



# City of Alameda

## Meeting Agenda

### City Council

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Tuesday, January 15, 2019

7:00 PM

City Hall, 2263 Santa Clara Avenue, Council  
Chambers, 3rd Floor, Alameda CA 94501

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#### **REVISED SPECIAL MEETING - CLOSED SESSION - 5:15 P.M.**

The agenda was revised on January 8, 2019 at 5:00 p.m. to have the meeting start at 5:15 p.m.

- 1 **Roll Call - City Council**
- 2 **Public Comment on Closed Session Items - Anyone wishing to address the Council on closed session items may speak for 3 minutes per item**
- 3 **Adjournment to Closed Session to consider:**
  - 3-A [2019-6358](#) CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6)  
CITY NEGOTIATORS: David L. Rudat, Interim City Manager, and Nancy Bronstein, Human Resources Director  
EMPLOYEE ORGANIZATIONS: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), Alameda Management and Confidential Employees Association (MCEA); Executive Management Employees (EXME) and Electric Utility Professionals of Alameda (AMPU)  
UNDER NEGOTIATION: Salaries and Terms of Employment
  - 3-B [2019-6365](#) PUBLIC EMPLOYEE APPOINTMENT/HIRING  
Pursuant to Government Code § 54957  
Title/description of positions to be filled: City Attorney
  - 3-C [2019-6366](#) PUBLIC EMPLOYEE APPOINTMENT/HIRING  
Pursuant to Government Code § 54957  
Title/description of positions to be filled: City Manager
  - 3-D [2019-6417](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)  
PROPERTY: A 30 acre portion of Site B, Alameda Point  
CITY NEGOTIATOR: David L. Rudat, Interim City Manager  
POTENTIAL BUYER: Abbott Bros. Development, Inc.

ISSUE UNDER NEGOTIATION: Real Property Negotiations Price and Terms of Payment

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

[2019-6555](#) January 15, 2019 Closed Session Announcement

**Attachments:** [Announcements](#)

**5 Adjournment - City Council**

**REGULAR CITY COUNCIL MEETING - 7:00 P.M.**

**Pledge of Allegiance**

**1 Roll Call - City Council**

**2 Agenda Changes**

**3 Proclamations, Special Orders of the Day and Announcements - Limited to 15 minutes**

**4 Oral Communications, Non-Agenda (Public Comment) - A limited number of speakers may address the Council regarding any matter not on the agenda; limited to 15 minutes; additional public comment addressed under Section 8**

**5 Consent Calendar - Items are routine and will be approved by one motion unless removal is requested by the Council or the public**

**5-A** [2019-6399](#) Minutes of the Special and Regular City Council Meetings Held on December 18, 2018. (City Clerk)

**5-B** [2019-6402](#) Bills for Ratification. (Finance)

**Attachments:** [Bills for Ratification](#)

**5-C** [2019-6382](#) Recommendation to Authorize the Interim City Manager to Execute a First Amendment to the Professional Services Agreement with Hinderliter de Llamas Associates (HdL) to Include the Review and Examination of Measure F Transactions and Use Tax Records Collected by the California Department of Tax and Fee Administration and to Increase Compensation Under the Agreement by \$25,000; and

Adoption of Resolution Authorizing Hinderliter de Llamas Associates (HdL) Access to the City's Sales and Transactions and Use Tax Records. (Finance 2410)

**Attachments:** [Exhibit 1 - Agreement](#)  
[Exhibit 2 - First Amendment](#)  
[Resolution](#)

- 5-D [2019-6369](#) Adoption of Resolution Authorizing the Interim City Manager to Execute Agreements and All Related Documents with the California Department of Tax and Fee Administration for Implementation of the City's Half-Cent Transactions and Use Tax (Measure F) Approved by the Voters at the November 6, 2018 General Election. (Finance 2410)

**Attachments:** [Exhibit 1 - Agreement for Preparation](#)  
[Exhibit 2 - Agreement for State Administration](#)  
[Resolution](#)

- 5-E [2019-6347](#) Adoption of Resolution Authorizing the City of Alameda to Participate in the United States Department of Housing and Urban Development (HUD) Public Offering as Part of the Section 108 Loan Guarantee Assistance Program to Refinance an Existing Note in the Original Principal Amount of \$4,000,000, Related to Financing of the Civic Center Parking Garage (Series 2006-A);

Adoption of Resolution Authorizing the City of Alameda to Participate in the United States Department of Housing and Urban Development (HUD) Public Offering as Part of the Section 108 Loan Guarantee Assistance Program to Refinance an Existing Note in the Original Principal Amount of \$3,000,000, Related to Financing of the Civic Center Parking Garage (Series 2008-A); and

Recommendation to Authorize the Interim City Manager to Negotiate and Execute Related Documents, Agreements, and Modifications Related to the Refinancing. (Community Development 274)

**Attachments:** [Resolution - Series 2006-A](#)  
[Resolution - Series 2008-A](#)

- 5-F [2019-6352](#) Adoption of Resolution Authorizing the Interim City Manager to Execute a Cooperation Agreement and Any Amendments Thereto between Eden Housing, Inc., a California Corporation, and the City of Alameda for Compliance with the Requirements of a Grant Application Under the Affordable Housing and Sustainable Communities Funding Program for: A) the 70-Unit Family Affordable Housing Project on Block 8 within Site A at Alameda Point and B) Transportation Projects (a Segment of Main Street (West Side) between Pacific and Atlantic Avenues or a Segment of Central Avenue, and Lighting Along the Cross-Alameda Trail). (Base Reuse 819099)

**Attachments:** [Exhibit 1 - Cooperation Agreement Presentation Resolution](#)

- 5-G**     [2019-6353](#)     Adoption of Resolution Declaring Results of Special Election in Community Facilities District No. 17-1 (Alameda Point Public Services District), Determining That Alteration of the Rate and Method of Apportionment of Special Taxes for the District is Lawfully Authorized, and Directing Recording of an Amendment to Notice of Special Tax Lien. (Base Reuse 819099)

**Attachments:** [Resolution](#)

- 5-H**     [2019-6354](#)     Adoption of Resolution Approving a Memorandum of Understanding (MOU) Between the Alameda Police Officers Association Non-Sworn Unit (PANS) and the City of Alameda for a Forty-Two Month Term Commencing December 27, 2018 and Ending June 30, 2022. (Human Resources 2510)

**Attachments:** [Exhibit 1 - MOU \(Redline\)](#)  
[Exhibit 2 - MOU Resolution](#)

- 5-I**     [2019-6359](#)     Adoption of Resolution Approving a Memorandum of Understanding Between the Alameda City Employees Association and the City of Alameda for a Forty-Two Month Term Commencing December 28, 2018 and Ending June 30, 2022. (Human Resources 2510)

**Attachments:** [Exhibit 1 - MOU \(Redline\)](#)  
[Exhibit 1 - REVISED MOU \(Redline\)](#)  
[Exhibit 2 - MOU Resolution](#)  
[Exhibit 2 - REVISED MOU Resolution](#)

- 5-J**     [2019-6361](#)     Adoption of Resolution Approving a Memorandum of Understanding (MOU) Between the Management and Confidential Employees Association (MCEA) and the City of Alameda for a Forty-Two Month Term Commencing December 27, 2018 and Ending June 30, 2022. (Human Resources 2510)

**Attachments:** [Exhibit 1 - MOU \(Redline\)](#)  
[Exhibit 2 - MOU Resolution](#)

## **6 Regular Agenda Items**

- 6-A**     [2019-6345](#)     Recommendation to Provide Direction on the City's Proposal for the Homeless Emergency Aid Program (HEAP) and Authorize the Interim

City Manager to Work with the Social Service Human Relations Board to Finalize and Implement the City's HEAP Programs and Services. (Economic Development 001)

**Attachments:** [Presentation](#)

- 6-B**     [2019-6384](#)     Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by (1) Amending Section 30-10 (Cannabis) to (a) Add Cannabis Retail Businesses as Conditionally Permitted Uses in the C-1, Neighborhood Business, and C-M, Commercial-Manufacturing Zoning Districts, (b) Amend Certain Portions of the Zoning Code to Enable Cannabis Retail Businesses to Dispense Non-Medicinal or "Adult Use" Cannabis, and (c) Amend Certain Portions of the Zoning Code to Remove the Dispersion Requirement; and (2) Repeal Ordinance No. 3228; and

Introduction of Ordinance: (1) Amending the Alameda Municipal Code by Amending Article XVI (Cannabis Businesses) of Chapter VI (Businesses, Occupations and Industry) to (a) Eliminate the Cap on Testing Laboratories, (b) Allow for Two Additional Cannabis Businesses to Operate as "Dispensary/Delivery" (Delivery Required, Open to the Public) within the Zoning Districts for Cannabis Retail, (c) Amend the Dispersion Requirement to Require No More Than Two Cannabis Retail Businesses to Operate on Either Side of Grand Street, (d) Create a Two-Tier Buffer Zone from Sensitive Uses for Cannabis Businesses, (e) Amend Certain Portions of the Regulatory Ordinance to Enable Cannabis Retail Businesses to Dispense Non-Medicinal or "Adult Use" Cannabis, (f) Modify Requirements for Off-Island Delivery, and (g) Make Other Clarifying or Conforming Amendments Thereto; and (2) Repealing Ordinance No. 3227. (Community Development 209)

**Attachments:** [Exhibit 1 - Map of Zones](#)

[Exhibit 2 - Letter](#)

[Exhibit 3 - Ordinance Land Use \(Redline\)](#)

[Exhibit 4 - Ordinance Regulatory \(Redline\)](#)

[Correspondence - Updated 1-15](#)

[Ordinance - Land Use](#)

[Ordinance - Regulatory](#)

**7**     **City Manager Communications - Communications from City Manager**

**8**     **Oral Communications, Non-Agenda (Public Comment) - Speakers may address the Council regarding any matter not on the agenda**

- 9 **Council Referrals - Matters placed on the agenda by a Councilmember may be acted upon or scheduled as a future agenda item**
- 10 **Council Communications - Councilmembers can address any matter not on the agenda, including reporting on conferences or meetings**
- 11 **Adjournment - City Council**

### **SPECIAL MEETING - 7:01 P.M. (Following Regular Meeting)**

The special meeting agenda was added on January 8, 2019 at 5:00 p.m.

#### **1 Roll Call - City Council**

#### **2 Agenda Items**

- 2-A [2019-6396](#) Recommendation to Review the Ballot Arguments and Address Rebuttals for the Two April 9, 2019 Special Election Measures: 1) a Proposed Initiative Measure to Change the Designation for an Approximately 3.65 Acre Site on McKay Avenue, by Amending the General Plan Designation from Office to Open Space, and by Amending the Zoning Ordinance from Administrative-Professional District to Open Space District; and 2) the Caring Alameda Act. (City Clerk 2220)  
**Attachments:** [Exhibit 1 - Ballot Argument Against Initiative](#)  
[Exhibit 2 - Ballot Argument In Favor of Caring Alameda Act](#)  
[Exhibit 3 - Declaration of Argument Authors](#)
- 2-B **2019-6424** Recommendation to Consider Directing the City Attorney to Initiate Litigation to Obtain a Judicial Declaration Whether Enforcement of the McKay Open Space Initiative will Require the City of Alameda to Compensate the Owner for the Value of the McKay Avenue Property in the event that the McKay Open Space Initiative Becomes Effective. (City Manager 2100)

#### **3 Adjournment - City Council**

- Meeting Rules of Order are available at <https://alamedaca.gov/node/5822>
- Time frames listed for agenda items are only estimates. Discussions on each item could take more or less time. Anyone interested in speaking is encouraged to arrive early rather than relying on the estimates.
- Translators and sign language interpreters will be available on request. Please contact the City Clerk at 510-747-4800 or TDD number 510-522-7538 at least 72 hours prior to the meeting to request a translator or interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 510-747-4800 or TDD number 510-522-7538 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.
- Video tapes of the meeting are available upon request.
- Please contact the City Clerk at 510-747-4800 or TDD number 510-522-7538 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.
- This meeting will be broadcast live on the City's website [www.alamedaca.gov/agendas](http://www.alamedaca.gov/agendas).
- Documents related to this agenda are available for public inspection and copying at of the Office of the City Clerk, 2263 Santa Clara Avenue, Room 380, during normal business hours.
- **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City of Alameda exist to conduct the citizen of Alameda's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
- **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION:** the address is 2263 Santa Clara Avenue, Room 380, Alameda, CA, 94501; phone number is 510-747-4800; fax number is 510-865-4048, e-mail address is [lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov) and contact is Lara Weisiger, City Clerk.
- In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.