) Recommendation to award Contracts in the amount of $979,847.26 for Furnishings in the New Main Library. Accepted.

(*06-___) Recommendation to award Contract in the amount of $2,968,704, including contingencies, to Gallagher & Burk for repair and resurfacing of certain streets, Phase 26, No. P.W. 03-06-08. Accepted.

(*06-___) Recommendation to authorize the execution of Landscape Maintenance Management Contract for the City of Alameda Island City Landscaping and Lighting District 84-2 - Marina Village. Accepted.

[Note: Councilmember Matarrese abstained from voting on the recommendation to authorize the execution of Landscape Maintenance Management Contract.]

(*06-___) Recommendation to appropriate $155,300 in Urban Runoff Funds and award a Contract in the amount of $643,779, including contingencies, to Ghilotti Brothers for the Fernside Boulevard Pedestrian Access Improvements near Lincoln Middle School (Safe Routes to School), No. P.W. 11-02-15. Accepted.

(06-___) Recommendation to set Hearing date for delinquent integrated Waste Management charges.

Councilmember deHaan stated he is concerned about how collection would impact individuals; requested clarification prior to the Hearing date on how last year's collection issues were resolved; stated rates were changed and individuals did not think the process was fair.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

(06-___) Resolution No. 13967, "Authorizing the Filing of an Application for Federal Congestion Mitigation and Air Quality Improvement Program Funding for Electric Fleet Vehicles and Charging Stations, Committing the Necessary Non-Federal Match for the Project and Stating the Assurance of the City of Alameda to Complete the Project." Adopted; and

(06-___A) Resolution No. 13968, "Authorizing the Filing of an Application for Federal Congestion Mitigation and Air Quality Improvement Program Funding for Otis Drive/Doolittle Drive/Island Drive Signal Coordination, Committing the Necessary Non-Federal Match for the Project and Stating the Assurance of the City of Alameda to Complete the Project." Adopted.

Councilmember Matarrese stated he requested that the item be pulled from the Consent Calendar to focus the public on the issue; applauded the Public Works Director for pursuing electric vehicles; stated the vehicles would replace polluting cars driven by City employees and would be fueled by Alameda Power and Telecom; traffic signal timing is critical and is a good use of funds.

Councilmember Matarrese moved adoption of the resolutions.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated that adopting the resolutions sets the right tone for residents and businesses.

Councilmember deHaan stated there were many inroads to establish Alameda as an electric City in 1997 and 1998; he hopes the City can build on the direction given; inquired whether there are vehicles made in the United States that are purely electrical that the City could purchase through normal governmental channels.

The Public Works Director responded all electric vehicles are not available through the State procurement process; Requests for Proposals would be sent out after the grant funds are received; there are vendors for electric vehicles.

Vice Mayor Gilmore stated she has received several letters regarding cities joining a Plug-In Initiative; requested more information on the matter.

Councilmember Matarrese stated complaints have been received regarding the traffic signal timing along Otis Drive near Regent Street; suggested painting "Keep Clear" on the street at the intersection.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

REGULAR AGENDA ITEMS

(06-) Public Hearing to consider adoption of Resolution 13969, "Confirming the Business Improvement Area Report for Fiscal Year 2006-07 and Levying an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for Fiscal Year 2006-07." Adopted.

The Business Development Division Manager provided a brief report.

Councilmember Matarrese moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

(06-) Recommendation to approve Alameda Ferry Service actions:

(06- A) Recommendation to authorize the City Manager to execute

First Amendment to the Amended and Restated Ferry Services Agreement with the Port of Oakland;

(06- B) Recommendation to authorize the City Manager to execute extension of Operating Agreement with Blue and Gold Fleet for the Alameda/Oakland Ferry Service and adopt associated budgets;

(06- C) Recommendation to authorize the City Manager to execute extension of Operating Agreement with Harbor Bay Maritime for the Alameda Harbor Bay Ferry and adopt associated budgets;

(06- D) Recommendation to authorize the City Manager to enter into negotiations with the Bay Area Water Transit Authority (WTA) for transfer of the City's Ferry Service to the WTA; and

(06- E) Resolution No. 13970, "Authorizing the City Manager to Apply for Regional Measure 1 Bridge Toll Funds, including Five Percent Unrestricted State Funds and Two Percent Bridge Toll Reserve Funds, for Operating Subsidy and Capital Projects for City of Alameda Ferry Services and to Enter into All Agreements Necessary to Secure These Funds for FY 2006-07." Adopted.

The Ferry Services Manager provided a brief presentation.

Vice Mayor Gilmore commended staff for being proactive in soliciting public input on the WTA negotiations; stated that she assumes that public concerns would be addressed through the course of negotiations.

Councilmember Matarrese congratulated staff and the Harbor Bay Maritime operational group for maintaining service levels; stated he hopes the marketing can be taken to the next level outside of Alameda; he is in favor of negotiations with WTA with the condition that a baseline is set for the current service and there is a guarantee that the service would not drop.

Councilmember deHaan concurred with Councilmember Matarrese; inquired what the fare box was for the Alameda Oakland Ferry Service.

The Ferry Services Manager responded 52%; stated he projects next year would be approximately 49% due to fuel increases.

Councilmember deHaan stated safeguards should be used throughout negotiations; services are hard to get back once they are relinquished; requested more information on WTA's future goals and services; stated jeopardizing the present service level would be unsatisfactory.

Councilmember Daysog stated the Port of Oakland's contribution has

declined significantly; he is not ready to relinquish local control; more information is needed prior to entering into negotiations; he attended one of two public meetings in which ten people attended; questioned whether the attendance was representative of the true passions for the Harbor Bay Maritime Service; stated he is not ready to enter into negotiations.

Councilmember deHaan stated past meetings had high attendance regarding fare box issues; the same individuals need to provide strong input.

Councilmember Matarrese stated that he draws a line between relinquishing the service and the negotiating process; the negotiating process is timely and provides an opportunity to explore conditions and guarantees.

Vice Mayor Gilmore stated proceeding with negotiations is the first step in the process and would involve a lot of public input.

Councilmember Daysog stated he would like to see plans regarding the ferry service from Harbor Bay to Alameda Point and on to San Francisco; he is concerned that a regional agency, such as WTA, relies on regional, State or federal money that is not guaranteed; pressures to rationalize operations could develop; basic, general discussions are needed before negotiations.

Councilmember Daysog moved approval of the staff recommendations excluding the recommendation to authorize the City Manager to enter into negotiations with (WTA).

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

Councilmember deHaan requested the motion include the caveat that there is a certain threshold of anticipation for guarantees that the City wants, and that concerns raised would be discussed and fulfilled.

Councilmember Matarrese inquired how said information would come back to Council; stated negotiations are timely because funding streams are available; inquired whether the reporting back could be structured around timeframes and milestones.

The City Manager responded the Council would be informed throughout the process; timeframes and milestones would be provided to Council.

Councilmember Matarrese inquired whether negotiation starting

points have been established; stated the points should be discussed prior to starting negotiations.

The Public Works Director responded some talking points have been established; stated a date has not been set for negotiations with WTA.

Councilmember Daysog stated he does not recall receiving any input after Closed Session discussions; concerns were raised regarding guarantees for both services; requested feedback regarding concerns before direction is given to negotiate.

The Public Works Director stated a baseline needs to be established within a certain period of time; WTA needs a chance to respond.

Councilmember Daysog stated negotiations could be set up by providing WTA with some broad conceptual points.

The City Manager stated the Council would be updated in terms of the talking points.

Councilmember Matarrese stated he would prefer to authorize the City Manager to set up negotiating dates, but not enter into negotiations until after Council discussions.

Councilmember deHaan stated he would like to have WTA provide a full business plan as part of the Council discussions.

Councilmember Matarrese moved approval of the staff recommendation with direction to bring the matter to the Council prior to the initiation of negotiations in order to allow discussion of the City's position and to obtain background information and plans from WTA.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Daysog stated he was more comfortable with Council direction but would abstain from voting on the matter.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmember deHaan, Matarrese, and Vice Mayor Gilmore - 3. Abstentions: Councilmember Daysog -1. [Absent: Mayor Johnson - 1.]

(06-___) Review of Policies regarding the Naming of City Facilities.

The Acting Recreation and Park Director provided a brief presentation.

Vice Mayor Gilmore requested an explanation on how the Historical Advisory Board (HAB) continually adds to the pool of suggested names available for City property; inquired whether the HAB was the only means for names to get on the list; stated residents and citizen groups have proposed names in the past; inquired whether there was a specific period of time for recommendations.

The Acting Recreation and Park Director responded names are taken on an on-going basis; stated requests are dealt with individually.

The Planning and Building Director stated the HAB has not suggested any new names since she has been with the City; the original list went to the HAB to review the historical validity of the names.

Vice Mayor Gilmore inquired how a citizen's request for recognizing a relative in the street naming process is handled; to which the Acting Recreation and Park Director responded the names are presented to a specific board or commission, depending on the area of interest.

Councilmember deHaan inquired who updated the Official Naming List in 2003, to which the Acting Recreation and Park Director responded the Planning Department.

Councilmember deHaan stated the list was not used for Bayport street naming; the gaps need to be closed.

Councilmember Matarrese stated existing streets should not continue with a different name is another issue, such as Santa Clara Avenue continuing to the Naval Air Station.

The Planning and Building Director stated the policy clarifies that the street name is to continue.

Councilmember Matarrese inquired whether the Bayport streets would be renamed, to which the Planning and Building Director responded there are no plans to change the names.

Councilmember Daysog requested that Willie Stargell's name be forwarded to the HAB.

Councilmember deHaan stated that he supports Councilmember Daysog's request; an open season is needed to update the list; he would prefer to address Councilmember Daysog's request separately.

Vice Mayor Gilmore stated she would like to have the process straightened out before the open season; street naming is becoming more clear; she is unclear on how facilities are named; inquired how the process was established for naming facilities within parks with different names than the park.

The Acting Recreation and Park Director responded the process was recommended by the community at the time.

The City Manager stated staff would provide recommendations to Council in the next couple of meetings.

Councilmember Matarrese requested that flow charts be provided.

Councilmember deHaan stated Council needs to discuss how far the naming policy should extend.

Vice Mayor Gilmore stated there should be consistency between commissions.

The City Manager stated a policy would be provided to Council while moving forward with adding Willie Stargell to the current street naming list.

Councilmember Daysog noted an Alameda resident mentioned naming the Dog Park after a resident who was instrumental in getting the Dog Park up and running.

(06-___) Resolution No. 13971, "Opposing State Legislation to Permit the Towing of Triple Tractor Trailers on State Highways in California." Adopted.

The Assistant to the City Manager gave a brief presentation.

Vice Mayor Gilmore stated previously the City Attorney pointed out that some roads in Alameda are designated as State Highways; potentially triple tractor trailers could move within the City limits; the City would have no jurisdiction or authority to regulate or ban the triple tractor trailers if the legislation passes.

Michael John Torrey, Alameda, stated his position on the matter is neutral; suggested Council ensure that adoption of the resolution does not curtail progress in Alameda.

Councilmember Matarrese stated he would prefer to see the industry remove tractor trailers from the streets and onto rails; he supports the resolution.

Councilmember deHaan inquired whether other cities have adopted resolutions opposing the State legislation.

The Assistant to the City Manager listed cities that have adopted similar resolutions.

Vice Mayor Gilmore stated truck drivers are not in favor of the legislation.

Councilmember Daysog stated the operative clause "...oppose any proposal or legislation at any level of government which would allow increases in the size and weight of trucks and number of tractor trailers permitted on State Highways" seems to be more general than the issue of the triple tractor trailers; the language should be tightened to the issue at hand.

Councilmember Matarrese stated that he supports the resolution as written; the resolution speaks to the infrastructure issue; safety factors would not be better with bigger and longer trailers.

Councilmember Daysog stated that the resolution does not state opposition to truck-only lanes as noted in the staff report; some areas of the State have reasons for truck-only lanes.

The City Attorney stated currently the State occupies the field regarding the weight and size of trucks permitted to travel on State Highways; the resolution does not oppose a truck-only lane but opposes any legislation to increase the current State restrictions; the staff report describes a way around the issue by seeking legislation that would permit private or public partnerships with CalTrans to receive funding for truck-only lanes from somewhere else.

Councilmember deHaan stated further deterioration would occur with increased weight; roads deteriorate quickly enough.

Councilmember Daysog stated goods needs to be moved by rail, ships and trucks; large trucks are not wanted in Alameda; moving goods by truck is an economic reality; the resolution should speak to triple tractor trailers.

Councilmember deHaan stated weight per axel is a concerning factor.

Councilmember Daysog noted Sports Utility Vehicles exceed the weight restrictions outlined in the City's ordinance.

Councilmember Matarrese moved adoption of the resolution.

Councilmember Matarrese stated many things have been done for the sake of economy in the past; the language sets a stake in the ground, addresses concerns regarding size and potential damage, and forces innovative change.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember deHaan stated that triple tractor trailers probably would not be seen in Alameda; hopefully other means of transportation would be used to move goods.

Councilmember Daysog stated triple tractor trailers are a potential hazard that needs to be nipped in the bud; the resolution should be more specific to the problem, not broad and opened-ended; he would abstain from voting on the matter.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers deHaan, Matarrese, and Vice Mayor Gilmore - 3. Abstentions: Councilmember Daysog - 1. [Absent: Mayor Johnson - 1.]

ORAL COMMUNICATIONS, NON-AGENDA

(06-___) Jennifer Soloman, Alameda, stated that on January 28, 2006, her daughter and husband were struck by a motorist in the crosswalk at the intersection of Park Street and Otis Drive; it took twenty minutes for the Police to arrive; the officer asked if she wanted a police report; the paramedic got lost on the way to Children's Hospital; today's Alameda Journal stated that a three year old was struck on Webster Street; drivers were not cited in either case.

Vice Mayor Gilmore stated there are reasons for the 25 mile per hour speed limit; the Public Works Department recently installed solar speed limit signs; the Chief of Police and the City Manager will review the matter; speeders will be more diligently pursued.

Ms. Solomon stated that the driver was not speeding but was making a right-hand turn from Otis Drive onto Park Street.

Councilmember Matarrese stated the loop needs to be closed on the matter; every ambulance driver should know hospital locations off the island; he is concerned with a twenty minute response time; requested a review of the twenty minute response time and protocol when a pedestrian is struck.

Ms. Solomon stated she understood that the reason for the delay was

due to the call being made on a cell phone and the caller did not indicate the accident involved a pedestrian.

Councilmember Matarrese requested information on the status of calling 911 from cell phones.

Councilmember Daysog stated that the Police Department has been vigilant on traffic injuries and fatalities in the past several years; traffic related deaths have occurred on Constitution Way.

Councilmember deHaan inquired whether Ms. Solomon addressed the matter with City staff.

Ms. Soloman responded she spoke to the Fire Department Duty Chief regarding the matter.

(06-___) Michael John Torrey, Alameda, stated the Federal Communications Commission and the American Radio Relay League have declared the week of June 18 through the 25 as Amateur Radio Week.

(06-___) Duane Rutledge, Dublin, stated he received a disqualification letter from Alameda Development Corporation (ADC); all statements in the letter are incorrect; no written policy was presented regarding the appeal process.

Vice Mayor Gilmore inquired when Mr. Rutledge received the letter, to which Mr. Rutledge responded approximately a week ago.

The Assistant City Manager stated ADC disqualified Mr. Rutledge's application; the letter should outline the appeal process.

Mr. Rutledge stated he received no response to his inquires regarding details of the appeal process.

Vice Mayor Gilmore inquired who would adjudicate the appeal.

The Assistant City Manager responded first the appeal would go to the ADC Board and then the Community Improvement Commission.

Councilmember Daysog inquired whether Mr. Rutledge asked the ADC specific questions, to which Mr. Rutledge responded in the affirmative.

Councilmember deHaan inquired who is the ADC point of contact, to which the Assistant City Manager responded the Executive Director.

Councilmember deHaan inquired who would respond to Mr. Rutledge, to which the Assistant City Manager responded the ADC Board.

Councilmember Matarrese stated the matter will end up with the Community Improvement Commission; requested that the appeal process be placed on an agenda and that staff ensures that the appeal is presented to the CIC; the matter needs to be addressed sooner rather than later.

Councilmember deHaan stated that the issue needs to be addressed quickly.

The City Manager stated that the Executive Director would be contacted.

COUNCIL COMMUNICATIONS

(06-___) Councilmember deHaan stated that the lights are not repaired in the Tube; urged moving forward on the matter.

(06-___) Councilmember Matarrese stated that he has received letters stating that the speed limit is not being enforced in the Tube.

ADJOURNMENT

There being no further business, Vice Mayor Gilmore adjourned the Regular Meeting at 9:41 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

June 15, 2006

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

Check Numbers	Amount
149023 - 149428	1,210,669.90
E15142 - E15264	76,626.86
EFT 217	40,916.98
EFT 218	23,503.00
EFT 219	25,603.50

Void Checks:

148462	(2,240.00)
148867	(1,548.19)
147900	(59.41)
140561	(15.00)
136101	(134.00)
105052	(220.00)
108917	(110.00)
96341	(90.21)
108004	(24.95)
107162	(300.00)
96695	(32.00)
149173	(1,388.68)
128876	(1,888.00)
141034	(20.00)
137794	(360.00)
GRAND TOTAL	1,368,889.80

Respectfully submitted,

Pamela J. Sibley

Pamela J. Sibley

CITY OF ALAMEDA
Memorandum

Date: June 20, 2006

To: Honorable Mayor and Councilmembers

From: Lara Weisiger, City Clerk

Re: Award of Contract for Legal Advertising for Fiscal Year 2006-07

Background

The City Charter requires the City Council to annually award a contract for publication of all legal advertising of the City to the responsible bidder who submits the lowest and best bid. The newspaper published by the successful bidder is known as the Official Newspaper of the City.

At the Regular Council Meeting held on May 2, 2006, Council authorized the City Clerk to advertise for bids for legal advertising.

Discussion/Analysis

Bids were due in the Office of the City Clerk on June 5, 2006. Bid results were as follows:

Newspaper	Rate Per Column Inch		
	1st insertion	2nd insertion	3rd & subsequent insertion
Alameda Journal	$3.50	$3.36	$3.36

The proposed contract is attached.

Budget Consideration

Budget appropriations for legal advertising are approved by the City Council during the budget process. The City spends approximately $12,000 annually for legal notices.

Recommendation

Award Legal Advertising Contract for Fiscal Year 2006-07 to the Alameda Journal.

Respectfully submitted,

Lara Weisiger

Lara Weisiger
City Clerk

Attachment – 1 (Contract)

Report 4-C
6-20-06

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of June, 2006, by and between the CITY OF ALAMEDA, a municipal corporation of the State of California, hereinafter called the City, and the ALAMEDA JOURNAL, a published daily newspaper, hereinafter called Publisher,

WITNESSETH:

WHEREAS, the Alameda Journal submitted its bid, in writing, for the publication, of all legal advertising of the City for the period ending June 30, 2007, whereupon the Council of said City, on the 20th day of June 2006, duly accepted said bid and awarded the contract for such legal advertising to said Publisher;

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. Publisher agrees that during that fiscal year the said Alameda Journal shall be maintained as a newspaper of general circulation as that term is defined in Title I, Division 7, Chapter 1, Article 1, of the Government Code of the State of California.

2. Publisher, hereby agrees to publish and advertise in said Alameda Journal, for and during the period from July 1, 2006 and ending June 30, 2007, such legal advertisements and notices and such other matters as the Council and other officers of the City deliver to Publisher for publication.

Said Publisher further agrees that it will make all of such publications in the manner and form required by law and that on the completion of publication it will promptly file with the City Clerk an affidavit of publication as required by law.

Said advertising shall be in accordance with the following specifications:

All advertisements shall be set in six-point capitals, except that by request of the officer authorizing the same such advertisement may be set in such larger type and with such spacing between lines as such officer may direct.

Title and sub-heading shall be set in six-point type or in such larger type as may be specified by the officer authorizing the advertisement.

In consideration of the faithful performance by the Publisher of the agreements hereinabove set forth, the City hereby agrees to pay for said advertising and publication at the following rates, to wit:

Per column inch, 5.4-point type

Price per column inch for 1st insertion	$ 3.50
Price per column inch for 2nd insertion	3.36
Price per column inch for subsequent insertions	3.36

The submission deadline for ads shall not exceed 4 days from date of publication (excluding holiday periods).

The withdrawal deadline for ads shall be up to 1 day from date of publication (excluding holiday periods).

3. **HOLD HARMLESS:**

Publisher shall indemnify and hold harmless City, its City Council, boards, commissions, officials, and employees ("Indemnitees") from and against any and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys' fees ("Claims"), arising from or in any manner connected to Publisher's negligent act or omission, whether alleged or actual, regarding performance of services or work conducted or performed pursuant to this Agreement. If Claims are filed against Indemnitees which allege negligence on behalf of the Publisher, Publisher shall have no right of reimbursement against Indemnitees for the costs of defense even if negligence is not found on the part of Publisher. However, Publisher shall not be obligated to indemnify Indemnitees from Claims arising from the sole or active negligence or willful misconduct of Indemnitees.

For those advertisements printed in conformity with copy submitted by City, the City agrees to protect and indemnify the publisher against all liability, losses and expenses arising from claims of libel, unfair competition and trade practices, infringement, property rights, and right of privacy and misrepresentation, except to the extent of the cost of the advertisement.

4. **COMPLIANCES:**

Publisher shall comply with all State or federal laws and all ordinances, rules and regulations enacted or issued by City.

5. **NOTICES:**

All notices, demands, requests or approvals to be given under this Agreement shall be given in writing and conclusively shall be deemed served when delivered personally or on the second business day after the deposit thereof in the United States mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, or approvals from Publisher to City shall be sent to the attention of the City Department requesting publication at the following address:

City of Alameda
City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

All notices, demands, requests, or approvals from City to Publisher shall be addressed to Publisher at:

Alameda Journal
1516 Oak Street
Alameda, CA 94501

6. **WAIVER:**

A waiver by City of any breach of any term, covenant, or condition herein shall not be deemed to be a waiver or any subsequent breach of the same or any other term, covenant, or condition contained herein whether of the same or a different character.

7. **TERMINATION:**

In the event Publisher hereto fails or refuses to perform any of the provisions hereof at the time and in the manner required hereunder, Publisher shall be deemed in default in the performance of this Agreement. If such default is not cured within a period of seven (7) days after receipt by Publisher from City of written notice of default, specifying the nature of such default and the steps necessary to cure such default, City may terminate the Agreement forthwith by giving to the Publisher written notice thereof.

8. **INTEGRATED CONTRACT:**

This Agreement represents the full and complete understanding of every kind of nature whatsoever between the parties hereto and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions hereof. Any modification of this Agreement will be effective only by written execution signed by both City and Publisher.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed, the day and year first above written, the City by its City Manager under

authority heretofore given by its City Council.

CITY OF ALAMEDA, a municipal corporation,

By _____
City Manager

Approved as to form

City Attorney

ALAMEDA JOURNAL

By

City of Alameda
Interoffice Memorandum

June 20, 2006

To: The Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Re: Recommendation to Reject the Sole Bid, Value Engineer and Re-Bid Revised Bid Documents for the Construction of the Bayport Community Building

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Background

On January 17, 2006, the City Council authorized the solicitation of bids for Bayport Alameda Community Building and Park Project No. 83140100. In order to allow schedule and development flexibility and to ensure that the park grounds will be completed and available for school use in Fall 2006, the base bid for the project was modified so that the community building component of the project became an additive alternate.

The three contractors that responded to the original solicitation for construction of the park submitted an additive alternate bid component for the community building, which ranged from $753,000 to $1,059,390. Following a bid protest on the park base bid on April 4, 2007, the City Council authorized staff to separately re-bid both components of the park and community building project.

Solicitation for the re-bid of the community building began on April 5th and was advertised for a 30-day period. To solicit the maximum number of bids, specifications were provided to 18 separate Building Exchanges throughout the Bay Area (Building Exchanges provide construction reporting, online databases, education, resources and other services for the construction industry). In addition, a notice of bid was published in the *Alameda Journal*, and a link to *ebidboard.com* through the City's website was established.

A total of six contractors attended the mandatory pre-bid meeting, which was held on April 13, 2006, with a bid due date of May 4, 2006. Chapot Construction Company of Alameda was the sole bidder on the community building project. Chapot's bid, in the amount of $839,000, was approximately $200,000 over the construction cost estimate.

Discussion

The base bid for the community building included an allowance for permits and the construction of a 1,700 square foot multipurpose building with a post tension slab, wood frame, stucco exterior including fixtures, appliances and landscaping. The bid received from Chapot Construction Company equates to a unit construction cost of approximately $500.00 per square foot. For purposes

of comparison, unit construction costs for the adjoining new K-8 school are on average approximately $380 per square foot based on approximately 50,000 square feet of similar construction.

Possible reasons that bids received during the past two solicitations have exceeded the construction estimate may include to the following factors:

1. Bidding the project just prior to the start of a busy construction season and higher material costs;
2. Small building square footage, higher, less efficient mobilization costs;
3. Higher building standards due to the building's location on the AUSD school site, which makes it subject to Department of the State Architect requirements, reviews and approvals; and
4. Post tension slab requirements due to local soil conditions.

As a result of the above factors, staff is recommending rejecting the sole bid, undertaking value engineering and revising the bid documents as necessary during the summer months and re-bidding during the lower demand construction season.

Value engineering would include reviewing the plans and specifications to identify areas where the possibility of providing lower priced acceptable alternatives exist. The potential savings from value engineering are unknown at this time. Also, if the project can be re-bid when more contractors may be available, with the prospect of obtaining at least four to five competitive bids, bids may come in closer to the construction cost estimate.

Budget Consideration/Financial Impact

Pursuant to the Fiscal Neutrality Policy, this project will not have any fiscal impact on the City's General Fund. Expenditures for the project are generated from the Bayport Project.

Municipal Code/Policy Document Cross Reference

The requested actions will not affect the Municipal Code.

Environmental Review

No additional CEQA review is required. The new community building, which is a component of the new four-acre park and school, was included in the original environmental review for the Catellus Mixed-Use Project and is in compliance with the approved Catellus Alameda Project Master Plan and Site-wide Landscape Development Plan.

Recommendation

Authorization to reject the sole bid, value engineer and revise bid documents as necessary in order to re-bid construction of the Bayport Community Building.

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Respectfully submitted,

Leslie A. Little
Development Services Director

Douglas H. Cole
Redevelopment Manager

LAL\DC: dc

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Date: June 20, 2006

Re: Authorization to File a $2.3 Million Grant Application to the Metropolitan Transportation Commission to Implement the Webster Renaissance Project, Phase II

BACKGROUND

In 2000, the Metropolitan Transportation Commission (MTC) awarded the City $881,000 in Transportation for Livable Communities (TLC) grant funds for Phase I of the Webster Renaissance Project. These funds, coupled with additional funding from the CIC, enabled the implementation of Phase I of the Webster Renaissance Project. Spanning Central to Pacific, the streetscape project is helping to assist in the revitalization of the Webster Street Business District.

DISCUSSION

The MTC has recently announced a call for a new round of grant applications due June 23. An application could be prepared to implement Phase II of the Webster Renaissance Project. The application would be prepared utilizing the results from the community planning process the first grant application was built upon. Existing conceptual drawings from that process could also be used in a second application. The cost of implementing Phase II (three blocks from Pacific to Atlantic) is estimated at $2.6 million. An 11.5 percent match from the City of $299,000 would also be required. The source of the match is tax increment from the City's redevelopment funds.

If Phase II of the Streetscape Project is completed, the whole of Webster Street would be unified in appearance. Matching vintage street lights, trees and street furniture in the final three blocks will do much to assure the continued revitalization of the Webster Business District. In addition, finishing the final three blocks will help create a stronger physical link between Webster Street and the proposed Catellus project, Alameda Landing.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

- West Alameda Business Association, Vision 2000.

Report 4-E
6-20-06

- *The Economic Development Strategic Plan (2000),* specifically, Strategy #2B, Increase the Availability and Quality of Retail Goods and Services, Initiative "Pursue MTC Planning and construction grants for both Park and Webster Streets."

BUDGET CONSIDERATION/FISCAL IMPACT

There is no impact on the General Fund. Funding for the match can be secured from redevelopment tax increment.

RECOMMENDATION

Authorize the filing of a $2.3 million grant application to the Metropolitan Transportation Commission to implement the Webster Renaissance Project, Phase II.

Respectfully submitted,

Leslie A. Little
Development Services Director

By: Dorene E. Soto
Manager, Business Development Division

Sue G. Russell
Development Coordinator

DK/LAL/DES/SGR:rv

cc: Economic Development Commission
West Alameda Business Association

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F: Webster Renaissance Project Phase II

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Accept the Work of Republic Electric for the Crosswalk In-Pavement Lights (SR2S) to Serve Donald Lum Elementary School, Haight Elementary School, Wood Middle School and Chipman Middle School Project No. P.W. 01-04-01

BACKGROUND
On September 7, 2004, the City Council authorized the award of a construction contract to Republic Electric for the installation of crosswalk in-pavement lights in the amount of $174,000. The in-pavement lights have been installed at crosswalks located at Otis Drive west of Sandcreek Way, Pacific Street at Fourth Street, and Santa Clara Avenue at Willow Street.

DISCUSSION
The project has been completed in accordance with the plans and specifications and is acceptable to the Public Works Department. The final project cost is $171,375.82.

BUDGET CONSIDERATION/FINANCIAL IMPACT
The work was budgeted under CIP# 03-69 with funds from Safe Route to School Grant and Measure B funds.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE
This action does not affect the Municipal Code.

RECOMMENDATION
Accept the work of Republic Electric for the Crosswalk In-Pavement Lights (SR2S) to Serve Donald Lum Elementary School, Haight Elementary School, Wood Middle School and Chipman Middle School Project No. P.W. 01-04-01

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Barbara Hawkins
City Engineer

MTN:BH:gc
cc: Measure B Watchdog Committee
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Report 4-F
6-20-06

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Adopt Plans and Specifications and Authorize Call for Bids for Modular Recreational Building and Site Improvements at Washington Park, No. P.W. 05-06-17

BACKGROUND

This project will install a 1,920 square foot modular recreational building at upper Washington Park located at Central and Eight Street. Several years ago the former recreational building burned down and was replaced with a temporary 960 square foot structure. The temporary structure has since deteriorated and become unusable so the building was removed in February to make room for the proposed new building. The new building will at the same location as the former building. The Recreation & Parks Commission reviewed the proposed facility at their September 15, 2005 meeting and voted unanimously to approve the design. On February 27, 2006 the Planning Board approved Major Design Review DR06-0007 and Use Permit UP06-0002 per Resolution No. PB-06-10 subject to condition that the exterior building face and adjoining site improvements be enhanced to the Planning Director's approval.

DISCUSSION

The 1,920 square foot modular building will consist of a 1,440 square foot recreation room, 88 square foot office room, 88 square foot storage room, 152 square foot kitchen and 152 square foot unisex restroom. As a condition of approval, the Planning Board required the exterior stucco walls to be enhanced with stucco trim edging along the top and bottom walls, the addition of window sills and decorative arch moldings above the tops of the windows and doors, brick accent lines and corner relieves similar to those at the historic restroom building located opposite the basketball courts and tot lot area. These requirements have been added to the project design. The building will have a low pitched peak roof constructed of formed steel with a tile appearance and will have an overhang of approximately five feet on the north and south sides. Adjoining site improvements include concrete walkways, a brick seawall sitting area, wood trellises, maintenance driveway access, and landscaping and irrigation. A copy of the plans and specifications for the proposed work is on file in the City Clerk's Office.

Report 4-G
6-20-06

ENVIRONMENTAL COMPLIANCE

The project is Categorically Exempt from review under the California Environmental Quality Act Section 15303, New Construction or Conversion of Small Structures.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

The work will be funded under CIP# 02-11 using Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12).

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the Municipal Code.

RECOMMENDATION

Adopt plans and specifications and authorize a call for bids for Modular Recreational Building and Site Improvements at Washington Park, No. P.W. 05-06-17.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Barbara Hawkins by gc
City Engineer

MTN:BH:gc

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CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Accept the Work of Zaccor Company for Bay Farm Island Dike – Emergency Repair, No. P.W. 01-06-02

BACKGROUND

On January 17, 2006, the City Council authorized an Open Market Purchase Pursuant to Section 3-15 of the Alameda City Charter for the repair of the Bay Farm Island Seawall Dike along Shoreline Park and authorized the City Manager to enter into such an agreement. Damage to the dike and the jogging path were repaired and the armour protection along the seawall was restored. The undermined section of the promenade was underpinned to prevent collapse and damage to the underlying storm drain line. Debris was removed and partially clogged storm drain outfalls were cleaned.

DISCUSSION

The project has been completed in accordance with the plans and specifications and is acceptable to the Public Works Department. The final project cost is $412,788.77. The City is pursuing funding from FEMA to reimburse the City for the emergency repair work.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The work was budgeted under CIP# 06-34 with funds from Bay Farm Island Dike Maintenance Assessment District funds and Urban Runoff funds.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the Municipal Code.

RECOMMENDATION

Accept the work of Zaccor Company for Bay Farm Island Dike – Emergency Repair, No. P.W. 01-06-02.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Barbara Hawkins by gc
Barbara Hawkins
City Engineer

MTN:BH:gc
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Report 4-H
6-20-06

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Approve an Agreement for Funding from the State California Coastal Conservancy to Implement *Spartina* Eradication and Mitigation Measures

BACKGROUND

In 2003, a Final Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was adopted by the California State Coastal Conservancy (Conservancy) to allow for the treatment and control non-native *Spartina* in the San Francisco Bay Estuary. This programmatic document required the preparation of site-specific control plans. The San Francisco Estuary Invasive *Spartina* Project (ISP), administered by the California State Coastal Conservancy (Conservancy), has prepared control plans for 22 locations, including three along the City of Alameda's shoreline.

DISCUSSION

In 2005, the City successfully implemented the first of a three-year plan to eradicate 28 acres of non-native *Spartina* along the Alameda shoreline. The City and Conservancy are initiating the second year of the project which includes treating 29 acres in Alameda. Treatment methods at the site will include application of aquatic herbicide via spray truck, backpack sprayer, amphibious tracked vehicles, boat and helicopter. Potentially significant, unavoidable short-term impacts to the endangered California clapper rail were identified at some sub-sites.

Consistent with last year's program, the Conservancy will fund the work and requests the City to enter into a contract to implement the local control plans and public outreach efforts. The City will be responsible for public outreach and providing control efforts either using City resources or through subcontractors. The City has tentatively scheduled a public meeting on July 19, 2006, to reintroduce the proposed *Spartina* control efforts to the public. A copy of the Agreement for Funding from the State California Coastal Conservancy is on file in the City Clerk's Office.

Re: Reso 4-I
6-20-06

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Conservancy will provide $39,080 in funding for *Spartina* eradication and mitigation effort enhancement work during 2006. These funds are earmarked for the City to undertake *Spartina* treatment and eradication activities and public outreach. The City is required to make in-kind contribution to these efforts through staff time covered by the urban runoff fund. There will be no impact to the City's General Fund for these staffing efforts. The City staffing in-kind contribution for the 2006 control season is estimated at $10,000 and includes: holding public meetings and managing the design, bidding, construction and inspection of the field work.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed Resolution is consistent with several implemented policies of the Open Space and Conservation Element of the General Plan.

RECOMMENDATION

Approve an Agreement for Funding from the State California Coastal Conservancy to Implement *Spartina* Eradication and Mitigation Measures.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Barbara Hawkins by gc
City Engineer

MTN:BH:gc

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CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING AN AGREEMENT FOR FUNDING FROM THE STATE OF CALIFORNIA COASTAL CONSERVANCY TO IMPLEMENT *SPARTINA* ERADICATION AND MITIGATION MEASURES

Approved as to Form
CITY ATTORNEY

WHEREAS, the Conservancy authorized the disbursement of an amount not to exceed thirty-nine thousand eighty dollars ($39,080) to the City of Alameda (grantee) for implementation of invasive *Spartina* treatment and eradication projects under the Invasive *Spartina* Project (ISP) *Spartina* Control Program (second phase); and

WHEREAS, the Invasive *Spartina* Project and implementation of the *Spartina* Control Program remain consistent with Public Resources Code Sections 31160-31164; and

WHEREAS, on June 28, 2005, a public meeting was held to inform the public about the proposed spartina control efforts. Attendees were supportive of the proposed project but did express concerns about herbicide usage and the residual habitat effects though overall attendees were in favor of the proposed action plans. Staff will hold another public meeting on July 19, 2006 to reintroduce the impacts of herbicide usage and the control efforts to be completed in this phase; and

WHEREAS, the funds ($39,080) shall be used by the grantee to undertake Spartina treatment, eradication activities and public outreach related to these activities along the shoreline of Alameda Island within the Alameda/San Leandro Bay Complex for 2006-2007; and

WHEREAS, the grantee shall carry out the project in accordance with the agreement, site-specific plans and a work program to be approved by the Executive Officer of the Conservancy pursuant to the agreement; and

WHEREAS, the grantee shall provide any funds beyond those granted under the agreement which are needed to complete the project; and

WHEREAS, the Conditions Precedent to Commencement of Project and Disbursement and Additional Grant Conditions shall be met before the grantee shall commence the project and the Conservancy shall not be obligated to disburse any funds under the agreement;

NOW THEREFORE, BE IT RESOLVED, that the City of Alameda approves an agreement for funding from the State California Coastal Conservancy to implement *Spartina* Eradication and Mitigation Measures.

Resolution #4-I CC
6-20-06

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of June, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of June 2006.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Adopt a Resolution Authorizing the City Manager to Submit an Application for Measure B Paratransit Funding for Fiscal Year 2006/2007

BACKGROUND

The Americans With Disabilities Act (ADA) requires transit agencies to offer equivalent paratransit service for persons certified as unable to drive or take public transit. Paratransit services must be made available to eligible users within ¾ mile of the existing fixed route transit during the normal operating hours of the fixed route services. In Alameda, this mandated service is provided by East Bay Paratransit. While most of Alameda is within ¾ mile of AC Transit routes, there are some service gaps, including locations that are without bus service on weekends or at certain times of day.

Measure B Sales Tax funds provide a dedicated funding source for non-mandated, locally-based paratransit services for people with disabilities and non-disabled seniors in Alameda County. The City of Alameda has used these funds to provide supplemental paratransit services to address the service gaps as well as to provide additional non-mandated services. To receive these funds, the Alameda County Transportation Improvement Authority (ACTIA), which administers Measure B funds, requires each jurisdiction submit a resolution to authorizing the City to apply for these funds along with its application.

DISCUSSION

The City's paratransit funding application for Fiscal Year 2006/2007 proposes to continue providing current paratransit services as well as adding additional services. Staff incorporated input contributed by the Commission on Disability Issues and from a community meeting. On May 22, the City's proposal was presented to ACTIA's Paratransit Advisory and Planning Committee (PAPCO), which recommended approval to the ACTIA board. One of the main goals underlying the proposal was to continue to rely on East Bay Paratransit as the primary provider of paratransit services in Alameda.

The funding application includes recommended spending for the City's base paratransit program, enhancements to the base program, and several one-time projects:

1) Base Program: All elements of the existing program would be retained, and a new expanded taxi program would be implemented, as described below:

Re: Reso 4-J
6-20-06

a. Taxi service during 21-day certification period: East Bay Paratransit may take up to 21 days to certify program participants, so the program would offer taxi service for medical trips during this time period.
b. Supplemental taxi service: For those Alameda residents who live beyond ¾ mile from regular AC Transit routes or who need service at times of day when the service does not operate.
c. Group trips: Trips for seniors through the Mastick Senior Center, subscription group trips from convalescent homes, Alameda Recreation & Park Department (ARPD) cultural event class trips, and the Annual Nursing Home Picnic Group Trip.
d. East Bay Paratransit tickets: Alameda residents who are certified East Bay Paratransit users are eligible to receive up to two free books of coupons (10 coupons per book).
e. Customer service and outreach: Mastick Senior Center staff provides 15 hours of staff time per week to assist with applications for paratransit services, answer questions and resolve complaints.
f. Scholarship program: Individuals at very low income levels (as defined by the United States Department of Housing and Urban Development) are eligible to receive a 50 percent subsidy for East Bay Paratransit tickets, in addition to the free tickets that all program participants may receive.
g. Expanded taxi program: This program would serve East Bay Paratransit certified users as well as Alameda residents age 75 and older. Residents age 70 and older without a driver's license or with a restricted license would also be eligible. The program would provide 50 percent of the taxi fare, within a maximum trip distance of 20 miles. Beyond this distance, riders would have to pay the additional fare amount. This subsidy level is recommended to encourage most people to rely on East Bay Paratransit as their primary service option. If the City-provided services were subsidized too heavily, the resources could be depleted quickly.

2) Enhancements to Base Program: The following program elements may be incorporated into the base program in future years, depending on funding availability.
   a. Medical Return Trip Improvement Program (MRTIP): Provides free taxi return trip to home from medical appointments. Since East Bay Paratransit requires reservations a day in advance, it does not serve these trips well. The MRTIP has been very well-received by the community, and feedback from both the community meeting and the Commission on Disability Issues supported making medical trips a priority for the paratransit program. It is anticipated that in future years MRTIP would be incorporated into the base program.
   b. Taxi coupons: The draft program includes the purchase of coupons from Friendly Transportation, the City's taxi service provider. The coupons would have a specific dollar value, and could be given to taxi drivers in lieu of cash. Participants in the expanded taxi program, described above, would be eligible

users of the coupons. The coupons would not have an expiration date, and would be distributed over a five-year period.

c. East Bay Paratransit tickets: These tickets would be in addition to the two free coupon books purchased and distributed to program participants through the base program, as described above. As with the purchase of taxi coupons, the tickets have no expiration date, and would be distributed over a five-year period.
d. Group trips: Approximately six additional group trips would be provided in addition to those in the base program, described above.
e. Shoppers' shuttle service: A van service would be offered for three two-week periods during the year to those residents eligible for the expanded taxi program.

3) One-time projects:
   a. Intersection accessibility improvements: As indicated in ACTIA's *Expenditure Plan*, paratransit funds may be used for services or to improve access of seniors and people with disabilities to fixed route transit. This program element would install audible signals at 18 locations and detectable warnings (truncated domes) at 10 of these locations, primarily in the vicinity of Park and Webster Streets.
   b. Consultants: The City would hire a consultant to produce and print a marketing brochure to inform residents about the paratransit program. A consultant would also be used to conduct outreach activities in a variety of community settings to help raise awareness about the availability of these services.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

ACTIA requires the City Council's approval of the accompanying resolution to receive the estimated Measure B Paratransit funding of $157,288 for Fiscal Year 2006/2007. Applying for these funds does not affect the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The City's Paratransit Program is consistent with the General Plan Transportation Element Guiding Policy 4.3.h, "Work toward integrating a Citywide demand response of shuttle service, which incorporates paratransit, BART, AC Transit, Dial-A-Ride, and shopper needs."

RECOMMENDATION

Adopt the resolution authorizing the City Manager to submit an application to ACTIA for fiscal year 2006/2007 Measure B paratransit funding.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Barbara Hawkins by al

Barbara Hawkins
City Engineer

MTN:BH:gc
cc: Measure B Watchdog Committee
G:\pubworks\pwadmin\COUNCIL\2006\062006\paratransit2.doc

CITY OF ALAMEDA RESOLUTION NO. _____

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR MEASURE B PARATRANSIT FUNDING FOR FISCAL YEAR 2006/2007

Approved as to Form
CITY ATTORNEY

WHEREAS, the Americans with Disabilities Act (ADA) requires that equivalent paratransit service be provided within ¾ mile and during the regular operating hours of fixed route transit services for those who are determined eligible for such services; and

WHEREAS, there are parts of the City of Alameda that are not served by the ADA-mandated paratransit services for at least part of the week; and

WHEREAS, Alameda residents who are senior citizens or who have disabilities have transportation needs that are not easily met by the existing fixed route transit services; and

WHEREAS, the City of Alameda receives an allocation from Measure B sales tax revenue, administered by the Alameda County Transportation Improvement Authority (ACTIA), to provide paratransit services for seniors and people with disabilities to supplement ADA-mandated services; and

WHEREAS, the City of Alameda's allocation of Measure B Paratransit funds for fiscal year 2006/2007 is estimated to be $157,288; and

WHEREAS, the City will continue to implement the 2004/2005 adopted Measure B Paratransit Service Plan developed via a community involved needs assessment process.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to submit an application with the ACTIA for an allocation of Measure B Paratransit funds for Fiscal Year 2006/2007.

* * * * *

Resolution #4-J CC
6-20-06

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 20th day of June 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of June 2006.

_____

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Adopt a Resolution Granting a Non-Exclusive Utility Easement from the City of Alameda to Pacific Gas and Electric Company within Parcel 3 of Parcel Map No. 4497

BACKGROUND

The proposed Peet's Coffee roasting facility at 2001 Harbor Bay Parkway requires the installation of a high-pressure gas pipeline. Pacific Gas and Electric Company (PG&E) will install the high pressure gas service pipe to the new Peet's Coffee facility located along Harbor Bay Parkway and is requesting a non-exclusive 10-foot wide easement for the right to install, inspect, maintain, replace, remove and use the gas service pipes across a City-owned parcel. The parcel is part of Shoreline Park and the City will retain public access and use of the park.

DISCUSSION

City staff has reviewed and accepted the plat map for the easement. The City may revoke the easement at any time by public meeting, if PG&E fails to operate, maintain or repair the facilities or breach any other terms as set forth in the grant of easement. The easement restricts the City from erecting any building or other structure or to drill or operate any well under or within the strip of land. A copy of the easement document and map are attached. The easement document and plat map are on file in the City Clerk's Office.

BUDGET CONSIDERATION/FINANCIAL IMPACT

All costs associated with the operation, maintenance and repair of the facilities in a safe, sanitary and fully operational conditions will be by PG&E or their successors. There will be no impact to the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the Municipal Code.

Re: Reso 4-K
6-20-06

RECOMMENDATION

Grant a Non-Exclusive 10-foot wide Utility Easement from the City of Alameda to Pacific Gas and Electric Company within Parcel 3 of Parcel Map 4497.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Barbara Hawkins by gc
City Engineer

MTN:BH:gc

attachment

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RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Services Office
3480 Buskirk Avenue, Suite 150
Pleasant Hill, CA 94523

Location: City/Uninc _____
Recording Fee _____
Document Transfer Tax $ _____
[ ] This is a conveyance where the consideration and value is less than $100.00 (R&T 11911).
[ ] Computed on Full Value of Property Conveyed, or
[ ] Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale.

_____
Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

EASEMENT

CITY OF ALAMEDA, a public body of the State of California,

hereinafter called first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called second party, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of first party situate in the City of Alameda, County of Alameda, State of California, described as follows:

(APN 074-1337-035)

The parcel of land described and designated Parcel 1 in the deed from Harbor Bay Isle Associates to the City of Alameda, dated October 14, 1986 and recorded as Official Records Series No. 87-067209, Alameda County Records.

Said facilities shall consist of:

One or more underground pipes with suitable high pressure service pipes and connections, as Pacific Gas and Electric Company from time to time deems necessary, for the conveyance by it of gas to be installed within the strip of land of the uniform width of 10.0 feet, the center line of which is delineated by the heavy dashed line shown upon the print of second party's Drawing No. 30462321-6 attached hereto and made a part hereof.

First party shall not erect or construct any building or other structure or drill or operate any well under or within said strip of land.

P.G.&E. CO. COPY

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Pacific Gas and Electric Company pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Dated _____, _____.

CITY OF ALAMEDA

By_____

By_____

P.G.& E. CO.
COPY

****

State of _____

County of _____

On _____ before me, _____ (here insert name and title of the officer), personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____

Notary's Signature

CAPACITY CLAIMED BY SIGNER:

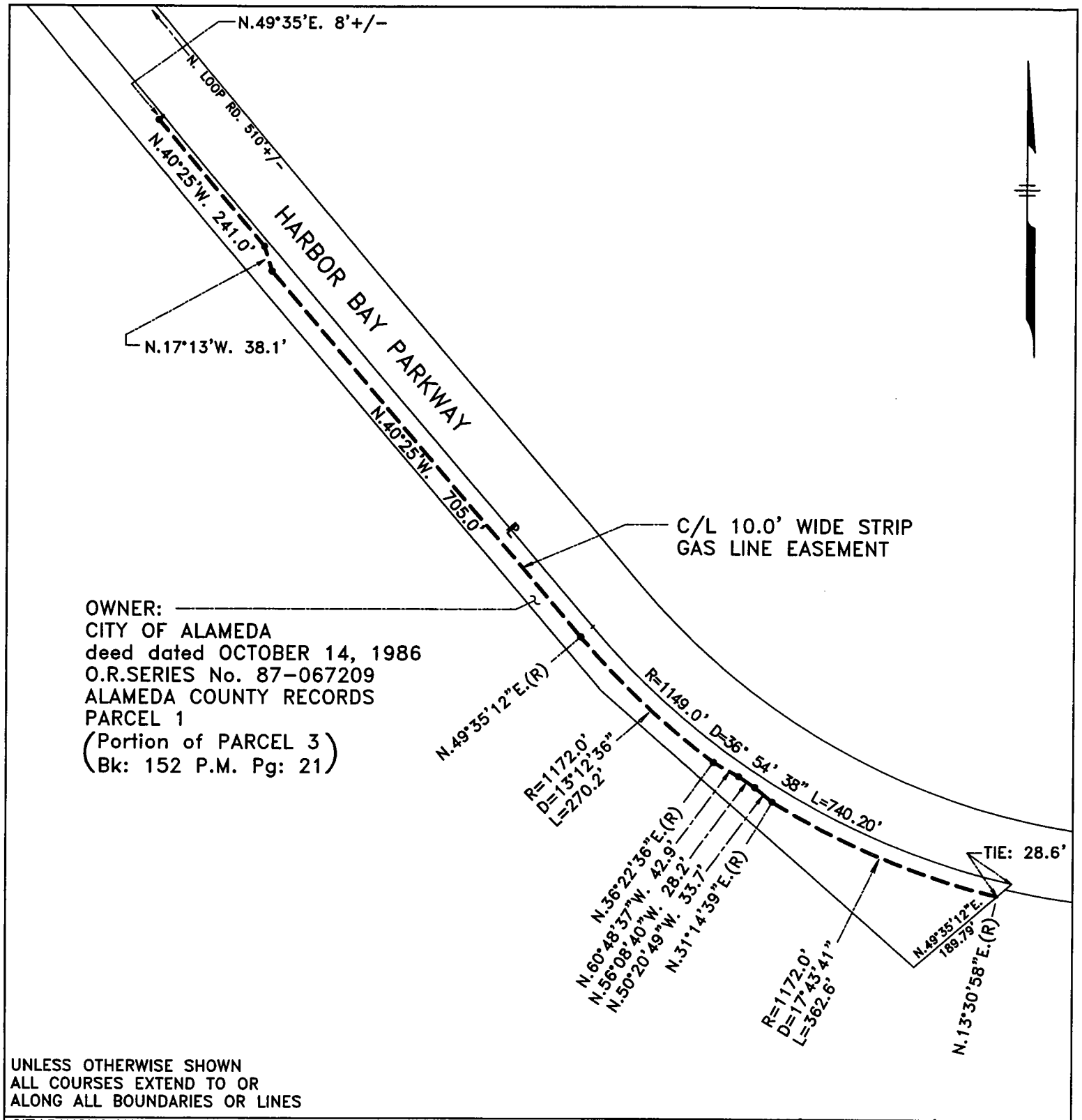
( ) Individual(s) signing for oneself/themselves
( ) Corporate Officer(s) of the above named corporation
( ) Guardian of the above named individual(s)
( ) Partner(s) of the above named partnership(s)
( ) Attorney(s)-in-Fact of the above named principal(s)
( ) Trustee(s) of the above named trust(s)
( ) Other _____

****

P.G.& E. CO.
COPY

62-338 Rev. 5/85
Right of Way Map

GAS LINE EASEMENT



UNLESS OTHERWISE SHOWN
ALL COURSES EXTEND TO OR
ALONG ALL BOUNDARIES OR LINES

CITY,RANCHO,SUBDIVISION,ETC.	SCALE	DATE
PEET'S COFFEE GAS LINE EXTENSION	NONE	1-17-2006

SECTION	TOWNSHIP	RANGE	MERIDIAN
30	2 S.	3 W.	MDB&M

NW/4 of SW/4

CHG	DATE	DESCRIPTION	AUTH	BY	CH

DR.BY: MJG6 CH.BY: GPY1

REFERENCES			ALAMEDA COUNTY	30462321 P.M. #	30462321-2 DRAWING NO.	CHG.
APN. 074-1337-035		PG&E				

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

AUTHORIZING GRANT OF A NON-EXCLUSIVE UTILITY EASEMENT FROM THE CITY OF ALAMEDA TO PACIFIC GAS AND ELECTRIC COMPANY WITHIN PARCEL 3 OF PARCEL MAP NO. 4497

WHEREAS, on October 14, 1986 Harbor Bay Isle Associates offered for dedication to the City of Alameda 4.5 acres of Shoreline Park for public access and park purposes, and

WHEREAS, on March 4, 1987 per City of Alameda Resolution No. 11126, City accepted dedication of the 4.5 acres of Shoreline Park from Harbor Bay Isle Associates, and recorded as Official Records Series No. 87-067209, Alameda County Records, and

WHEREAS, Pacific Gas and Electric Company (PG&E) proposes installation of one high pressure service pipe to serve the facility located at 2001 Harbor Bay Parkway, and

WHEREAS, PG&E has requested a ten-foot (10') wide easement along a portion of Parcel 3 of Parcel Map No. 4497, recorded January 24, 1985 in Book 152 of Parcel Maps at Pages 3 and 4, County of Alameda Records, to facilitate installation and maintenance of the proposed service pipes, and

WHEREAS, the easement restricts the City from erecting any building or other structure or drill or operate any well under or within the strip of land.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk, be, and each hereby is, authorized and directed to execute and attest to, respectively, on behalf of the City of Alameda, a grant of said easement to PG&E Company, and

BE IT FURTHER RESOLVED that the City Clerk shall cause certified copies of this resolution, attested under seal, to be recorded in the County Recorder's Office.

* * * * * *

Resolution #4-K CC
6-20-06

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of June, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of June 2006.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Re: Adoption of Resolution Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election held November 7, 2000

BACKGROUND

On November 7, 2000, the voters of Alameda passed Measure "O" which authorized the issuance of bonds in the amount not to exceed $10,600,000 (the "Bonds") to finance the acquisition, construction and completion of a new Main Library facility and improvements to two branch library facilities in the City of Alameda (the "Project"). The City received the final grant award in December 2002 in the amount of $15,487,952. In March, 2003 the City sold $10,600,000 in general obligation bonds.

DISCUSSION/ANALYSIS

Measure "O" set the maximum tax rate at $15/$100,000 of assessed valuation over 30 years. The required tax rate for 2006-2007 is $8.00/$100,000 of assessed valuation down from the $8.72/$100,000 levied for the 2005-2006 fiscal year.

BUDGET/FISCAL IMPACT

There is no impact to the general fund. Debt service for the $10,600,000 general obligation bonds will be paid from this tax levy on all real and personal property in Alameda.

ALAMEDA MUNICIPAL CODE/POLICY DOCUMENT REFERENCE

This action is in conformance with the Alameda Municipal Code and all policy documents.

Re: Reso 4-L
6-20-06

RECOMMENDATION

Adopt a resolution requesting and authorizing the County of Alameda to levy a tax on all real and personal property in the City of Alameda as a voter approved levy for the General Obligation Bonds issued pursuant to a general election held November 7, 2000.

Respectfully submitted

Juelle-Ann Boyer
Chief Financial Officer

JB:dl

Attachment: Tax Rate Per Assessed Valuation

Alameda General Obligation Bond Issue
Tax Rate Per Assessed Valuation

Year	Total Assessed Valuation	$10.6Million Annual Debt Service	Plus Delinquency	Less Unsecured Portion	Net Debt Service	Annual Tax Rate	Tax Per $100,000
1999/2000							
2000/2001	-						
2001/2002	-						
2002/2003	5,416,544,864	$ -	-	$ -	$ -	0.00000000	$ -
2003/2004	6,340,913,693	$ 803,127	-	$ -	$ 803,127	0.00014257	$ 14.26
2005	6,397,923,840	$ 653,000	-	$ 69,134	$ 583,866	0.00009800	$ 9.80
2006	6,789,608,739	$ 651,450	-	$ 55,206	$ 596,244	0.00008782	$ 8.78
2007	7,523,903,448	$ 658,250	-	$ 56,072	$ 602,178	0.00008004	$ 8.00
2008	*7,733,702,358*	$ 664,850	-	*$ 54,436*	$ 610,414	*0.00007893*	*$ 7.89*
2009	*7,965,713,429*	$ 670,325	-	*$ 53,040*	$ 617,285	*0.00007749*	*$ 7.75*
2010	*8,204,684,832*	$ 673,650	-	*$ 51,482*	$ 622,168	*0.00007583*	*$ 7.58*
2011	*8,450,825,377*	$ 675,650	-	*$ 49,799*	$ 625,851	*0.00007406*	*$ 7.41*
2012	*8,704,350,138*	$ 682,150	-	*$ 48,531*	$ 633,619	*0.00007279*	*$ 7.28*
2013	*8,965,480,642*	$ 682,000	-	*$ 46,845*	$ 635,155	*0.00007084*	*$ 7.08*
2014	*9,234,445,061*	$ 685,125	-	*$ 45,409*	$ 639,716	*0.00006928*	*$ 6.93*
2015	*9,511,478,413*	$ 687,500	-	*$ 43,946*	$ 643,554	*0.00006766*	*$ 6.77*
2016	*9,796,822,766*	$ 662,125	-	*$ 42,481*	$ 619,644	*0.00006325*	*$ 6.32*
2017	*10,090,727,448*	$ 685,125	-	*$ 40,704*	$ 644,421	*0.00006386*	*$ 6.39*
2018	*10,393,449,272*	$ 685,500	-	*$ 39,291*	$ 646,209	*0.00006217*	*$ 6.22*
2019	*10,705,252,750*	$ 685,125	-	*$ 37,861*	$ 647,264	*0.00006046*	*$ 6.05*
2020	*11,026,410,333*	$ 688,875	-	*$ 36,722*	$ 652,153	*0.00005914*	*$ 5.91*
2021	*11,357,202,643*	$ 686,750	-	*$ 35,276*	$ 651,474	*0.00005736*	*$ 5.74*
2022	*11,697,918,722*	$ 688,750	-	*$ 34,123*	$ 654,627	*0.00005596*	*$ 5.60*
2023	*12,048,856,284*	$ 684,875	-	*$ 32,694*	$ 652,181	*0.00005413*	*$ 5.41*
2024	*12,410,321,972*	$ 685,125	-	*$ 31,540*	$ 653,585	*0.00005266*	*$ 5.27*
2025	*12,782,631,631*	$ 689,250	-	*$ 30,598*	$ 658,652	*0.00005153*	*$ 5.15*
2026	*13,166,110,580*	$ 688,250	-	*$ 29,396*	$ 658,854	*0.00005004*	*$ 5.00*
2027	*13,561,093,898*	$ 684,250	-	*$ 28,211*	$ 656,039	*0.00004838*	*$ 4.84*
2028	*13,967,926,714*	$ 685,125	-	*$ 27,235*	$ 657,890	*0.00004710*	*$ 4.71*
2029	*14,386,964,516*	$ 684,750	-	*$ 26,235*	$ 658,515	*0.00004577*	*$ 4.58*
2030	*14,818,573,451*	$ 688,000	-	*$ 25,414*	$ 662,586	*0.00004471*	*$ 4.47*
2031	*15,263,130,655*	$ 684,875	-	*$ 24,376*	$ 660,499	*0.00004327*	*$ 4.33*
2032	*15,721,024,575*	$ 685,375	-	*$ 23,518*	$ 661,857	*0.00004210*	*$ 4.21*
2033	*16,192,655,312*	$ 684,375	-	*$ 22,634*	$ 661,741	*0.00004087*	*$ 4.09*
2034	*16,678,434,971*	$ 686,750			$ 686,750		
2035	*17,178,788,020*						

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO._____

REQUESTING AND AUTHORIZING THE COUNTY OF ALAMEDA TO LEVY A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF ALAMEDA AS A VOTER APPROVED LEVY FOR THE GENERAL OBLIGATION BONDS ISSUED PURSUANT TO A GENERAL ELECTION HELD NOVEMBER 7, 2000

WHEREAS, on November 7, 2000, voters of Alameda overwhelmingly passed Measure "0", authorizing the issuance of bonds in the amount not to exceed $10,600,000 (the "Bonds") to finance the acquisition, construction and completion of a new Main Library facility and improvements to two branch facilities in the City of Alameda (the "project"; and

WHEREAS, the City of Alameda received a final grant award in December, 2002 in the amount of $15,487,952; and

WHEREAS, Resolution No. 13563, adopted by the City Council on March 4, 2003, authorized and directed the sale of not to exceed $10,600,000 aggregate principal amount of City of Alameda, California General Obligation Bonds; and levying an *ad valorem* tax; and

WHEREAS, for the purpose of paying the principal of and interest on the Bonds, the City of Alameda must authorize the County of Alameda to levy and collect annually each year an *ad valorem* tax in an amount sufficient to pay principal and interest on the bonds; and

WHEREAS,' Measure "0" set the maximum tax rate at $15/$100,000 of assessed valuation over 30 years; and

WHEREAS, the required tax rate for Fiscal Year 2006-2007 is $8.00/$100,000 of assessed valuation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda hereby authorizes the County of Alameda to levy a tax on all real and personal property in the County of Alameda as a voter-approved levy for the General Obligation Bonds issued pursuant to the General Election held November 7, 2000.

BE IT FURTHER RESOLVED by the City Council of the City of Alameda that the debt service for the $10,600,000 general obligation bonds will be paid from a tax levy on all real and personal property in Alameda of $8.00 per $100,000 of assessed value for 2005-06.

* * * * * *

Resolution #4-L CC
6-20-06

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting of the City Council on the 20th day of June 2006, by the following vote to wit:

AYES: .

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of June 2006.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Date: June 20, 2006

Re: Resolution Establishing a Five-Day Workweek Alternative with Corresponding Salary for the Classification of Chief of Police

BACKGROUND

The Chief of Police is an unrepresented classification not included in any bargaining group or union.

DISCUSSION

The existing compensation for Chief of Police includes base salary effective December 29, 2003, Management Incentive Pay equivalent to three weeks salary, Holiday-in-Lieu Pay of 7.502%, Deferred Compensation of 1%, and Uniform Allowance. The proposed resolution establishes the Chief of Police as a 40-hour, 5-day per week position; establishes and maintains a salary that provides five percent differential in total earnings between the Chief of Police and subordinate Alameda Police Managers Association position classifications through the remainder of the term of the current Alameda Police Managers Association Memorandum of Understanding effective January 1, 2000 and ending January 5, 2008; and eliminates Management Incentive Pay and Holiday-in-Lieu Pay. The Chief of Police would still be awarded Deferred Compensation and Uniform Allowance.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no impact to the General Fund as a result of implementing the proposed salary for Chief of Police.

RECOMMENDATION

Adopt resolution Establishing a Five-Day Workweek Alternative with Corresponding Salary for the Classification of Chief of Police.

Respectfully submitted,

Karen Willis
Human Resources Director

Re: Reso 4-M
6-20-06

CITY OF ALAMEDA RESOLUTION NO. _____

ESTABLISHING A FIVE-DAY WORKWEEK ALTERNATIVE WITH CORRESPONDING SALARY FOR THE CLASSIFICATION OF CHIEF OF POLICE

Approved as to Form
CITY ATTORNEY

WHEREAS, the Chief of Police is an unrepresented classification not included in any bargaining group or union, and

WHEREAS, the City Council of the City of Alameda will establish a five-day workweek alternative with corresponding salary for the classification of Chief of Police, and

WHEREAS, the City Council of the City of Alameda will establish and maintain five percent differential in total earnings between the Chief of Police and subordinate Alameda Police Managers Association position classifications through the remainder of the term of the current Alameda Police Managers Association Memorandum of Understanding effective January 1, 2000 and ending January 5, 2008, and incorporate Management Incentive Pay and Holiday-in-Lieu Pay into the regular base salary of the Chief of Police, and

WHEREAS, changes to operational standards call for provisions to grant appropriate salary for the five-day workweek as an alternative to the existing salary for the Chief of Police position.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. Effective July 5, 2006, the Council hereby grants appropriate compensation for the five-day workweek as an alternative to the existing salary for the Chief of Police position.

2. That the position classification, salary rates, salary range, and salary steps are hereby designated as those applicable to the respective classification in the service of the City of Alameda:

Code	Classification *EXEMPT*	BI-WEEKLY				
		Step 1	Step 2	Step 3	Step 4	Step 5
1111	Chief of Police	$6401	$6721	$7057	$7410	$7780

Forty-hour workweek.

3. That the salary rates, salary range, and salary steps for Chief of Police shall be adjusted as necessary to maintain five percent differential in total earnings to subordinate Alameda Police Managers Association position classifications through the remainder of the term of the current Alameda Police Managers Association Memorandum of Understanding effective January 1, 2000 and ending January 5, 2008.

* * * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____day of _____, 2006.

_____
Lara Weisiger, City Clerk
City of Alameda

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

ACKNOWLEDGING CITY ATTORNEY
CAROL KORADE
FOR HER CONTRIBUTIONS TO THE CITY OF ALAMEDA

THE COUNCIL OF THE CITY OF ALAMEDA records its appreciation for the extraordinary service faithfully rendered by CAROL KORADE to the City of Alameda; and

WHEREAS, CAROL KORADE served as City Attorney from July 1989 until June 2006, a period of some 17 years; and

WHEREAS, CAROL KORADE made significant contributions to the City of Alameda during these years, among those being:

- Prior to Ms. Korade's service, Alameda experienced significant litigation management problems, including the threat of being expelled from its risk pool, the California Joint Powers Risk Management Association. Within a year of Ms. Korade's assumption of office as City Attorney, the California Joint Powers Risk Management Association audit found a "dramatic reversal ... in the area of litigation management" attributed to Ms. Korade.

- Under Ms. Korade's firm litigation management, Alameda closed 96 cases between 1989 and 1992 without any payment by the City. The City's active litigation cases have averaged only 16 a year since 1991, the City's litigation budget has remained consistently at least 40% below its 1989 level, and claims and settlements have also averaged 30% of the 1989 level, saving the City of Alameda millions of dollars.

- As City Attorney, Ms. Korade had overall responsibility to serve the complex legal needs of the entire City, including the Mayor and City Council; the Alameda Reuse and Redevelopment Authority, the Community Improvement Commission, the Housing Authority, and some 26 other Boards, Committees, and Commissions, as well as the City Manager's Office and the City's 13 operational departments.

- During her tenure, Ms. Korade served during a time of tremendous expansion in Alameda interests and complex

projects, with the closure of the former Naval Air Station Alameda in 1997 and resulting City efforts to acquire and redevelop this property, Alameda Power & Telecom's expansion from an electrical supplier to a telecommunications provider, and increased redevelopment in the City.

- Ms. Korade also oversaw the legal services related to the construction of various new housing developments in the City, including the Bayport project at Alameda Point.

- Ms. Korade oversaw the legal services underlying many redevelopment projects in the City, including the Bridgeside Shopping Center, Park Street Marketplace, and revitalization of Park and Webster Streets.

- Ms. Korade assisted the City with the development and construction of the new Main Library building, Alameda Power & Telecom telecommunications infrastructure projects, City ferry operation contracts, and many other public works initiatives.

WHEREAS, the City Council deeply appreciates the past valuable services provided by City Attorney Carol Korade and her staff and wish her much success in her future endeavors.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alameda does hereby congratulate CAROL KORADE for her service to the residents of Alameda and extends its deepest gratitude to her for her many labors on behalf of the City.

* * * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in the regular meeting of the Council on the _____th day of June, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have set hereunto my hand and affixed the official seal of said City this _____th day of June, 2006.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Public Hearing to Consider Resolution Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessments, Island City Landscaping and Lighting District 84-2

BACKGROUND

In accordance with the Landscaping and Lighting Act of 1972, on February 7, 2006 City Council appointed an engineer and an attorney for the annual proceedings associated with District 84-2. Council also preliminarily approved the Engineer's Report, declared an intention to order levy and collection of assessment, and set a hearing for June 20, 2006 at 7:30 p.m. in the City Council Chambers at Alameda City Hall.

DISCUSSION

The Engineer's Report provides an estimate of cost by each of the seven zones (see attached maps) to be addressed for fiscal year 2006-2007. The zones are as follows:

- Zone 1: Lincoln Avenue between Sherman and St. Charles Streets.
- Zone 2: Webster Street between Central and Lincoln Avenues.
- Zone 3: Webster Street between Lincoln and Atlantic Avenues.
- Zone 4: Park Street from the bridge to San Jose Avenue, including areas of Webb Street, Santa Clara Avenue, Lincoln Avenue and Central Avenue.
- Zone 5: Harbor Bay Business Park.
- Zone 6: Alameda Marina Village commercial areas.
- Zone 7: Bay Street: 1100 and 1200 blocks.

The purpose of the assessment district is to provide for enhanced maintenance not regularly performed by the City. A copy of the Engineer's Report is on file in the City Clerk's Office and at all Public Library branches.

Enhanced maintenance or special projects contained in this budget are:

- Zone 1: Maintenance of landscaped median in the 1100 and 1200 blocks of Lincoln Avenue. Utilities for operating the irrigation. No increase in assessment is proposed for this Zone.

Re: Public Hearing 5-B
6-20-06

Zones 2 and 3: These two zones work together on their projects. Together they pay for general litter and clean up of the public areas. The maintenance costs associated with landscaping have increased. However, due to several years of savings realized prior to and during construction, no increase in assessments will be required. The proposed budget was developed in association with the West Alameda Business Association and, depending on external maintenance costs, the reserve funds are expected to cover the increased costs for two more years. No increase in assessment is proposed for this budget year. This zone will be requesting a rate increase in the next two budget cycles.

Zone 4: Staff met with the Park Street Business Association to develop the proposed budget. The budget for this zone covers general litter and clean up of the sidewalk and public areas. The maintenance costs associated with the new landscaping have increased. However the district has been able to hold funds in reserve while in construction so that the increased costs may be accommodated without an increase in assessments. Sidewalk cleaning, and general daily litter control managed by the Association, will continue in the present budget. No increase in assessment is proposed for this budget year. This zone will be requesting a rate increase in the next two budget cycles.

Zone 5: The budget for this zone is developed in conjunction with the Harbor Bay Business Park Association. The budget covers all irrigation costs and landscape maintenance costs. All tree trimming, sidewalk and pathway repairs, and streetlight repairs are also included. There is a CPI adjustment in the budget as allowed by previous vote of the property owners.

Zone 6: The budget for this zone is developed in conjunction with the Marina Village Management group. Budget for this district covers all irrigation costs and landscape maintenance costs. It also covers all street lighting maintenance and energy costs. All tree trimming, sidewalk repair and pathway repair are included. This district is under new ownership. In discussions with current representatives of the current owners, City staff has been assured that the owners will be concentrating on landscape revitalization, particularly for the street tree population. No increase is proposed for this budget year.

Zone 7: The property owners have cooperatively developed a maintenance schedule for the elm trees. Maintenance work which began in spring of 2000 continues. As the elm population has been reduced, so has the assessment, which is currently proposed at $250, per year, per property. No increase in assessment is proposed for this zone.

Balloting: For the 2006/2007 tax year, there is no requirement for a Proposition 218 ballot.

Copies of the area maps for each zone are attached. A copy of the Engineer's Report is on file in the City Clerk's Office.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The maintenance costs for the various zones are described in the Engineer's Report. Costs incurred by the City for the Engineer of Work and Attorney of Record, are paid by the Districts under the budget item incidental expense.

Maintenance costs for landscaping along Harbor Bay Parkway, from Doolittle Drive to Maitland Drive, are shared between the City and the property owners within the business park, via the assessment district. The split is one third City, two-thirds assessment district. The City's one-third share is split between the Public Works Department and the Golf Course. The total cost for City's off-site maintenance for fiscal year 2006/2007 is $21,233 requiring a payment of $10,616.50 each from Public Works and Golf. Funds for this expense have been budgeted in the proposed FY 2006/2007 budget. Additionally, the costs to maintain Shoreline Park within the Harbor Bay Business Park are shared equally between Zone 5 and the City, as provided for in a settlement agreement. The City's share has been estimated at $15,000, which is included in the Recreation and Park Department budget for FY 2006/2007.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed action does not affect the Alameda Municipal Code.

RECOMMENDATION

Open the public hearing, approve the Engineer's Report confirming diagram and assessment, and order the levying of assessments for the Island City Landscaping and Lighting District 84-2.

Respectfully submitted,

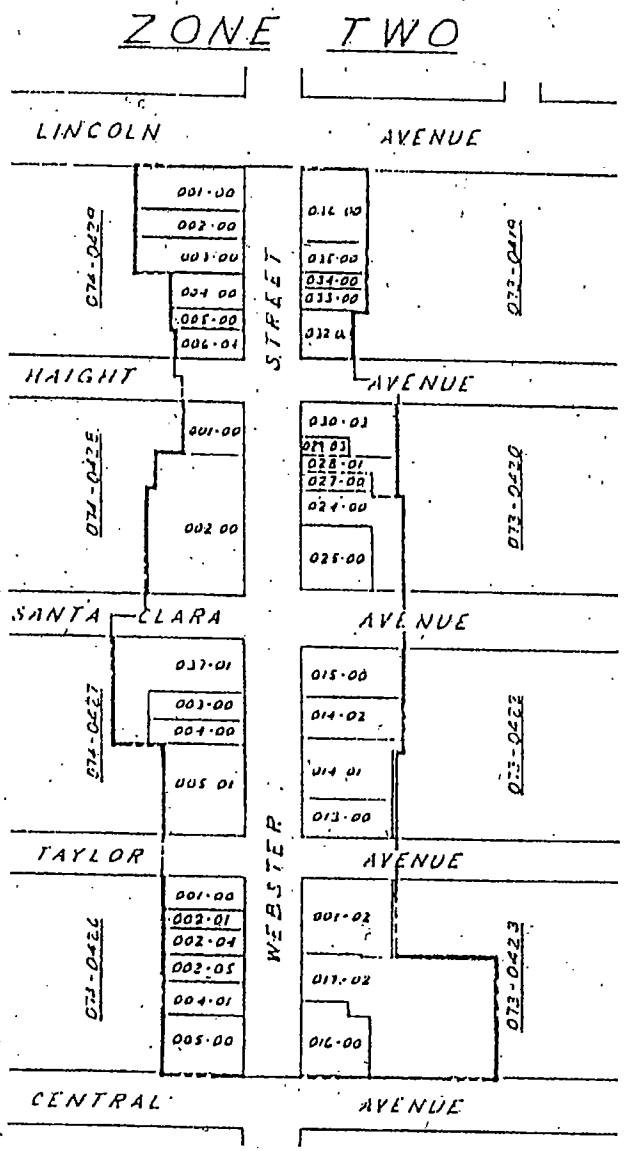
Matthew T. Naclerio
Public Works Director

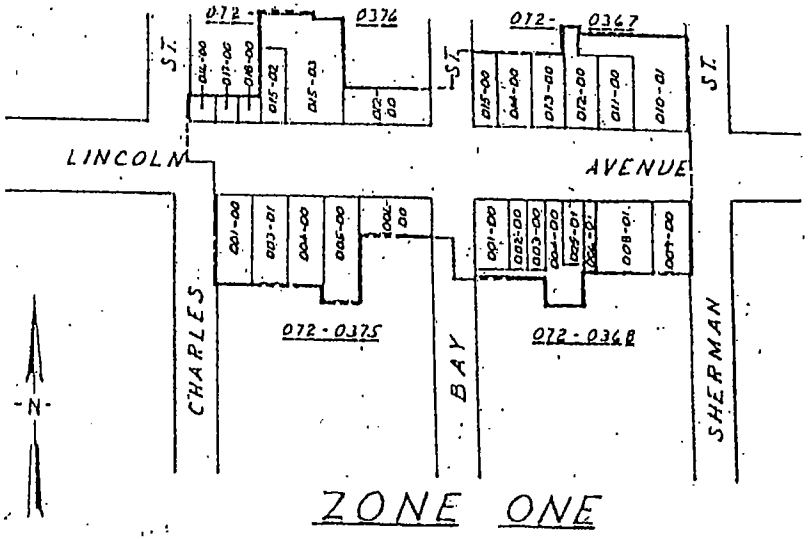
Prepared by,

Margaret A. McLean
Public Works Coordinator

MTN:MM:gc

Attachments
G:\pubworks\pwadmin\COUNCIL\2006\062006\Final LTC for 06-07 AD.doc





SPECIFICATIONS

ZONE NO.	LIMIT OF WORK	DESCRIPTION OF WORK
1	LINCOLN (ST CHARLES TO SHERMAN)	TREE MAINTENANCE MEDIAN MAINTENANCE REFUSE CONTAINER MAINTENANCE
2	WEBSTER (CENTRAL TO LINCOLN)	TREE MAINTENANCE REFUSE CONTAINER MAINTENANCE
3	WEBSTER (LINCOLN TO ATLANTIC)	TREE MAINTENANCE REFUSE CONTAINER MAINTENANCE
4	PARK ST. (SAN JOSE TO ESTURAY) LINCOLN (OAK TO EVERETT) SANTA CLARA (OAK TO BROADWAY) CENTRAL (OAK TO EVERETT)	TREE MAINTENANCE REFUSE CONTAINER MAINTENANCE

LEGEND

072-0376	INDICATES ASSESSOR'S BOOK / PAGE NOS.
015-03	INDICATES ASSESSOR'S PARCEL NO.
———	INDICATES DISTRICT / ZONE BOUNDARY

FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY LOTS OR PARCELS SHOWN HEREON, REFER TO THE ASSESSOR'S MAPS OF ALAMEDA COUNTY.

BENCH MARK	REFERENCES

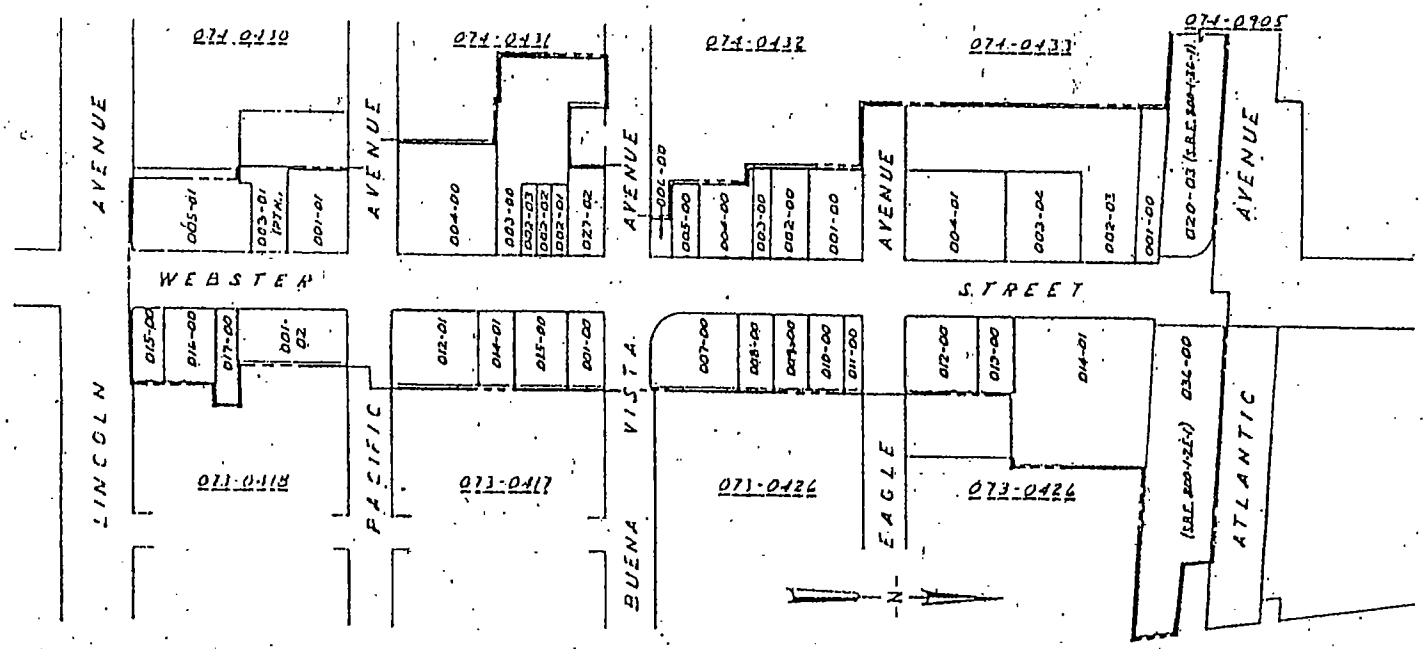
CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT

May 1994 | 1" = 100'

5/23/95

8884 | 51



ZONE THREE

Filed in the office of the City Clerk of the City of Alameda, California, this ___ day of _____ 198_.

Diane Felsch, City Clerk

An assessment was levied by the City Council of the City of Alameda, California, on lots, pieces and parcels of land shown on this diagram on the ___ day of _____ 198_, by its resolution No _____.

Diane Felsch, City Clerk

Filed in the office of the County Auditor of the County of Alameda, State of California, this ___ day of _____, 198_.

Donald M. Parkin
Auditor of the County of Alameda, California

BENCH MARK	REFERENCES

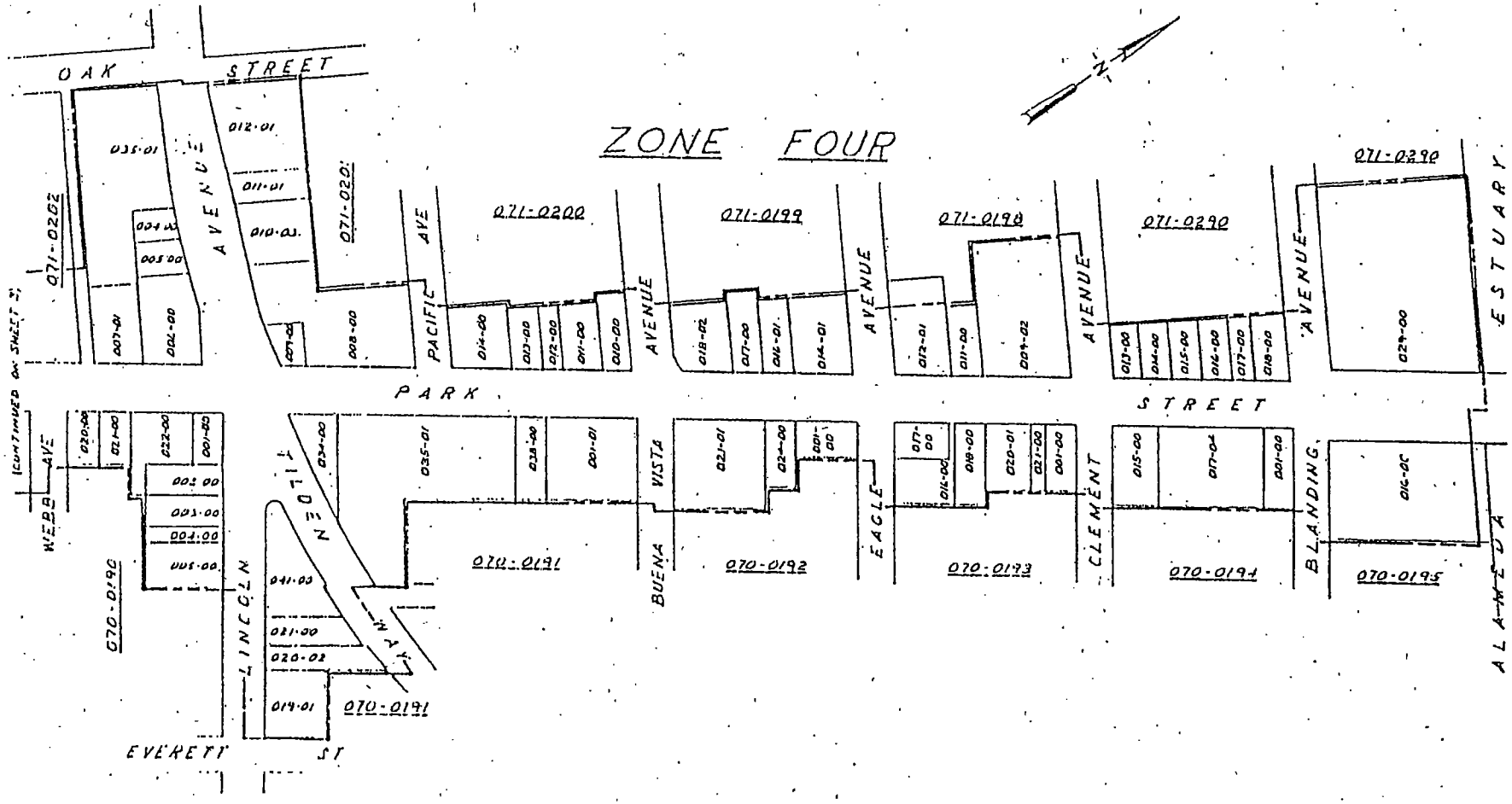
CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 84-2

May 1984 1" = 100'

5/23/85

8694 51



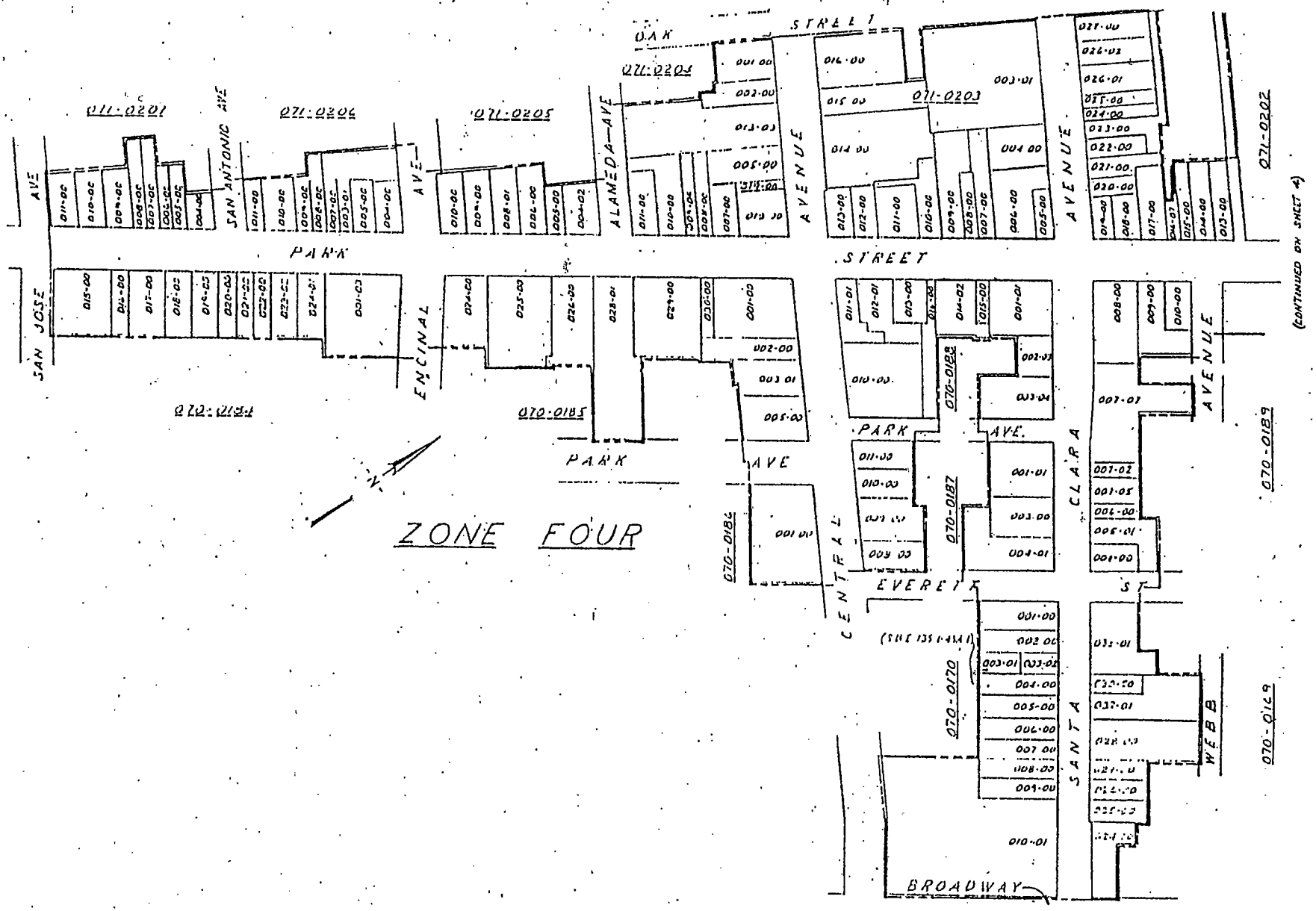
BENCH MARK	REFERENCES

CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 64-2

5/23/85

8694 | 51



BENCH MARK	REFERENCES

CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

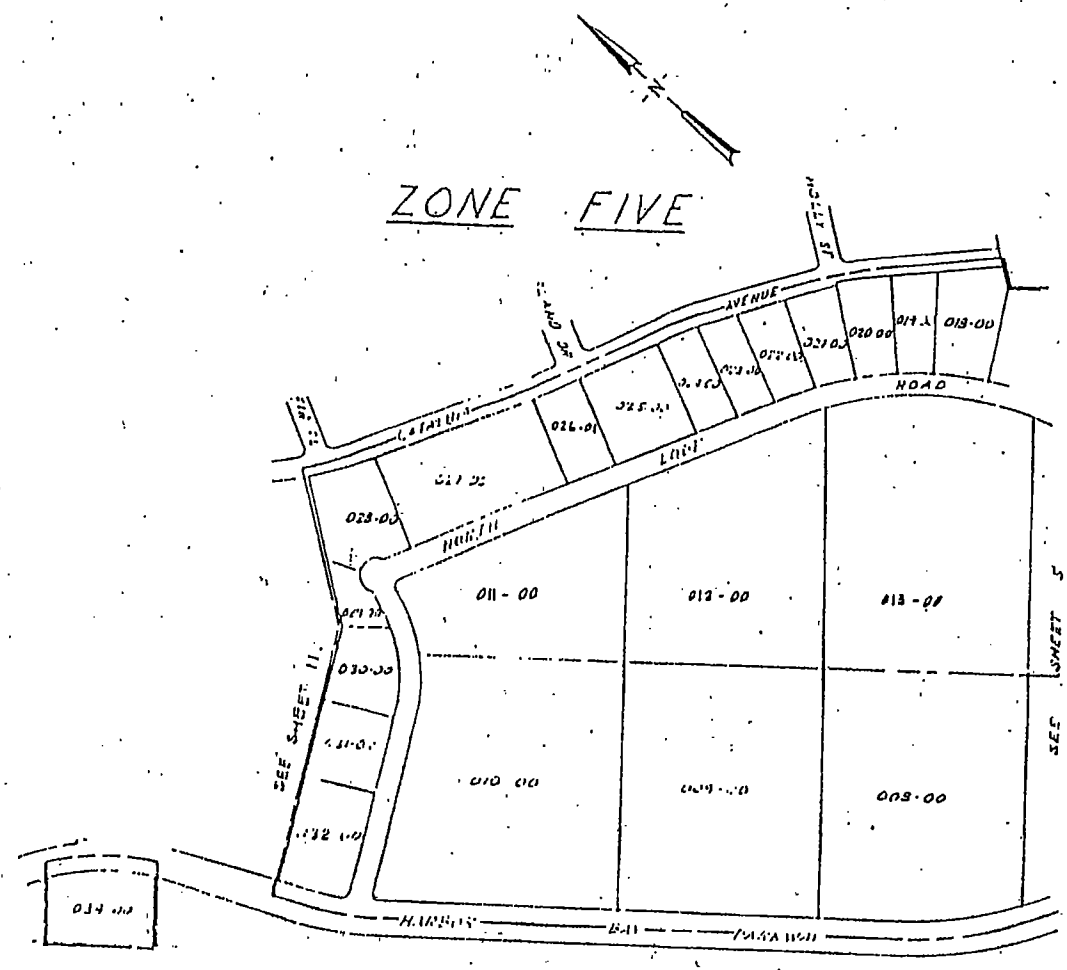
DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT

May 1994 1" = 100'

CITY ENGINEER

5/23/95

8694 | 51

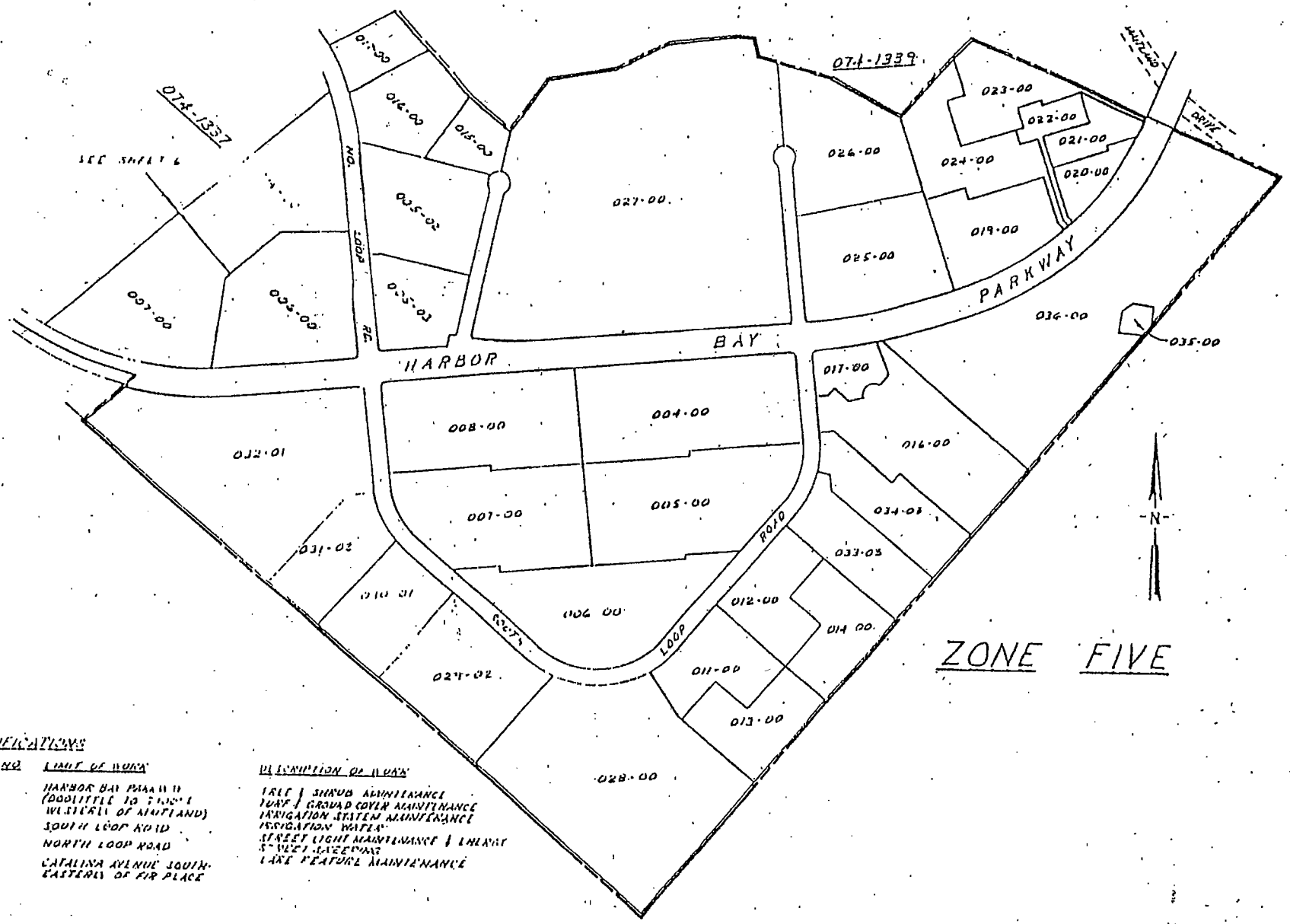


BENCH MARK	REFERENCES

CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 84-2

5/23/95



SPECIFICATIONS

GIVE NO	LIMIT OF WORK	DESCRIPTION OF WORK
5	HARBOR BAY PARKWAY (DOOLITTLE TO 7100' WESTERLY OF MAINLAND)	TREE / SHRUB MAINTENANCE
	SOUTH LOOP ROAD	TURF / GROUND COVER MAINTENANCE
	NORTH LOOP ROAD	IRRIGATION SYSTEM MAINTENANCE
	CATALINA AVENUE SOUTH-EASTERLY OF FIR PLACE	IRRIGATION WATER
		STREET LIGHT MAINTENANCE / ENERGY
		STREET SWEEPING
		LAKE FEATURE MAINTENANCE

BENCH MARK	REFERENCES

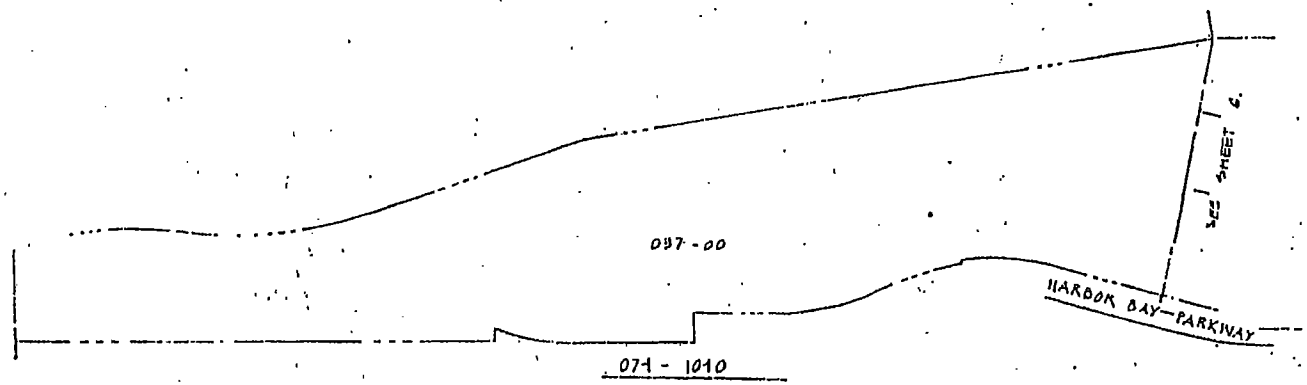
CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 84-2

APPROVED BY
CITY ENGINEER

DATE 5/23/95
SHEET 1 OF 11

ZONE FIVE



BENCH MARK	REFERENCES

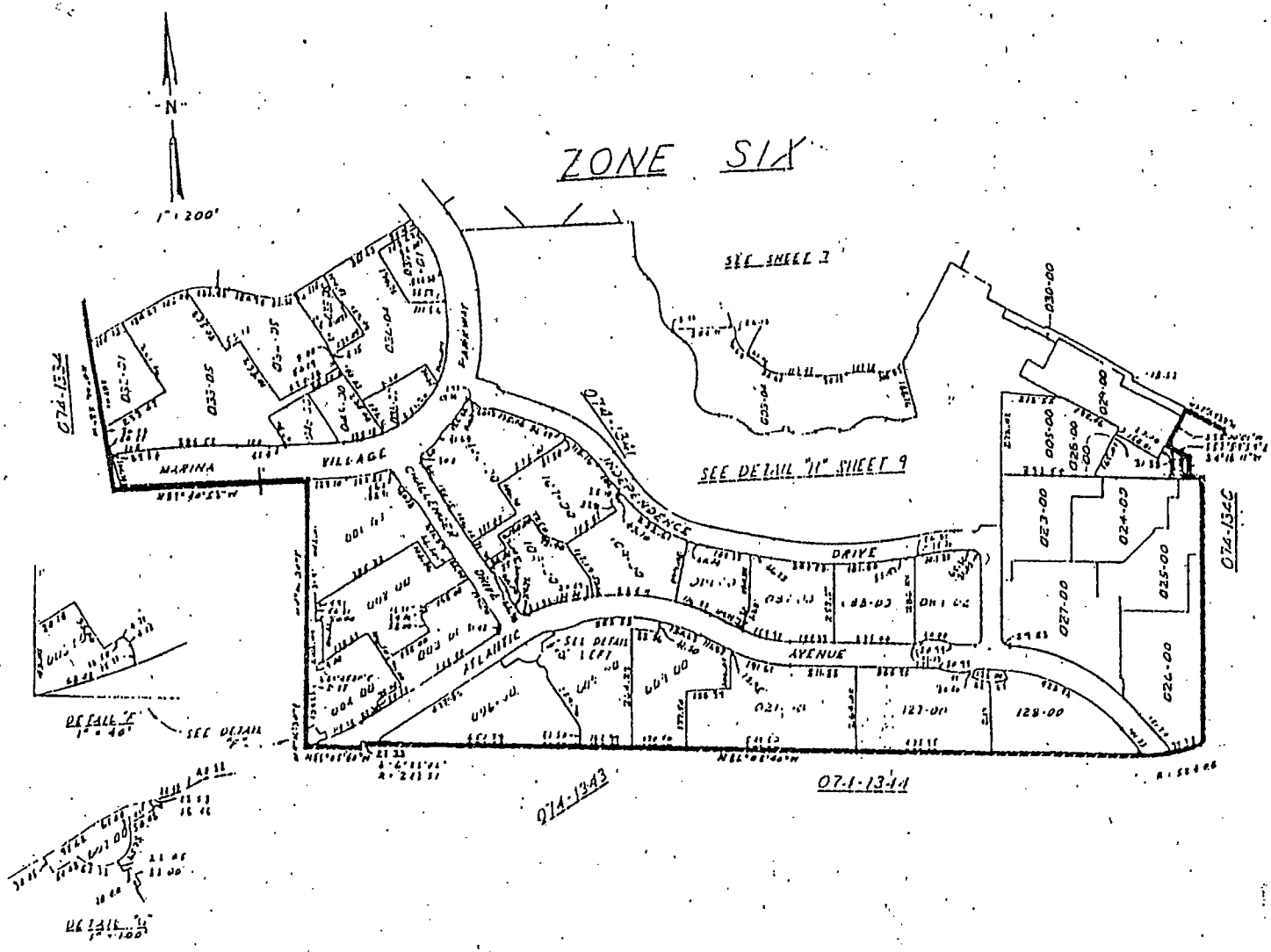
CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT

5/23/95

11 of 11

8894 | 51



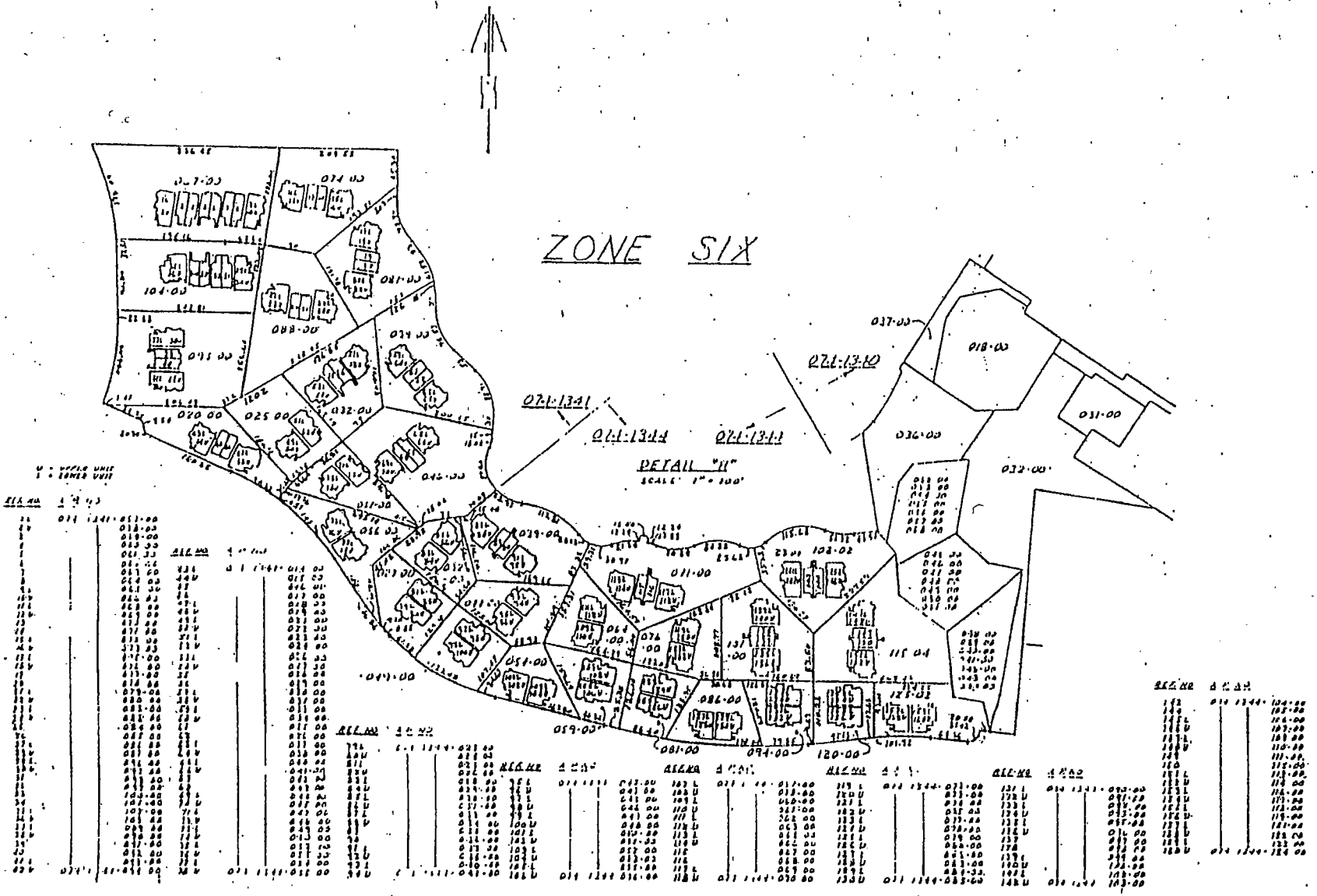
BENCH MARK	REFERENCES

CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 84-2

5/23/95

8894 | 51



BENCH MARK	REFERENCES

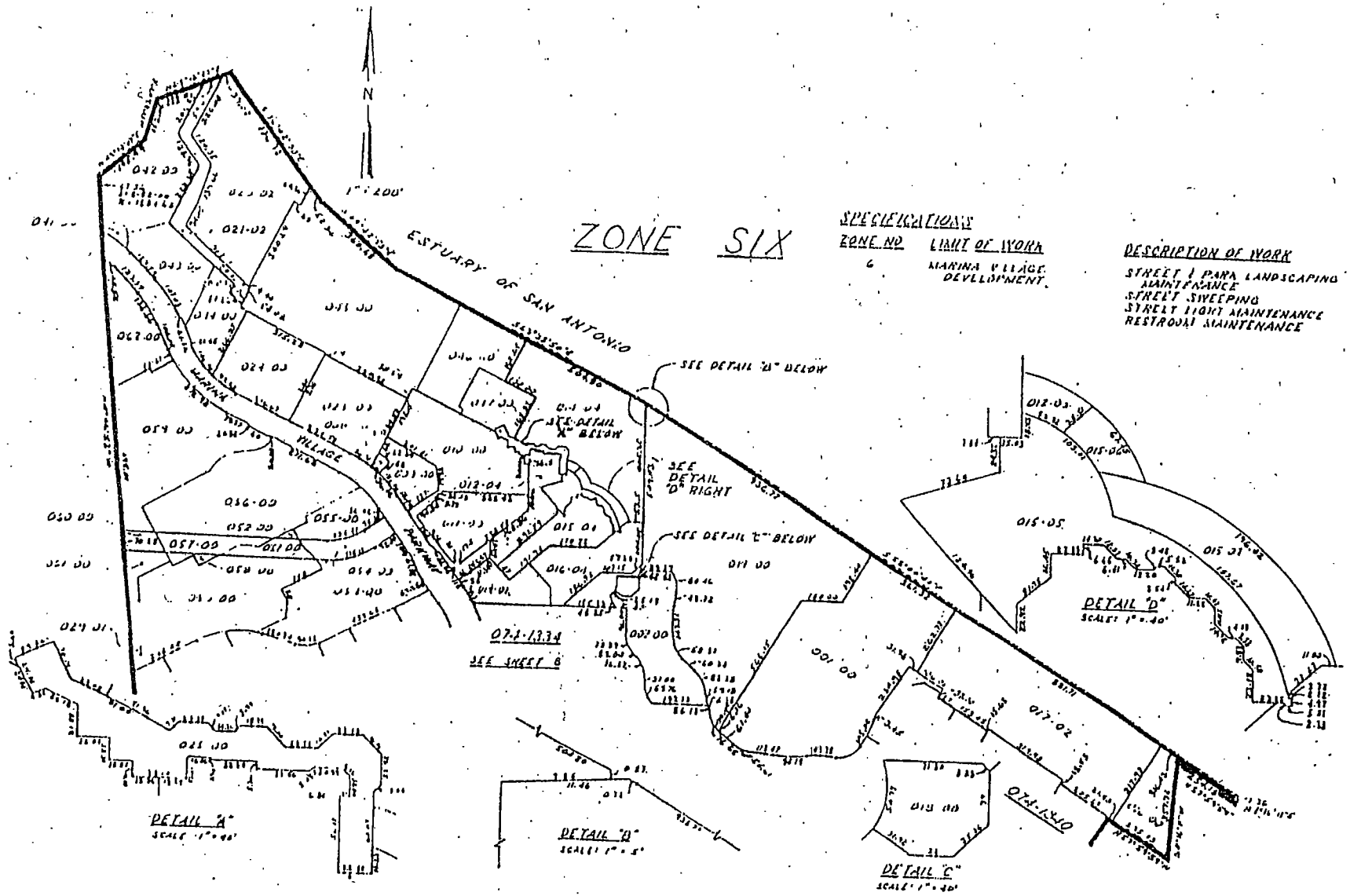
CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 84-2

APPROVED BY
CITY ENGINEER

5/23/95

8694 | 5



SPECIFICATIONS

ZONE NO	LIMIT OF WORK	DESCRIPTION OF WORK
6	MARINA VILLAGE DEVELOPMENT	STREET & PARK LANDSCAPING MAINTENANCE STREET SWEEPING STREET LIGHT MAINTENANCE RESTROOM MAINTENANCE

BENCH MARK	REFERENCES

CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 84-2

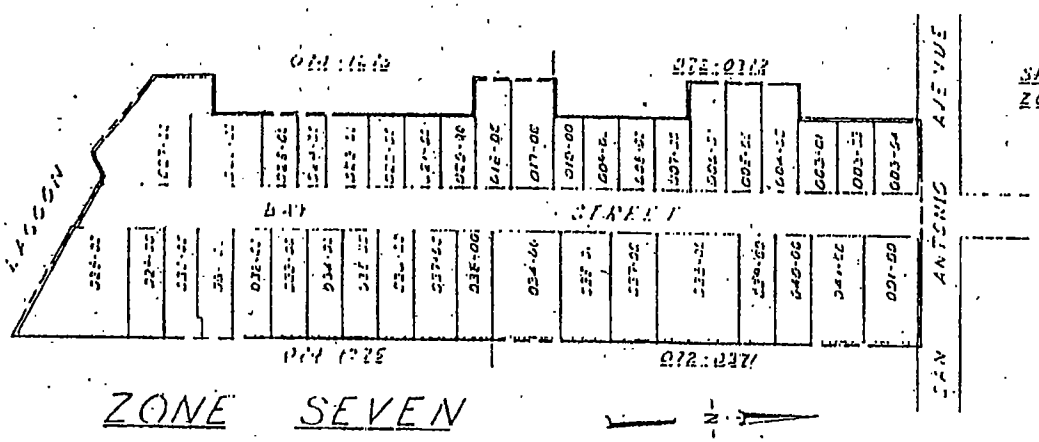
May 1984 1" = 200'

APPROVED BY
DIST. ENGINEER

5/23/95

SHEET 7 OF 11

8694 | 51



SPECIFICATIONS

ZONE NO	LIMIT OF WORK	DESCRIPTION OF WORK
7	BAY STREET BETWEEN SAN ANTONIO AVENUE AND SOUTHERLY TERMINUS	TREE REPLACEMENT TREE SPRAYING SPECIAL PRUNING

BENCH MARK	REFERENCES

CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
& LIGHTING DISTRICT 4-2

May 1984 1" = 100'

5/23/95

10 of 11

8694 | 51

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENTS, ISLAND CITY LANDSCAPING & LIGHTING DISTRICT 84-2

WHEREAS, by its Resolution No. 13815 a resolution directing preparation of Annual Report for Island City Landscaping and Lighting District 84-2, this Council designated the City Engineer, as Engineer of Work and ordered said Engineer of Work to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that on Tuesday, June 20, 2006, at the hour of 7:30 o'clock p.m., in the regular meeting place of this Council, Council Chambers, Alameda City Hall, 2263 Santa Clara Avenue, Alameda, California, was appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was duly and regularly published; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested, desiring to be heard, were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

NOW, THEREFORE, IT IS RESOLVED, that:

1. No vote of the property owners is required because proposed increases are allowed based on previous approval of the property owners owning more than fifty percent (50%) of the area of assessable lands within the District.

2. The public interest, convenience and necessity require that the levy be made.

3. The District benefited by the improvements are to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as

shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

4. The Engineer's Report as a whole and each part thereof to whit:

(a) the Engineer of Work's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) the diagram showing the assessment district, plans and specification for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; is finally approved and confirmed.

5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, the estimate of the costs and expenses, the diagram and the assessment, as contained in the report, as hereinabove determined and ordered, shall refer and apply to the report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. The assessment to pay the costs and expenses of the maintenance of the improvements is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution directing preparation of Annual Report.

7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid findings and determination as to special benefits.

8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll opposite each lot or parcel of land the amount of assessment

thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Director of Finance of this City.

9. Upon receipt of moneys representing assessments collected by the County, the Director of Finance of this City of Alameda shall deposit the moneys in the City Treasury to the credit of an improvement fund, which improvement fund the Director of Finance of this City is hereby directed to establish under the distinctive designation of the District. Moneys in the improvement fund shall be expended upon for the maintenance of the improvements.

* * * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of June, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of June 2006.

_____

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Public Hearing to Consider Resolution Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove)

BACKGROUND

In accordance with the Landscaping and Lighting Act of 1972, on February 7, 2006 City Council appointed an engineer and an attorney for the annual proceedings associated with District 01-01. Council also preliminarily approved the Engineer's Report, declared an intention to order levy and collection of assessment, and set a hearing for June 20, 2006 at 7:30 p.m. in the City Council Chambers at Alameda City Hall.

DISCUSSION

The Engineer's Report provides the district budget for maintaining all improvements within the public right-of-way and park area for the Marina Cove subdivision (see attached map). The maintenance costs for the improvements were initially determined in conjunction with the developer, utilizing standard costs for work. Costs are spread to the parcels by a per square foot basis. A copy of the Engineer's Report is on file in the City Clerk's Office.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The total annual operating budget for this district is proposed at $81,017.61, which includes a reserve of $23,119.62 to be set aside for long term maintenance of the sea wall, streets, sidewalks and other facilities. City costs associated with the management of the District and assessments are estimated at $2,500 which will be reimbursed by the District. There is no impact to the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed action does not affect the Alameda Municipal Code.

Re: Public Hearing 5-C
6-20-06

RECOMMENDATION

Open the public hearing, approve the Engineer's Report confirming diagram and assessment, and order the levying of assessments for the Maintenance Assessment District 01-01 (Marina Cove).

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Margaret A. McLean
Public Works Coordinator

MTN:MAM:gc

attachment

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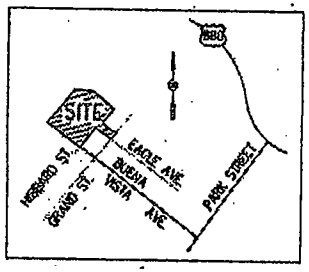
BOUNDARIES OF MAINTENANCE ASSESSMENT DISTRICT NO.1

CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

DATE: MAY 2002 SCALE 1"=100'

BELLECCI & ASSOCIATES, INC.
CONCORD



VICINITY MAP
NO SCALE

GRAPHIC SCALE

LEGEND

——— BOUNDARY LINE OF PROPOSED MAINTENANCE ASSESSMENT DISTRICT NO.1

"FOR THE PARTICULARS AND LINES OF DIMENSIONS OF THE ASSESSOR'S PARCEL NUMBERS REFERENCES IS MADE TO MARINA COVE TRACT MAP NO 7170 ON FILE WITH THE CITY ENGINEER, CITY OF ALAMEDA"

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ALAMEDA, STATE OF CALIFORNIA, THIS _____ DAY OF_____, 200__.

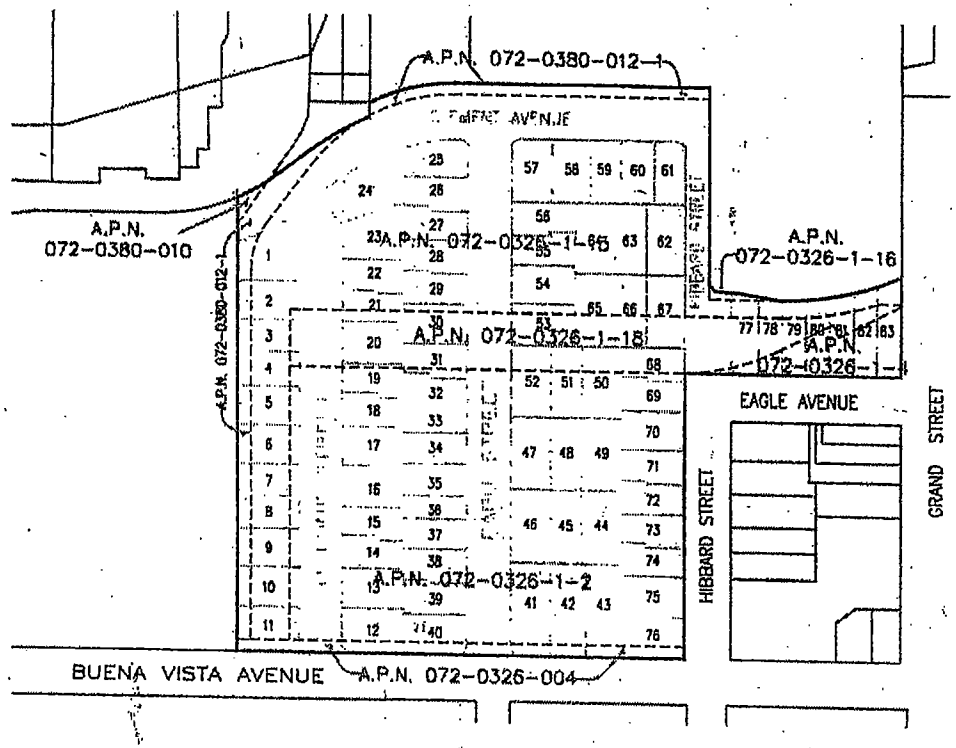
LARA WEISIGER, CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF ALAMEDA MAINTENANCE ASSESSMENT DISTRICT NO. 1 (MARINA COVE TRACT 7170), COUNTY OF ALAMEDA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMEDA AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF_____,200__ BY ITS RESOLUTION NO._____.

LARA WEISIGER, CITY CLERK

FILED THIS ____ DAY OF ____,200__, AT THE HOUR OF ____ O'CLOCK ____.m., IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE ____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF ALAMEDA
STATE OF CALIFORNIA



SHEET 1 OF 1

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENTS, MAINTENANCE ASSESSMENT DISTRICT 01-01 (MARINA COVE)

Approved as to Form
CITY ATTORNEY

WHEREAS, by its Resolution No. 13816, a resolution directing preparation of an Annual Report for Maintenance Assessment District 01-01 (Marina Cove), this Council designated the City Engineer, as Engineer of Work and ordered said Engineer of Work to make and file a report in writing in accordance with and pursuant to the Landscape and Lighting Act of 1972; and

WHEREAS, said report was duly made and filed with the City Clerk and was presented to the City Council for consideration; and

WHEREAS, said Council considered said report and each and every part hereof and found that it contained all the matters and things called for by the provisions of said Code and said Resolution No. 13816, including (1) plans and specifications of the existing improvements and proposed improvements, (2) estimate of costs (3) diagram of the district, and (4) an assessment according to the benefits, all of which was done in the form and manner required by such Code; and

WHEREAS, it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that on Tuesday, June 20, 2006, at the hour of 7:30 o'clock p.m., in the regular meeting place of this Council, Council Chambers, Alameda City Hall, 2263 Santa Clara Avenue, Alameda, California, was appointed as the time and place for a hearing of protests in relation to the formation of a maintenance assessment district pursuant to the City of Alameda Maintenance Procedure Code, to said proposed improvements and the levy of the proposed assessment; and

WHEREAS, it appears that notices of said hearings were duly and regularly published and mailed in the time, form and manner required by said Code, as evidence by the affidavits and certificates on file with said City Clerk; and

WHEREAS, persons interested in objecting to the formation of said maintenance assessment district, or of said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the maintenance assessment district, or any zones therein, or to the proposed assessment or diagram, or to the Engineer's estimate of costs thereof, were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram

and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS RESOLVED, that:

1. The property owners owning more than fifty percent (50%) of the area of assessable lands within the District had not, at the conclusion of the hearing, filed written protests against the proposed levy, as a whole or as to any part thereof, or against the District or the extent thereof to be assessed for the costs and expenses of the levy as a whole, or as to any part thereof, or against the Engineer of Work's estimate of costs and expenses, in whole or in part, or against the maps and description, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part.

2. The public interest, convenience and necessity require that the levy be made.

3. The District benefited by the improvements is to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in the City of Alameda, California, the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

4. That said district be, and is hereby designated as "City of Alameda Maintenance Assessment District 01-01" by which name it shall hereafter be referred to in all subsequent proceedings, including proceedings for the levy and collection of assessments.

5. The Engineer's Report as a whole and each part thereof, to whit:

(a) the Engineer of Work's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) the diagram showing the assessment district, plans and specification for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots or parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, is finally approved and confirmed.

6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds

and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid findings and determination as to special benefits.

7. Upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Director of Finance of this City.

8. Upon receipt of moneys representing assessments collected by the County, the Director of Finance of this City of Alameda shall deposit the moneys in the City Treasury to the credit of an improvement fund, which improvement fund the Director of Finance of this City is hereby directed to establish under the distinctive designation of the District. Moneys in the improvement fund shall be expended upon for the maintenance of the improvements.

* * * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of June, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of June 2006.

_____

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
MEMORANDUM

Date: June 20, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Public Hearing to Consider Adoption of Resolution Authorizing Collection of Delinquent Integrated Waste Management Accounts by Means of the Property Tax Bills

BACKGROUND

The State Public Resources Code and Health and Safety Code requires proper disposal of all refuse and discarded material. To maintain these required public health standards, the City of Alameda's Solid Waste and Recycling Ordinance requires all residential and commercial properties to receive and pay for Integrated Waste Management (IWM) services, as provided by the City's Franchise Hauler, Alameda County Industries (ACI). Collection services may be paid by the property owner or a tenant; however, since 1996, the City has held property owners responsible for delinquent accounts that are unpaid by their tenant.

In accordance with Chapter XXI, Solid Waste and Recycling, of the Alameda Municipal Code (AMC) and the Franchise Agreement between the City of Alameda and Alameda County Industries (ACI), ACI may assign delinquent integrated waste management (IWM) accounts to the City for collection through the property tax. Prior to assigning their rights to the City, ACI is obligated to make at least four attempts to collect the delinquent accounts. The City Council is required to hold a public hearing prior to collecting through the property tax bills. On June 6, 2006, the City Council set June 20, 2006 as the date for this public hearing.

DISCUSSION

On April 24, 2006, ACI assigned a list of 52 delinquent IWM accounts to the City for collection. In accordance with the AMC, the City sent letters to each assigned account requesting immediate payment of the delinquent account by 5:00 p.m., June 20, 2006, and stating that if payment was not promptly received, the City would consider collecting delinquent accounts by means of the property tax bills at a public hearing that evening. A cover sheet stating "Important Notice" and providing contact information was included with each letter, and was written in the six languages most commonly spoken within the City. Last year, ACI assigned 73 accounts to the City. There are 12 customers that are included on both last year's and this year's list. None of the property owners on this year's list receives a senior or low income discount.

The City is obligated to pay ACI for all delinquent accounts. Accounts that remain delinquent and are not approved for collection through the property tax bills are considered "bad debt" and will be included in the next rate review (commencing July 1, 2007), potentially resulting in an increase in the rates.

With adoption of the Resolution by the City Council, delinquent charges shall constitute a lien against the property. The total sum of unpaid delinquent charges consisting of the unpaid charges, penalties, simple interest, and any fees to recover staff costs will be forwarded to the County Auditor and placed on the property tax bills.

The 52 delinquent accounts include 20 rental unit properties, 28 single-family residences, 2 multi-family services and 2 commercial/business accounts. The total amount due for this group of non-paid accounts, not including Collection Fees, is $25,133.06. ACI has provided all requisite documentation so the City Council may conduct the public hearing. A list of delinquent accounts and corresponding properties is attached and also on file in the City Clerk's Office.

Since 1996, the City has held property owners responsible for delinquent accounts that are unpaid by their tenant. There are 22 accounts associated with rental unit properties that are delinquent. In each case, the property owner was directly notified by ACI when the tenant became delinquent after 60 days and was specifically advised that they are ultimately responsible for payment of the IWM account.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The City receives a 10% franchise fee from ACI. This revenue is deposited in the General Fund. Unpaid IWM fees, therefore, result in a loss in General Fund revenues. The total amount due for this group of non-paid accounts, not including City fees, is $25,133.06. The loss in General Fund revenue is $2,513.30.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed action does not affect the Alameda Municipal Code. The City's Integrated Waste Management Program is consistent with the General Plan Health & Safety Element Guiding Policy 8.4.k.

RECOMMENDATION

Open the public hearing and adopt the resolution authorizing collection of delinquent Integrated Waste Management accounts by means of the property tax bills.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

Prepared by,

Maria DiMeglio by gc
Maria DiMeglio
Program Specialist II

MTN:MD:gc
Attachment
G:\pubworks\pwadmin\COUNCIL\2006\062006\hearingwaste.doc

	A	F	G	H	I	N	O	P	Q	R	S	T	U	V
1	ALAMEDA LIENS APRIL 2006													
2	RESIDENTIAL													WHO WE BILLED
3	ACCT	TOTAL	QUARTERLY E	APN NUMBER	SERVICE ADDRESS	OWNER	OWNER ADDRESS	CITY	STATE	ZIP	STATUS	CYCLE	TYPE	ORIGINALLY OWNER OR tenant
4	**COMMERCIAL SERVICE**													
5	55	$1,477.85	STOPPED	071-0198-011	PARK ST> 01813	THORNTON, JOHN P.	1813 PARK ST	ALAMEDA	CA	94501	S	M2B	BUSINESS	OWNER
6	4887276	$1,346.42	STOPPED	072-0335-003-03	SAN ANTONIO AVE> 01421	MOONEY, BARBARA	1421 SAN ANTONIO AVE	ALAMEDA	CA	94501-4039	S	M2B	BUSINESS	OWNER
7	**CENTRALIZED SERVICE**													
8	255306	$2,374.28	$69.47	074-1225-002	CEDAR ST> 00840-00842	CLARK, JOHN W. JR	2712 WASHINGTON ST	ALAMEDA	CA	94501-5346	A	MFQ	MULTI-FAMILY	OWNER
9	~~5169772~~	~~$464.20~~	~~$69.47~~	~~072-0346-016~~	~~MORTON ST> 01509 E~~	~~FONG, KENNY~~	~~3310 WASHINGTON CT~~	~~ALAMEDA~~	~~CA~~	~~94501~~	~~A~~	~~ARC~~	~~MULTI-FAMILY~~	~~SUESUE, SAMUEL (tenant)~~
10	**PLEX SERVICE**													
11	187199	$676.58	$138.84	072-0295-007	BUENA VISTA AVE> 01715	BENSON, DOROTHY	1715 BUENA VISTA AVE	ALAMEDA	CA	94501-1202	A	ARC	PLEX	OWNER
12	187983	$440.08	$69.47	072-0294-010	BUENA VISTA AVE> 01731 A	CORTEZ, ANTHONY	P.O. BOX 3716	SEWARD	AK	99664	A	ARC	PLEX	OWNER
13	1884685	**$685.10**	**$69.47**	**070-0187-009**	CENTRAL AVE> 02431 A	1400 EVERETT LCC	2 MCMURTY CT	ALAMEDA	CA	94502	A	ARC	PLEX	GARD, DONALD (tenant)
14	2251886	$388.87	$69.47	070-0166-017	EAGLE AVE> 02525	MILLER, ERIK	2525 EAGLE AVE	ALAMEDA	CA	94501-1526	A	ARC	PLEX	OWNER
15	4490601	$443.54	$69.47	071-0245-037	ENCINAL AVE> 02040 B	CURRAN, DANIEL	2040 ENCINAL AVE	ALAMEDA	CA	94501-4215	A	ARC	PLEX	OWNER
16	508668	$550.91	$138.94	071-0237-019	ENCINAL AVE> 02121	MACDONNELL, ELEANOR	2121 ENCINAL AVE	ALAMEDA	CA	94501-4321	A	ARC	PLEX	OWNER
17	2292325	$638.42	$138.94	072-0301-019	MINTURN ST> 01514	WATTS, SHERYL	1514 MINTURN ST	ALAMEDA	CA	94501-2511	A	ARC	PLEX	SHEILA RIACH (tenant)
18	5177486	$473.36	$69.47	071-0200-022	OAK ST> 01700	STONE, TERRY	1661 FOOTHILL PARK CI	LAFAYETTI	CA	94549	A	ARC	PLEX	GARDNER, THOMAS (tenant)
19	~~4969726~~	~~$401.14~~	~~$69.47~~	~~071-0221-005~~	~~OAK ST> 01707~~	~~WILLIAMS, STUART S.~~	~~1038 HIGH ST~~	~~ALAMEDA~~	~~CA~~	~~94501~~	~~A~~	~~ARC~~	~~PLEX~~	~~TORIO, ANNABELLE (tenant)~~
20	2275639	$515.90	$69.47	074-0436-006	PACIFIC AVE> 00541 FR	SARASPI, MARCIANO	6 SHANNON CIRCLE	ALAMEDA	CA	94502	A	ARC	PLEX	DORSEY, JOHNNIE MAE (tenant)
21	2244837	$401.14	$69.47	071-0221-005	PACIFIC AVE> 02269	WILLIAMS, STUART	1038 HIGH ST	ALAMEDA	CA	94501	A	ARC	PLEX	KEVIN JOHNSON (tenant)
22	4964544	$234.17	$20.19	070-0182-050	PARK AVE> 01100	HEIRS OF HELEN ARMSTI	P.O. BOX 872	SAN LEANI	CA	94577	A	ARC	PLEX	CLOVER, KNIEQUELL (tenant)
23	~~5160182~~	~~$476.23~~	~~$69.47~~	~~071-0207-006~~	~~PARK ST> 01221 C~~	~~BRADFORD, BOSON~~	~~1232 CAROLINA ST~~	~~ALAMEDA~~	~~CA~~	~~94501~~	~~A~~	~~ARC~~	~~PLEX~~	~~FISHER, BRANDY (tenant)~~
24	4878679	$293.74	$44.14	071-0256-008-02	STANFORD ST> 01919 B	GUTLEBEN, VIOLET	2341 CLIPPER LANE	STOCKTON	CA	95204	A	ARC	PLEX	ROSS, LYLA (tenant)
25	1547490	$1,137.64	$208.41	073-0391-046	TAYLOR AVE> 00905	LIENG, LYNN	905 TAYLOR AVE C	ALAMEDA	CA	94501	A	ARC	PLEX	OWNER
26	1864474	$750.22	$139.91	071-0218-020	WALNUT ST> 01422	JACOPETTI, LOUIS	1414 COURT ST	ALAMEDA	CA	94501	A	ARC	PLEX	OWNER
27	5207914	$162.84	STOPPED	071-0233-004	WALNUT ST> 01611	SKILLING, SHAWNA	1611 WALNUT ST A	ALAMEDA	CA	94501	S	ARC	PLEX	HILLIARD, ANGELICA (tenant)
28	1643408	$469.40	$69.47	071-0233-004	WALNUT ST> 01611 A	SKILLING, SHAWNA	1611 WALNUT ST A	ALAMEDA	CA	94501	A	ARC	PLEX	OWNER
29	2601135	$401.14	$69.47	069-0036-001	WASHINGTON ST> 03204 LO	WILLIAMS, STUART S.	1038 HIGH ST	ALAMEDA	CA	94501	A	ARC	PLEX	SINATO, CRYSTAL (tenant)
30	1651834	$401.14	$69.47	069-0036-001	WASHINGTON ST> 03206	WILLIAMS, STUART S.	1038 HIGH ST	ALAMEDA	CA	94501	A	ARC	PLEX	COLLINS, DONNA (tenant)
31	**INDIVIDUAL SERVICE**													
32	63699	$355.39	$69.47	074-1345-012	BANNISTER WAY> 00147	WU-CHYI FAMILY TRUST	147 BANISTER	ALAMEDA	CA	94502	A	ARC	SINGLE FAMILY	HARVEY A MARKINSON (tenant)
33	1742694	$494.56	$69.47	074-1336-188	BAY PARK TERRACE> 00125	CHUNG, KAREN L	49 BAY PARK TERRACE	ALAMEDA	CA	94502	A	ARC	SINGLE FAMILY	OWNER
34	139500	$855.86	$69.47	069-0085-011-02	BRIGGS AVE> 03275	FIELDING, FRED	3275 BRIGGS AVE	ALAMEDA	CA	94502	A	ARC	SINGLE FAMILY	OWNER
35	177187	$401.14	$69.47	073-0412-019	BUENA VISTA AVE> 00779	GOMEZ, ELBIA	779 BUENA VISTA AVE	ALAMEDA	CA	94501-2115	A	ARC	SINGLE FAMILY	OWNER
36	5041256	$587.98	$69.47	072-0329-029	BUENA VISTA AVE> 01594	GHALON, PARAMJEET	1594 BUENA VISTA AVE	ALAMEDA	CA	94501-1261	A	ARC	SINGLE FAMILY	ALLEN, ARTHUR (tenant)
37	187218	$401.14	$69.47	072-0297-001	BUENA VISTA AVE> 01722	PENA, NAPOLEAN T	1722 BUENA VISTA AVE	ALAMEDA	CA	94501-1269	A	ARC	SINGLE FAMILY	OWNER
38	~~233627~~	~~$587.98~~	~~$69.47~~	~~074-1068-022~~	~~CAMINO DEL VALLE> 01119~~	~~HINTON, MICHAEL~~	~~1119 CAMINO DEL VALL~~	~~ALAMEDA~~	~~CA~~	~~94502-6807~~	~~A~~	~~ARC~~	~~SINGLE FAMILY~~	~~OWNER~~
39	4653506	$751.72	$69.47	074-1230-059	CEDAR ST> 00849	SANCHEZ, CARMEN	849 CEDAR ST	ALAMEDA	CA	94501	A	ARC	SINGLE FAMILY	CABRERA, PETRA (tenant)
40	1757304	$401.14	$69.47	074-0468-004	CENTRAL AVE> 00227	RAMIREZ, NICKOLAS	227 CENTRAL AVE	ALAMEDA	CA	94501-3245	A	ARC	SINGLE FAMILY	OWNER
41	278291	$456.82	$69.47	073-0392-017	CENTRAL AVE> 01001	BRADAS, LOUIS R	1001 CENTRAL AVE	ALAMEDA	CA	94501-2305	A	ARC	SINGLE FAMILY	OWNER
42	4601147	$315.23	STOPPED	071-0277-016	CENTRAL AVE> 01823	LIU, CYNTHIA	1823 CENTRAL AVE	ALAMEDA	CA	94501-2620	S	ARC	SINGLE FAMILY	OWNER
43	3105215	$401.14	$69.47	069-0134-005	COLLEGE> 01239	ARADA, CARL	1239 COLLEGE	ALAMEDA	CA	94501	A	ARC	SINGLE FAMILY	OWNER
44	400809	$587.98	$69.47	074-1341-045	COURAGEOUS CT> 00012	GOMEZ, GENERO	24199 APPALOOSA WAY	SONORA	CA	95370	A	ARC	SINGLE FAMILY	RICHARD T GOMEZ (tenant)
45	611619	$401.14	$69.47	069-0097-027	FOUNTAIN> 01538	BLAKEMORE, CAMILLE B	1538 FOUNTAIN	ALAMEDA	CA	94501-3132	A	ARC	SINGLE FAMILY	CAMILLE B WELPTON (tenant)
46	681277	$401.14	$69.47	074-0428-028	HAIGHT AVE> 00630	ANDERSON, COLLEEN	630 HAIGHT AVE	ALAMEDA	CA	94501-3310	A	ARC	SINGLE FAMILY	OWNER
47	5250346	$401.14	$69.47	074-1036-011	MAITLAND DR> 00138	VARGAS, EARL	138 MAITLAND DR	ALAMEDA	CA	94502-6725	A	ARC	SINGLE FAMILY	JEFFERSON, REGINA (tenant)
48	965903	$401.14	$69.47	072-0294-015-01	MINTURN ST> 01816	VARGAS, RICHARD P	1816 MINTURN ST	ALAMEDA	CA	94501-1211	A	ARC	SINGLE FAMILY	OWNER
49	2515470	$401.14	$69.47	073-0410-050	NINTH ST> 01809	LOUGH, PATRICK	1809 NINTH ST	ALAMEDA	CA	94501-2223	A	ARC	SINGLE FAMILY	ALLAN BROWN (tenant)
50	2119040	$389.40	$37.50	074-1336-045	OAK PARK> 00134	BURESH, HELEN	134 OAK PARK	ALAMEDA	CA	94502	A	ARC	SINGLE FAMILY	OWNER
51	5018988	$422.34	$69.47	073-0407-031	PACIFIC AVE> 00836	AGADIER, ALBERT	836 PACIFIC AVE	ALAMEDA	CA	94501-2254	A	ARC	SINGLE FAMILY	OWNER
52	1213201	$401.14	$69.47	069-0019-009-01	POST> 00992	STANG, JEAN L	992 POST	ALAMEDA	CA	94501-5572	A	ARC	SINGLE FAMILY	OWNER
53	4946029	$587.98	$69.47	074-0955-025	RAVENS COVE> 03258	MARTINEZ, RAY	29195 SANTA DOMINGO	SANTA NEI	CA	95322-9641	A	ARC	SINGLE FAMILY	MEDCALFE, TRACEY (tenant)
54	1314359	$494.56	$69.47	072-0337-002	SAN JOSE AVE> 01408	GREEN, TSUIAKO	1408 SAN JOSE AVE	ALAMEDA	CA	94501-4044	A	ARC	SINGLE FAMILY	OWNER
55	1445970	$401.14	$69.47	074-1326-112	SHANNON> 00006	SARASPI, LISA D.	6 SHANNON	ALAMEDA	CA	94502-7729	A	ARC	SINGLE FAMILY	OWNER
56	1488449	$645.49	$69.47	074-0441-010	SIXTH ST> 01505	RODRIGUEZ, DANA R	1505 SIXTH ST	ALAMEDA	CA	94501-3325	A	ARC	SINGLE FAMILY	OWNER
57	1592530	$494.56	$69.47	071-0279-015	UNION ST> 01512	EARLYWINE, RAYMOND	1512 UNION ST	ALAMEDA	CA	94501-2644	A	ARC	SINGLE FAMILY	OWNER
58	1649393	$473.81	$44.14	070-0146-006	WASHINGTON ST> 02712	CLARK, JOHN W.	2712 WASHINGTON ST	ALAMEDA	CA	94501-5346	A	ARC	SINGLE FAMILY	OWNER
59	2546272	$400.36	$69.47	074-1352-037	WHIMBREL> 00005	YU, CHEUK	5 WHIMBREL	ALAMEDA	CA	94501-6140	A	ARC	SINGLE FAMILY	PHUNG, KIEN P. (tenant)
60														
61														
62	~~PAID~~	~~########~~												
63														

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

AUTHORIZING COLLECTION OF DELINQUENT INTEGRATED WASTE MANAGEMENT ACCOUNTS BY MEANS OF THE PROPERTY TAX BILLS

WHEREAS, pursuant to Alameda Municipal Code subsection 21-20.6b (Ordinance #2886, Solid Waste and Recycling, Failure to Pay) which states that the amount of charges, penalty, and interest imposed is assessed against the property and, if not paid when due, shall constitute an assessment against the property and shall be a lien against the property; and

WHEREAS, pursuant to Alameda Municipal Code subsection 3-58.16 (Notice of Hearing on Lien), the Public Works Director shall file with the Acting City Manager a written notice of those persons on whom the City will file liens; and

WHEREAS, upon receipt of such notice, the Acting City Manager shall present same to the City Council; and

WHEREAS, the City Council shall hold a public hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda and pursuant to Alameda Municipal Code subsections 21-20.6b:

1. The City's Franchise Hauler, Alameda County Industries (ACI), has submitted a list of delinquent accounts and corresponding properties. ACI has established that each delinquent account is at least 60 days late in payment.
2. ACI has established that it sought collection for one year from the invoice date and has made at least four efforts to collect on the delinquent account.
3. On April 24, 2006, ACI assigned its right to the unpaid accounts to the City in writing.
4. City staff provided Council with a report and filed said report with the City Clerk listing each property and the amount due in unpaid charges, plus any penalties, interest, and other collection fees.
5. On May 11, 2006 and June 5, 2006, the City Clerk mailed a letter to each property owner requesting payment and stating that if payment was not received by 5 p.m. on June 20, 2006, the City will hold a public hearing at 7:30 p.m. in City Council Chambers to consider placing a lien on the property in order to collect the delinquent amount with the property tax bill.
6. On June 2, 2006, the City Clerk published Notice of the filing of the report as well as the time, date and place for the public hearing to be held on June 20, 2006.
7. On June 20, 2006, the City Council held a public hearing and confirmed the staff report and directed the Clerk to forward to the County Auditor the total sum of unpaid delinquent charges including any penalties, interest and other collection fees.

* * * * *

Resolution #5-D
6-20-06

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 20th day of June 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of June 2006.

_____
Lara Weisiger, City Clerk
City of Alameda

Note: Letter has been typed as written (attached) by its author.

To Whom It May Concern:

This letter is concerning the account #508668 at 2121 Encincal Ave, Alameda, California.

The property at 2121 Encinal Avenue is listed as a duplex and was so used for fifteen years. The house was purchased in 1955 but has been used as a single dwelling since 1970.

I am requesting that I be billed for a single home instead of a duplex.

Yours truly,
Eleanor MacDonnell

Re: Agenda Item #5-D
06-20-06

To Whom It May Concern:

This letter is concerning the account #508668 at 2121 Encinal Ave, Alameda, California.

The property at 2121 Encinal Avenue is listed as a duplex and was so used for fifteen years. The house was purchased in 1955 but has been used as a single dwelling since 1970.

I am requesting that I be billed for a single home instead of a duplex.

Yours truly,
Eleanor MacDonnell

1400 K Street
Sacramento, CA 95814
ph: (916) 658-8200
fx: (916) 658-8240

LEAGUE OF CALIFORNIA CITIES

06 JUN 13 PM 4:07
DISTRIBUTION

WWW.CACITIES.ORG

June 7, 2006

TO: Mayors, City Managers and City Clerks

RE: Designation of Voting Delegate and Alternate for 2006 League Annual Conference – September 6-9, San Diego

Please review this memo carefully, as new procedures have been adopted regarding designation of voting delegates and alternates and voting at the Annual Conference.

The League's 2006 Annual Conference is scheduled for September 6-9 in San Diego. An important part of the Annual Conference is the Annual Business Meeting, scheduled for Saturday morning, September 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting your city council must designate a voting delegate and may designate a voting delegate alternate.

Please complete the attached voting delegate form and return it to the League's office no later than August 15 so that voting delegate/alternate records may be established prior to the conference. At the conference, voting delegate forms may be returned to the Voting Delegate desk located in the conference registration area.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and alternate must be designated by the city council. When completing the attached voting delegate form, please attach either a copy of the council resolution that reflects the council action taken, or, have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternate **must** be done by city council action and cannot be accomplished by individual action of the mayor alone.

- **Conference Registration Required.** The voting delegate and alternate must be registered to attend the conference. At least one must be present at the Business Meeting and in possession of voting card in order to cast a vote.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting card may be transferred freely between the voting delegate and alternate, but only between the voting delegate and alternate. If the voting delegate and alternate find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

-over-

LEAGUE OF CALIFORNIA CITIES

1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures
2006 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council designates a voting delegate and an alternate; these individuals are identified in the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternate, may pick up the city's voting card at the voting card desk in the conference registration area.

4. **Signing Initiated Resolution Petitions**. Only those individuals registered and with signatures on file with the Credentials Committee may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee.

6. **New Voting Area at Business Meeting.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission will be limited to those individuals with a special stamp on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternate wish to sit together, both should sign in at the Voting Delegate desk and obtain the special stamps on their badges.

7. **Resolving Disputes**. In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

LEAGUE OF CALIFORNIA CITIES

CITY: _____

2006 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by August 15, 2006. Forms not sent by this deadline may be returned to the Voting Delegate Desk located in the Annual Conference Registration Area.

In order to vote at the Annual Business Meeting, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: At this year's conference, voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this special area will be limited to individuals (voting delegates and alternates) who are identified with a special stamp on their conference badge. If your city's voting delegate and alternate wish to sit together at the Business Meeting, they are both encouraged to register at the Voting Desk in order to obtain the identifying stamp that will admit them to the special voting area.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE ALTERNATE

Name: _____

Title: _____

ATTEST (I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate.)

Name: _____ Phone: _____

Title: _____ Date: _____

Please complete and return by August 15 to:

League of California Cities
ATTN: Debbie Kinsey
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240

AC2006VotingDelegateLetter.doc

CURRENT APPLICATIONS
CIVIL SERVICE BOARD
TWO VACANCIES

Lydia L. Chan

Karen Green

Dr. Jerome D. Healy

Linda M. McHugh

Roberto Rocha, **Incumbent**

Michael E. Soderberg

Re: Agenda Item #7-B
06-20-06

CURRENT APPLICATIONS
COMMISSION ON DISABILITY ISSUES
TWO VACANCIES

DuWayne A. Crone

Paulina Kirola

CURRENT APPLICATIONS
ECONOMIC DEVELOPMENT COMMISSION
ONE VACANCIES
Real Estate/Land Development Seat

Arshad A. Ahmed

Michael R. Fassler

Claire Candace Fitzgerald

Frederic F. Hollister

Janet W. Iverson

Kirk H. Knight

William C. Russell

Brad C. Shook

Karen M. Stefonek

Jay G. Townley

CURRENT APPLICATIONS
HISTORICAL ADVISORY BOARD
TWO VACANCIES
Community-at-large Seat and Contractor Seat

	Community-at-large	Contractor
Claire Candace Fitzgerald	X	
Mark L. Irons		X
Thomas H. Jasper	X	X
Judith A. Lynch, **Incumbent**	X	

CURRENT APPLICATIONS
HOUSING AND BUILDING CODE HEARING AND APPEALS BOARD
TWO VACANCIES

Jeff Cambra, **Incumbent**

Jacob M. Chapman

Harold J. Holmes

Ronald H. Kahn

David A. Solis

CURRENT APPLICATIONS
HOUSING COMMISSION
THREE VACANCIES

Billie Trujillo, **Incumbent**

CURRENT APPLICATIONS
LIBRARY BOARD
ONE VACANCY

Karen A. Butter, **Incumbent**

Claire Candace Fitzgerald

Rebacca A. Kozak

Thomas G. Lewellyn

Jessica Lindsey

Dian McPherson

Gail A. Wetzork

CURRENT APPLICATIONS
PLANNING BOARD
TWO VACANCIES

Robert A. Bonta

Jeff Cambra

Jacob M. Chapman

Todd E. Clapp

Anne Cook, **Incumbent**

Andrew J. Cunningham, **Incumbent**

Gregg D. deHaan

Jonas H. Dupuich

Dian McPherson

Roderick L. Smith II

Normajean C. Washingtonpalmer

Noel Wise

CURRENT APPLICATIONS
PUBLIC UTILITIES BOARD
ONE VACANCY
Engineer Seat

Ann McCormick, **Incumbent**

CURRENT APPLICATIONS
SOCIAL SERVICE HUMAN RELATIONS BOARD
ONE VACANCY

Dr. Jerry B. Healy

Reginald L. James

Richard A. Lagesse

Linda J. Marcello

Henry B. Villareal

CURRENT APPLICATIONS
TRANSPORTATION COMMISSION
THREE VACANCIES

Michael J. Kreuger, **Incumbent**

Paul F. Mahler

Robert L. McFarland, **Incumbent**

Elizabeth Tuckwell

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL JOINT CITY COUNCIL, ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY, AND COMMUNITY IMPROVEMENT COMMISSION MEETING TUESDAY- -JUNE 6, 2006- -7:31 P.M.

Vice Mayor/Board Member/Commissioner Gilmore convened the Special Joint Meeting at 9:41 p.m.

ROLL CALL - Present: Councilmembers, Board Members, Commissioners Daysog, deHaan, Gilmore, and Matarrese 4.

Absent: Mayor/Chair Johnson - 1.

MINUTES

(06- CC/06- CIC) Minutes of the Special Community Improvement Commission (CIC) Meeting, and the Joint City Council, Alameda Reuse and Redevelopment Authority, CIC and Housing Authority Board of Commissioners Meeting held on May 16, 2006. Approved.

Councilmember/Commissioner Matarrese moved approval of the minutes.

Councilmember/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor/Chair Johnson - 1.]

AGENDA ITEM

(06- CC/06- CIC) Discussion of City Attorney/General Counsel Legal Services and staffing options. **Continued.**

Councilmember/Board Member/Commissioner Matarrese moved approval of continuing the item.

Councilmember/Board Member/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor/Chair Johnson - 1.]

ADJOURNMENT

There being no further business, Vice Mayor/Board Member/Commissioner Gilmore adjourned the Special Joint Meeting at 9:42 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement Commission

Agenda for meeting was posted in accordance with the Brown Act.

CITY OF ALAMEDA

MEMORANDUM

DATE: June 20, 2006

TO: Honorable Mayor and Councilmembers

Honorable Chair and Members of the Community Improvement Commission

Honorable Chair and Members of the Alameda Reuse and Redevelopment Authority

FROM: Debra Kurita
City Manager

RE: Discussion of Fiscal Year 2006-2007 and 2007-2008 Citywide Budget and adoption of Resolutions Approving Interim Expenditures Prior to Adoption of the Operating Budget for Fiscal Year 2006-2007

BACKGROUND

State law requires the adoption of an annual budget. In order to have authorization for expenditure of funds until adoption of the budget, it is necessary to have interim authorization resolutions of the City, Community Improvement Commission and Alameda Reuse and Redevelopment Authority Board.

DISCUSSION/ANALYSIS

The City Council received and reviewed the 2-year financial plan. Based upon detailed responses provided earlier and any further direction to the City Manager provided at this meeting, a final budget will be presented for adoption at the July 5, 2006 joint meeting of the Council, Commission and Authority Board.

In the interim, the attached resolutions are required to be adopted to provide spending authorization in that interim period.

FINANCIAL IMPACT

The proposed resolution would authorize payment of city obligations prior to the adoption of the 2006-07 budget.

Re: Resos 1
Special Joint Meeting
6-20-06

RECOMMENDATION

Adopt the resolutions approving interim expenditures.

Respectfully submitted

Juelle-Ann Boyer
Chief Financial Officer

JAB:dl

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING INTERIM EXPENDITURES PRIOR TO ADOPTION OF THE OPERATING BUDGET FOR FISCAL YEAR 2006-2007

WHEREAS, State law requires that the City of Alameda adopt an annual budget representing a financial plan for conducting the affairs of the City of Alameda for the fiscal year beginning July 1, 2006 and ending June 30, 2007; and

WHEREAS, there will be submitted to the City Council at the meeting of July 5, 2006, the Operating Budget and Capital Improvements for fiscal year 2006-07; and

WHEREAS, the proposed Operating Budget and Capital Improvements for Fiscal Year 2006-07 includes several expenditures prior to the adoption of the City of Alameda Operating Budget and Capital Improvements;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda hereby approves interim expenditures of the City of Alameda prior to the approval of the City of Alameda Operating Budget and Capital Improvements for Fiscal Year 2006-07 at the levels set by the City Operating and Capital Improvement Budget for 2005-06 to allow payment of routine expenses including payroll and vendor expenses at prior year's level.

* * * * * * *

Resolution #1 (CC)
Joint CC, ARRA, CIC Meeting
6-20-06

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2006.

_____
Lara Weisiger, City Clerk
City of Alameda

ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY
RESOLUTION NO. _____

APPROVING INTERIM EXPENDITURES PRIOR TO ADOPTION OF THE OPERATING BUDGET FOR FISCAL YEAR 2006-2007

Approved as to Form
GENERAL COUNSEL

WHEREAS, State law requires that the Alameda Reuse and Redevelopment Authority adopt an annual budget representing a financial plan for conducting the affairs of the Alameda Reuse and Redevelopment Authority for the fiscal year beginning July 1, 2006 and ending June 30, 2007; and

WHEREAS, there will be submitted to the Alameda Reuse and Recevelopment Authority at a future meeting the Operating Budget and Capital Improvements for fiscal year 2006-07; and

WHEREAS, the proposed Operating Budget and Capital Improvements for Fiscal Year 2006-07 includes several expenditures prior to the adoption of the Alameda Reuse and Redevelopment Authority Operating Budget and Capital Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Alameda Reuse and Redevelopment Authority hereby approves interim expenditures of the Alameda Reuse and Revevelopment Authority prior to the approval of the Operating Budget and Capital Improvements for Fiscal Year 2006-07 at the levels set by the City Operating and Capital Improvement Budget for 2005-06 to allow payment of routine expenses including payroll and vendor expenses at prior year's level.

* * * * * * *

Resolution #1 (ARRA)
Joint CC, ARRA, CIC Meeting
6-20-06

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Alameda Reuse and Redevelopment Authority in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this _____ day of _____, 2006.

_____
Irma Frankel, Secretary
Alameda Reuse and Redevelopment Authority

_____
Beverly Johnson, Chair
Alameda Reuse and Redevelopment Authority

COMMUNITY IMPROVEMENT COMMISSION RESOLUTION NO. _____

APPROVING INTERIM EXPENDITURES PRIOR TO ADOPTION OF THE OPERATING BUDGET FOR FISCAL YEAR 2006-2007

Approved as to Form
GENERAL COUNSEL

WHEREAS, State law requires that the Community Improvement Commission of the City of Alameda adopt an annual budget representing a financial plan for conducting the affairs of the Community Improvement Commission for the fiscal year beginning July 1, 2006 and ending June 30, 2007; and

WHEREAS, there will be submitted to the Community Improvement Commission at a future meeting the Operating Budget and Capital Improvements for fiscal year 2006-07; and

WHEREAS, the proposed Operating Budget and Capital Improvements for Fiscal Year 2006-07 includes several expenditures prior to the adoption of the Community Improvement Commission Operating Budget and Capital Improvements;

NOW, THEREFORE, BE IT RESOLVED that the Community Improvement Commission of the City of Alameda hereby approves interim expenditures of the Community Improvement Commission prior to the approval of the Community Improvement Commission Operating Budget and Capital Improvements for Fiscal Year 2006-07 at the levels set by the City Operating and Capital Improvement Budget for 2005-06 to allow payment of routine expenses including payroll and vendor expenses at prior year's level.

* * * * * * *

Resolution #1 (CIC)
Joint CC, ARRA, CIC Meeting
6-20-06

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said Commission this _____ day of _____, 2006.

_____
Lara Weisiger, Secretary
Community Improvement Commission

_____
Beverly Johnson, Chair
Community Improvement Commission

CITY OF ALAMEDA

MEMORANDUM

Date: May 2, 2006

To: Honorable Mayor and Members of City Council
Chair and Members of Community Improvement Commission
Chair and Members of Alameda Reuse and Redevelopment Authority

From: Carol A. Korade
City Attorney/General Counsel

Re: Legal Services Provided by City Attorney and General Counsel and Discussion of Staffing Options

Background

Alameda's legal needs are unique among the 438 cities in California. It is the only city under 100,000 population[1] in which all of the following are true:

- It has a closed military base in its jurisdiction for disposition and redevelopment
- It has a Housing Authority, providing affordable housing opportunities
- It has an active redevelopment agency, with ongoing development projects
- It owns a public utility company[2]
- It has lands held in the Tidelands Trust for the public interest
- It owns a municipal (public) golf course
- It has a full-service police, fire and paramedic service

The City's complex legal needs are provided by and through the City Attorney.[3] In this capacity, the City Attorney's Office provides over 10,000 formal and informal legal opinions, contracts, transactional work and prepares all the legislation for each legislative body each year. The City Attorney defends the City entities against claims and lawsuits and initiates litigation on behalf of the City entities when directed to do so by the legislative body. The City receives an average of 126 claims a year and has averaged 16 active litigation cases per year for the past 15 years. The City is self-insured for all claims and lawsuits and workers' compensation matters. Since 1997, with the closure of the Naval Air Station Alameda, expansion of AP&T, and increased City redevelopment, the City's demand for legal services has more than doubled.

---

1 There are only nine other cities in the state, including, San Francisco, Oakland, Los Angeles, Sacramento, San Diego, Vallejo, Long Beach, Oxnard and Fairfield, which include most of these criteria.

2 Alameda is the only city in California which provides electric, internet and cable television services to its citizens.

3 In addition to serving as legal advisor to the City Council, 26 City Boards, Commissions and Committees, the City Manager and City's Clerk's Offices and 13 City Departments, the City Attorney is also General Counsel to Alameda Power & Telecom, Community Improvement Commission ("CIC"), Alameda Reuse and Redevelopment Authority ("ARRA") and the Housing Authority.

No changes to report.
Held over from 6/6/06
City Council meeting.

Report 2
Special Joint Meeting
6-20-06

Current Organizational Model and Staffing Pattern for City Attorney's Office

The present composition of the City Attorney's Office is the City Attorney plus four full-time in-house assistants and/or deputies, supplemented with various outside counsel support. Even with City Attorney staffing of five full-time attorneys, the workload of each attorney has increased more than 30% since 1997, due to the increased demand for legal services. All in-house attorneys work 40-50 hours each week. The current budget for the five attorney staff of the City Attorney's Office is $894,170 (including cost of benefits). This budget reflects an average hourly rate of $76.00 (which includes the cost of benefits) based on a 45 hour work week for the five full-time municipal attorney staff.[4] The City Attorney staff supervises the work of all outside counsel and no staff attorney has less than 10 years experience. By comparison, the average hourly rate of outside counsel is $276—over three and ½ times more expensive than a staff attorney.[5] The organizational model of permanent in-house attorney staffing, supplemented by discrete outside counsel services, is a model which is used by many cities. Attachment 1, a comparison of East Bay city attorney costs and staffing patterns, reflects that Alameda's City Attorney budget is on par with comparable cities.

In addition to the City Attorney's in-house staffing, the City Attorney has access to an outside counsel budget for the various City entities it represents. The outside counsel budgets function like a reserve or "contingency" fund for each entity, and is used to fund litigation and discrete areas of transactional expertise. Attachment 2 summarizes the City's current outside counsel budgets, and also shows expenditures to date. The existing outside counsel budgets were approved for FY 05/06 by the legislative body, as recommended by the City Manager. The City Council and other legislative bodies also adopted procedures and limitations on the City Attorney's expenditures from all outside counsel budgets, the imposition of monthly financial reporting requirements and restrictions on use of outside counsel from an outside counsel panel, chosen through an RFQ process. The outside counsel budgets for the City, ARRA and the Housing Authority have remained relatively constant for 10-15 years. Historically, the City Attorney's Office has expended less than 88% of its outside counsel funds, with an average annual cost savings of more than 12%.

With my departure on June 30, 2006, the City Attorney's Office will be operating with only two of its budgeted attorney positions, which is 40% of its legal staff (due to the loss of two staff attorneys last month), and 28% of its FY 04/05 professional staff (loss of two staff attorneys plus a laid off Management Analyst). Five in-house attorneys have been working at least 45 hours per week in order to meet the legal demands of the

4 Based upon a 36 hour work week, the average hourly rate is $95 (includes cost of benefits).

5 Based on average of hourly rates of outside legal services panel established in December 2005, through RFQ process.

City (approximately 1,000 total working hours a month each month). With only two attorneys in place, the City would suffer a loss of over 600 working hours a month to provide necessary legal services. It is not possible for the City Attorney's Office to provide necessary legal services with only an Acting City Attorney and one staff attorney starting July 1. Additionally, two in-house attorneys are insufficient to supervise this level of back-fill work by outside counsel.

In order to avoid the loss of significant legal services on July 1st, we are currently creating eligible lists from which to choose replacement of two vacant staff attorney positions, subject to Council direction on the staffing options.[6] As part of the budget process for FY 06/07, the City Attorney's office analyzed the legal needs of the City based on input from the 13 City Departments and the City Manager's Office regarding the projects anticipated for the upcoming fiscal year. This information has been previously provided to the Council.[7]

Staffing Options for the City Attorney's Office

Attachment 3 is a chart reflecting four staffing options for the City Attorney's Office, with a comparison of function and cost for each Option summarized below:

Option One, is the existing staffing pattern of one City Attorney and four staff attorneys. The total budgeted personnel costs for this option is $894,1470. Option One includes retaining the outside counsel budgets at their existing reserve levels, as shown in Attachment 2. Option One provides sufficient staffing to:

- Provide experienced and high level in-house attorney work at a good value ($76/hour)
- Provide necessary supervision to outside counsel litigation and transactional work to continue to keep outside counsel costs controlled
- Maintain synergy between City departments through in-house attorney consistency and institutional knowledge
- Provide maximum risk shifting and risk avoidance through proactive legal work

6 Recruitment is likely to be made more difficult due to a professional perception of instability in the City Attorney's Office, with my departure on June 30th and lack of a permanent City Attorney appointment. (It is important for professional personnel to know who their boss will be, when deciding on a career move which will include a period of probationary employment.)

7 The past few years have seen an unprecedented request for legal services outside the municipal area. A portion of these include the Navy negotiations/base transfer issues; litigation and transactional issues on the Bridgeside condemnation and transfer and Alameda Theater; the new main library; legal support for growth of AP&T and significant litigation; ferry issues; the *Alameda Beltline* litigation; Harbor Island Apartments litigation; Measure A issues and litigation; transactional and litigation services to complete the Navy transfer of the FISC site and the Catellus development; environmental/remediation issues, to name only a few.

Option Two shows a reduced attorney staff pattern of one City Attorney and three staff attorneys. It is recommended that with the Option Two reduced attorney staffing, that the remaining staff attorneys be high level and capable of complex legal work. This Option shows a $143,298 or 16% salary/benefit savings over Option One. Outside counsel budgets would be maintained at their existing reserve levels. Option Two provides in-house attorney staffing to:

- Provide experienced and high level in-house attorney work at a good value ($76/hour)
- Provide supervision to outside counsel litigation and transactional work, but increase expenditures from outside counsel budget or limit legal services
- Maintain synergy between City Departments through in-house attorney consistency and institutional knowledge
- Provide some risk shifting/risk avoidance, but less proactive legal work and more "triage" in approach

Option Three shows a reduced attorney staff pattern, plus the addition of a Management Analyst. Management of claims and resulting litigation must be coordinated with and supervised by the City Attorney's Office. In the FY 05/06 budget cycle, the City Attorney's Office had to lay-off a Management Analyst as part of an overall budget cut of $330,000. "Option Three" is the same staffing pattern as Option 2, but includes restoring a full-time Management Analyst. This Option shows a $32,965, or 4% salary savings over Option One. Option Three compares with Option Two above, but permits better risk shifting/risk avoidance and proactive legal work with reinstatement of personnel to provide in-house claims management.

Option Four is the retention of existing attorney staff only—one City Attorney and two staff attorneys, and providing the additional legal work required by the City, ARRA, CIC and Housing Authority through the use of outside counsel resources. The existing outside counsel budget would be insufficient to provide necessary legal services for this Option, given the cost differential between in-house attorney staffing ($76/hour average) and outside counsel staffing ($276/hour average). We are sensitive to the fact that outside counsel costs have been a source of public discussion and that the City Council has expressed a desire to keep these outside counsel costs controlled. Option Four is the least cost effective and least efficient model:

- Provides a salary/benefit savings of approximately $331,577, but increases the outside counsel budget by the same amount for no net cost savings
- Outside counsel costs are over 3 ½ times higher than in-house staffing, and therefore, only 30% as efficient
- In house attorneys work at least 45 hours a week (equivalent to 35 "billable" hours a week), with an annual billable rate of 1,820 hours each (times two attorneys). At an average outside counsel billable rate of $276 times 3,640

hours, the potential cost of outside counsel to replace the work of two staff attorneys is over $1,000,000; even if the outside counsel budget was enhanced by the $331,557 salary savings of two unfilled attorney positions, there would still be a deficit of over $600,000 in costs necessary to fund this option.

- Provides insufficient in-house attorney staffing to maintain synergy and legal continuity between departments (many City projects have implications for multiple departments, such as affordable housing projects between Development Services, Housing Authority and Planning and Building, or development and redevelopment projects between Development Services and Public Works)
- Provides insufficient in-house attorney staffing to supervise outside counsel work, therefore likely to lead to error and inconsistency in the legal product
- Provides less access to legal support by departments, given the "pay as you go" model of outside counsel services
- Increases costs by paying outside counsel to "learn Alameda" repeatedly (lack of continuity)
- Increases risks of litigation costs, where same outside counsel firm providing transactional advice also provides resulting litigation services

Fiscal Impact

There would be no fiscal impact by maintaining the current City Attorney staffing pattern. This budget was approved in July 2005. A FY 06/07 budget based on the current City Attorney staffing pattern will not result in any overall budget increase from FY 05/06.

Option Two—reduced staffing pattern of one City Attorney and three staff attorneys. The salary/benefit cost for this attorney staffing pattern is $750,880, which is a savings of $143,290 in salary/benefits over the current budget.

Option Three—reduced staffing pattern of one City Attorney and three staff attorneys, but restoring a Management Analyst. The salary/benefit cost for this staffing patterns is $861,205, which is a savings of $32,965 in salary/benefits over the current budget.

Option Four—reduced staffing pattern of one City Attorney and two staff attorneys with a corresponding increase in outside counsel budget to back-fill legal services—would not result in any cost savings over FY 05/06 budget and could potentially be more expensive (up to an additional $600,000 in outside counsel costs, even with a transfer of $331,557 in salary savings to the current outside counsel budget), due to the three-to-one expense comparison of outside counsel/contract attorney costs vs. in-house attorney costs.

Recommendation

Option One is recommended as the optimum City Attorney staffing pattern;

- However, with greater risk assumption by the City, Options Three or Two can be recommended, in increased order of risk assumption
- Option Four is not recommended, due to its high cost, inherent inefficiencies and increased risk exposure

Carol A. Korade
City Attorney/General Counsel

Attachment

CITY ATTORNEY'S OFFICE COST COMPARISON

	Survey Questions	Alameda	Daly City	Hayward	Mt. View	Palo Alto	Redwood City	Richmond	San Leandro	San Mateo	Santa Clara	Vallejo	Walnut Creek
1	Activities Supported:												
	Do you provide legal services to a Housing Authority?	X	X				X				X	X	
	Do you provide legal services to a municipal utility company?	X			X Water	X					X	X Water	
	Do you provide legal services to a municipally-owned telecom provider?	X											
	Do you provide legal services to a local reuse authority for purposes of acquiring or redeveloping a closed military base within your jurisdiction?	X						X				X	
	Does your city have full in-house police staffing, as opposed to contracting for public safety services with your county?	X	X	X	X	X	X	X	X	X	X	X	X
	Does your city have full in-house fire staffing, as opposed to contracting for public safety services with your county?	X	X	X	X	X	X	X		X	X	X	
	Does your City own a municipal golf course for which you provide legal services?	X			X	X			X	X	X	X	X
	Do you provide legal services for the construction of a new municipal parking structure?	X	X	X	X	X	X			X	X	X	X
	Does your city have an historic preservation district and do you provide legal services for the preservation of historic structures?	X			X	X		X	X	X	X	X	
	Do you provide legal services to a ferry system?	X										X	
	Do you provide legal services to your city regarding the Coastal Conservancy Act or Tidelands Trust (i.e., if your city is located adjacent to the coast or a public waterway)?	X	X			X		X		X		X	
	Do your provide legal services to support the renovation of a historic theatre or other major redevelopment project?	X										X	
2	How many authorized attorney positions do you have in your office?	5	3	6	5	7	2	6	Contract Attorney	4	5	5	3.75
3	What is your total fiscal year budget for the City Attorney's Office (including salaries and overhead for attorneys, support staff, materials/conferences/office equipment, etc.)	$ 867,933	$ 716,000	$ 926,000	$ 1,000,000	$ 2,544,665	$ 613,000	$ 1,552,476	$ 814,477	$ 1,536,650	$ 1,054,651	$ 900,000	$ 897,000
4	What is your City Attorney's Office fiscal year outside counsel budget?	$ 465,000	Add'l payments made (# unknown)	$ 319,000	Add'l payments made (# unknown)	$ 500,000	Add'l payments made (# unknown)	Add'l payments made (# unknown)	Included in #3 above	$ 420,350	Add'l payments made (# unknown)	$ 500,000	Add'l payments made (# unknown)

SUMMARY OF OUTSIDE COUNSEL BUDGET
AS OF FEBRUARY 28, 2006

	Approved Maximum Legal Fees/Costs	Legal Fees/Costs Expenditure Paid thru 2/28/06	Remaining Available Balance as of 2/28/06
City Legal*	$ 465,000.00	$ 189,032.00	$ 275,968.00
AP&T Electric**	$ 200,000.00	$ 35,057.21	$ 164,942.79
AP&T Telecom***	$ 200,000.00	$ 12,268.30	$ 187,731.70
ARRA****	$ 484,000.00	$ 108,671.75	$ 375,328.25
HA*****	$ 41,520.00	$ 2,660.50	$ 38,859.50
	$ 1,390,520.00	$ 347,689.76	$ 1,042,830.24
		25%	75%

*City's Outside Legal budget funds City initiation of litigation and litigation defense and specialty transactional work. This budget has remained relatively constant for 15 years.

**AP&T Electric Outside Legal budget funds AP&T litigation and specialty transactional work pertaining to electric utility distribution and regulation. This budget varies from year to year, depending on projected project or litigation needs of the AP&T electric.

***AP&T Telecom Outside Legal budget funds AP&T litigation and specialty transactional work pertaining to telecommunications. This budget varies from year to year, depending on projected project or litigation needs of AP&T telecom.

****ARRA Outside Legal budget funds ARRA litigation and specialty transactional work pertaining to federal regulations (BRAC process), environmental remediation, negotiation of specialty environmental insurance products and leasing/redevelopment. This budget has remained relatively constant for 10 years.

*****Housing Authority Outside Legal budget funds Housing Authority litigation, such as unlawful detainer actions and disputes with HUD. This budget has remained relatively constant for many years.

There is no CIC outside counsel legal budget reserve. Legal costs of various redevelopment projects are part of the "project costs," largely funded by the project development (e.g., the Alameda Theater project and litigation costs flowing from the Alameda Theater project.)

Option 1	
Current Attorney Staffing	
CA	$ 231,008
ACA II	$ 183,624
ACA II	$ 183,624
DCA II	$ 147,957
DCA II	$ 147,957
	$ 894,170

Option 2	
Reduced Attorney Staffing	
CA	$ 231,008
ACA II	$ 183,620
ACA I	$ 168,126
ACA I	$ 168,126
	$ 750,880
Savings	$ 143,290
	16%

Option 3	
Reduced Attorney Staffing/ Restored Risk Professional	
CA	$ 231,008
ACA II	$ 183,620
ACA I	$ 168,126
ACA I	$ 168,126
MA	$ 110,325
	$ 861,205
Savings	$ 32,965
	4%

Option 4	
Further Reduced Attorney Staffing with Increased Outside Counsel Budget	
CA	$ 231,008
ACAII	$ 183,620
ACAI	$ 168,126
Outside Counsel	Increased
Savings	None