



City of Alameda

Meeting Agenda

City Council

Tuesday, March 19, 2019

7:00 PM

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

REVISED SPECIAL MEETING - CLOSED SESSION - 5:00 P.M.

Note: The agenda was revised on March 12, 2019 at 5:20 p.m. to remove Item 3-A and add a new Item 3-A.

- 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 [2019-6690](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)**
PROPERTY: 120 W Oriskany, Building 530, Alameda, CA 94501
CITY NEGOTIATORS: Nanette Mocanu, Assistant Community Development Director, and Ted Anderson, Cushman & Wakefield
NEGOTIATING PARTIES: Nautilus Data Technologies, Inc. and Hot Rod Shop Inc.
ISSUE UNDER NEGOTIATION: Price and Terms of Payment
 - 3-B [2019-6670](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)**
PROPERTY: 650 West Ranger Avenue
CITY NEGOTIATORS: Nanette Mocanu, Assistant Community Development Director, and Ted Anderson, Cushman & Wakefield
NEGOTIATING PARTIES: To Be Determined via Request for Bids
ISSUE UNDER NEGOTIATION: Relocation of Existing tenants
 - 3-C [2019-6672](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d), and paragraph (1) of subdivision (e), of section 54956.9
Number of cases: 6
 - 3-D [2019-6667](#) 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), and Executive Management Employees (EXME)
UNDER NEGOTIATION: Salaries and Terms of Employment

- 3-E [2019-6668](#) PUBLIC EMPLOYEE APPOINTMENT/HIRING
Pursuant to Government Code § 54957 (b)(1)
Title/description of positions to be filled: Interim/Acting City Manager
- 3-F [2019-6646](#) CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS
(Pursuant to Government Code § 54956.95)
Claimant: Jeffrey Cambra
Agency claimed against: City of Alameda

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

[2019-6740](#) March 19, 2019 Closed Session Announcement

Attachments: [Announcement](#)

5 **Adjournment - City Council**

SPECIAL MEETING - 6:58 P.M.

Note: The special meeting was added on March 12, 2019 at 5:20 p.m.

Pledge of Allegiance

1 **Roll Call - City Council**

2 **Agenda Item**

- 2-A [2019-6692](#) Recommendation to Approve Agreement Appointing Yibin Shen as City Attorney Effective May 13, 2019. (Human Resources 2510)

Attachments: [Exhibit 1 - Contract](#)

3 **Adjournment - City Council**

SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE COMMUNITY IMPROVEMENT COMMISSION (SACIC) - 6:59 P.M.

1 **Roll Call - SACIC**

2 **Consent Calendar**

- 2-A [2019-6674](#) Minutes of the Special Joint City Council and SACIC Meeting Held on

February 5, 2019. [SACIC] (City Clerk)

- 2-B** [2019-6617](#) Recommendation to Approve an Amendment to the Construction Ground Lease Deed of Trust (with Security Agreement, Fixture Filing and Assignment of Rents and Leases) for the Alameda Theater Allowing Alameda Entertainment Associates, L.P. to Incur Additional Debt in the Amount of \$1.6 Million for Theatre Upgrades and Allowing the Successor Agency's Outstanding Loan to be Subordinate to Such Additional Debt. [SACIC] (Base Reuse and Community Development 207)

Attachments: [Exhibit 1 - Construction Ground Lease Deed of Trust](#)
[Exhibit 2 - Amendment to Deed of Trust](#)

3 Adjournment - SACIC

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

Note: The agenda was revised on March 12, 2019 at 5:20 p.m. to remove Item 6-G, which will be heard at the April 2, 2019 City Council meeting and on March 14, 2019 at 5:30 p.m. to remove Item 6-D.

- 1 Roll Call - City Council**
- 2 Agenda Changes**
- 3 Proclamations, Special Orders of the Day and Announcements - Limited to 15 minutes**
- 3-A** [2019-6445](#) Proclamation Declaring March 2019 Women's History Month. (City Manager 2110)
- 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** [2019-6675](#) Minutes of the Special and Regular City Council Meetings Held on February 19, 2019. (City Clerk)
- 5-B** [2019-6673](#) Bills for Ratification. (Finance)
- Attachments:** [Bills for Ratification](#)
- 5-C** [2019-6595](#) Recommendation to Endorse the Central Avenue Webster Street Options for Further Analysis and the Two-Way Bikeway Extension

Between Paden School and McKay Avenue. (Transportation 310)

Attachments: [Exhibit 1 - Workshop and Email Comments](#)
[Exhibit 2 - Public Survey Comments](#)
[Exhibit 3 - Two-Way Bikeway Extension](#)
[Exhibit 4 - Intersection Photos, Plan Views and Maps](#)

- 5-D [2019-6597](#) Adoption of Resolution Finding that the Harbor Bay Entities [Harbor Bay Village Four Associates (HBV4), Harbor Bay Village Five Associates (HBV5), and Harbor Bay Isle Associates (HBIA)] Have Demonstrated Good Faith Compliance with the Terms and Conditions of Development Agreement, DA-89-1. [This Compliance Review is not a project under California Environmental Quality Act.] (Planning, Building & Transportation 481005)

Attachments: [Exhibit 1 - Annual Report](#)
[Exhibit 2 - 1989 Agreement](#)
[Resolution](#)
[Correspondence](#)

- 5-E [2019-6586](#) Adoption of Resolution Amending the Concession Agreement with Dialemi, Inc. (known as Jim's on the Course), to Provide an Extension for Completion of the Event Center at the Corica Park Golf Complex. (Recreation 5301)

Attachments: [Exhibit 1 - Second Amendment](#)
[Exhibit 2 - Agreement and First Amendment](#)
[Resolution](#)
[Correspondence](#)

- 5-F [2019-6588](#) Adoption of Resolution to Accept a Construction Grant for the Encinal Boat Launch Facility in the Amount of \$1,450,000 from the Division of Boating and Waterways, Harbor and Watercraft Revolving Fund and Authorize the Interim City Manager, or Designee, to Manage the Grant Agreement. (Recreation and Parks 280)

Attachments: [Resolution](#)

- 5-G [2019-6622](#) Adoption of Resolution to Endorse Declaration of a Climate Emergency and Request Regional Collaboration on an Immediate Just Transition and Emergency Mobilization Effort to Restore a Safe Climate. (Public Works 001)

Attachments: [Resolution](#)
[Resolution - REVISED](#)
[Submittal](#)

6 Regular Agenda Items

- 6-A** [2019-6659](#) Adoption of Resolution Appointing Vadim Sidelnikov as a Tenant Member of the Rent Review Advisory Committee.
- 6-B** [2019-6618](#) Presentation on the CASA Compact; and Recommendation to Direct the Interim City Manager to Incorporate State Legislation Introduced to Implement the CASA Compact into the City's Legislative Agenda. (City Manager 2110)
Attachments: [Exhibit 1 - CASA Compact Presentation](#)
- 6-C** [2019-6593](#) Public Hearing to Consider Endorsing: 1) an Annual Report on the Status of the General Plan and Housing Element, and 2) an Annual Report on the Status of the Transportation Choices Plan and Associated Work Program Priorities. [Consideration of an Annual Report is exempt from review under California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to actions that have the potential to cause a significant impact on the environment.] (Planning Building & Transportation 481005)
Attachments: [Exhibit 1 - General Plan Annual Report](#)
 [Exhibit 2 - Transportation Annual Report Presentation](#)
 [Correspondence](#)
- 6-D** [2019-6594](#) WITHDRAWN - Public Hearing to Consider Adoption of Resolution Amending the General Plan Residential and Business Park Land Use Classifications to Resolve Conflicting Language Between the Residential Density Standards in the Land Use Element with the Residential Density Standards Adopted in the Housing Element and Clarifying Business Park Development Standards. [The proposed amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).] (Planning, Building & Transportation 481005)
Attachments: [Resolution](#)
- 6-E** [2019-6614](#) Continued Public Hearing (of Item 6-E on the March 19, 2019 City Council Agenda) to Consider Adoption of Resolution Denying the Appeal and Remanding the Design Review for a 96-Room Hotel with 62 Parking Spaces at 1825 Park Street (PLN17-0538) for Further Consideration by the Planning Board (for Reasons Independently Considered by the City Council that Were Not Raised in the Appeal). (Planning, Building & Transportation 481005) [Please note: Public Comment was closed on March 19, 2019]

Attachments: [Exhibit 1 - Petition for Appeal](#)
[Exhibit 2 - Planning Board Resolution and Staff Report](#)
[Exhibit 3 - Project Plans](#)
[Exhibit 4 - Demand Study](#)
[Exhibit 5 - Valet Parking Plan](#)
[Exhibit 6 - Economic Development Strategy Memorandum
Presentation
Resolution](#)

6-F [2019-6636](#) Adoption of Resolution Amending the Fiscal Year (FY) 2018-19 Budget; and

Adoption of Resolution Approving Workforce Changes to the FY 2018-19 Mid-Year Budget Update in the Planning, Building and Transportation Department, Finance Department and Public Works Department; and

Adoption of Resolution Amending the Alameda City Employees Association (ACEA) Salary Schedule Establishing the Classification of Combination Building Inspector I, Retitling the Combination Building Inspector Classification to Combination Building Inspector II, and Providing for Equity Adjustments to Increase the Base Pay of the Classifications of Senior Combination Building Inspector, Senior Building Code Compliance Officer, Senior Fire Code Compliance Officer, Combination Building Inspector II, and Fire/Building Code Compliance Officer Effective March 31, 2019. (Finance 2410)

Attachments: [Exhibit 1 - 2018-19 Mid-Year Budget Update Amendments](#)
[Exhibit 2 - Annual Activity](#)
[Exhibit 3 - Fund Balance Reserve](#)
[Exhibit 4 - Revenue Projection](#)
[Exhibit 5 - 2014-15 to 2018-19 Assessed Values](#)
[Exhibit 6 - Expenditure Summary](#)
[Exhibit 7 - Expenditure Status](#)
[Resolution - Mid Year Budget](#)
[Resolution - Workforce Changes](#)
[Resolution - ACEA Salary Amendment](#)
[Presentation](#)

6-G [2019-6623](#) WITHDRAWN [This agenda item will be heard at the April 2, 2019 City Council meeting.] Recommendation to Consider: (A) Introduction of Ordinance Repealing in Its Entirety Ordinance No. 3227 (Ordinance Amending the Alameda Municipal Code by Amending Article XVI

(Cannabis Businesses) of Chapter VI (Businesses, Occupations and Industry) to (1) Eliminate the Cap on Testing Laboratories, (2) Allow for Two Additional Cannabis Businesses to Operate as "Dispensary/Delivery" (Delivery Required; Open to the Public) Within the Zoning Districts for Cannabis Retail, (3) Amend the Dispersion Requirement to Require No More Than Two Cannabis Retail Businesses to Operate on Either Side of Grand Street, (4) Create a Two-Tier Buffer Zone from Sensitive Uses for Cannabis Businesses, (5) Amend Certain Portions of the Regulatory Ordinance to Enable Cannabis Retail Businesses to Dispense Non-medicinal or "Adult Use" Cannabis, (6) Modify Requirements for Off-Island Delivery, and (7) Make Other Clarifying or Conforming Amendments Thereto; and

(B) Introduction of Ordinance Repealing in Its Entirety Ordinance No. 3228 (Ordinance Amending Section 30-10 (Cannabis) to (1) Add Cannabis Retail Businesses as Conditionally Permitted Uses in the C-1, Neighborhood Business, and C-M, Commercial-Manufacturing Zoning Districts, (2) Amend Certain Portions of the Zoning Code to Enable Cannabis Retail Businesses to Dispense Non-medicinal or "Adult Use" Cannabis, and (3) Amend Certain Portions of the Zoning Code to Remove the Dispersion Requirement); and

Public Hearing to Consider: (A) 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 Any Other Related Amendments; and

(B) 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, (c)

Amend Certain Portions of the Zoning Code to Remove the Dispersion Requirement; and (d) Make Any Other Related Amendments; and

Consider Phasing Implementation of the Cap on the Number of Dispensary/Delivery Permits, Through the Request for Proposals Process, and Provide Direction to Staff, as Necessary. (Community Development 481007)

Attachments: [Exhibit 1-- Open Government Case 19-01](#)
[Exhibit 2 - Draft 2-19-2019 City Council Minutes](#)
[Exhibit 3 - Map of Zones](#)
[Exhibit 4 - Letter](#)
[Exhibit 5 - Land Use Ordinance - Redlined](#)
[Exhibit 6 - Regulatory Ordinance - Redlined](#)
[Ordinance - Land Use - Repeal](#)
[Ordinance - Regulatory - Repeal](#)
[Ordinance - Land Use - Clean](#)
[Ordinance - Regulatory - Clean](#)

- 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**
- 9-A** [2019-6549](#) Consider Raising the Rate of the Hotel Tax (Transient Occupancy Tax). (Councilmember Daysog) [Continued from March 19, 2019 to April 16, 2019]
Attachments: [Presentation](#)
- 9-B** [2019-6645](#) Consider Directing the City Manager to Create Breastfeeding Locations, Baby Changing Stations and Gender Neutral Bathrooms. (Councilmembers Vella and Oddie)
- 10 Council Communications - Councilmembers can address any matter not on the agenda, including reporting on conferences or meetings**
- 10-A** [2019-6671](#) Status of the Emma Hood Swim Center at Alameda High School.
- 10-B** [2019-6627](#) Review and Discuss Charter Amendment Timeline and Issues Proposed by the Council Subcommittee. [Continued from March 19, 2019 to April 2, 2019]
Attachments: [Process and Meeting Plan](#)

- 10-C** [2019-6641](#) February 2019 Topic Brief on Climate Action and Embodied Emissions. [Informational Only] (Councilmember Oddie) [Continued from March 19, 2019 to April 2, 2019]

Attachments: [Topic Brief](#)

11 Adjournment - City Council

- Meeting Rules of Order are available at:
<https://www.alamedaca.gov/Departments/City-Clerk/Key-Documents#section-2>
- Translators and sign language interpreters will be available on request. Please contact the City Clerk at 510-747-4800 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 either prior to, or at, the Council meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- 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.
- Minutes of the meeting available in enlarged print.
- The meeting will be broadcast live on the City's website:
<https://www.alamedaca.gov/GOVERNMENT/Agendas-Minutes-Announcements>
- 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 and contact is Lara Weisiger, City Clerk.
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