

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JULY 7, 2015- -7:00 P.M.

Mayor Spencer convened the meeting at 7:07 p.m.

ROLL CALL - Present: Councilmembers Daysog, Ezzy Ashcraft, Matarrese, Oddie and Mayor Spencer – 5.

Absent: None.

AGENDA CHANGES

(15-421) Mayor Spencer announced the Del Monte hearing [paragraph no. 15-438] is continued to July 21, 2015.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(15-422) Mayor Spencer announced that the Navy Reserve will be celebrating its 100th Anniversary on Saturday.

ORAL COMMUNICATIONS, NON-AGENDA

(15-423) Allen Sangco, Alameda; Liza Gabato Morse, Alameda; Allen Sangco (read a letter on behalf of Ruben Tilos), Alameda; Denise Lai, Alameda (showed pictures); and Diana Cristales, Alameda, discussed the Sister City events with Dumaguete, Philippines and expressed support for Mayor Spencer.

(15-424) Michael John Torrey, Alameda, announced the Restoration Advisory Board (RAB) meeting is rescheduled to Saturday July 18th with a tour afterward.

(15-425) Ken Peterson, Alameda, discussed the budget process and the City's finances.

(15-426) David Twist, Alameda, expressed concern over the approval of a 50 foot tall building on Tideway; questioned whether neighbors should have received notice.

CONSENT CALENDAR

Mayor Spencer announced that final passage of the ordinance approving the Disposition and Development Agreement [paragraph no. 15-434] was removed from the Consent Calendar for discussion.

Vice Mayor Matarrese moved approval of the remainder of the Consent Calendar.

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

paragraph number.]

(*15-427) Minutes of the Special and Regular City Council Meetings Held on June 2, 2015. Approved.

(*15-428) Ratified bills in the amount of \$2,236,624.14.

(*15-429) Recommendation to Award Three Separate Contracts in the Amount of \$75,000 Each (Total Expenditure of \$225,000) to the Following Providers: AECOM, Construction Testing Services, and Ninyo & Moore for On-Call Geotechnical Investigative Services and Quality Assurance Program Services. Accepted.

(*15-430) Recommendation to Award Three Separate Contracts in the Amount of \$150,000 Each (Total Expenditure of \$450,000) to the Following Providers: Brown Reynolds Watford Architects, Muller & Caulfield Architects, and Shah Kawasaki Architects, for On-Call Architectural Consulting Services. Accepted.

(*15-431) Recommendation to Award a Third Amendment to the Agreement in the Amount of \$79,975, Including Contingencies, to Water Works Engineers for the Preparation of Engineering Documents and Engineering Services During Construction for the Abandonment and Relocation of Existing Sanitary Sewer Main and Lagoon Seawall, No. P.W. 01-12-03. Accepted.

(*15-432) Recommendation to Authorize the City Manager to Execute an Amendment to an Agreement with Verde Design Landscape Architects to Add an Amount Not to Exceed \$35,300 for a Total Agreement Amount Not to Exceed \$209,445 for Design Services for Estuary Park. Accepted.

(*15-433) Recommendation to Authorize the City Manager to Amend an Agreement with Carlson Barbee & Gibson to Add the Amount of \$151,500 for a Total Contract Amount of \$309,500 for Civil Engineering and Surveying Consulting Services for Alameda Point. Accepted.

(15-434) Ordinance No. 3127, "Approving a Disposition and Development Agreement (DDA) (and Related Documents) between the City of Alameda and Alameda Point Partners, LLC (APP) for the Site A Development at Alameda Point. Finally passed.

Expressed concern with Site A issues including the value of new housing; stated that he would like to put misleading development myths to rest: Ken Peterson, Alameda.

Expressed support for the project: Michael McDonough, Alameda Chamber of Commerce.

Vice Mayor Matarrese moved approval [final passage of the ordinance].

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer stated there were concessions and changes in response to community members' comments; the project did evolve; encouraged everyone to stay involved in the process as there are many more meetings at Planning Board level; stated that she is confident Joe Ernst will continue to work with the community for a project that best meets the needs of Alameda.

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

(*15-435) Ordinance No. 3128, "Approving a Development Agreement between the City of Alameda and Alameda Point Partners, LLC (APP) for the Site A Development at Alameda Point. Finally passed.

(*15-436) Ordinance No. 3129, "Amending Alameda Municipal Code Section 30-17 Density Bonus Ordinance. The Proposed Zoning Amendments are Exempt from the California Environmental Quality Act (CEQA) Pursuant to Guideline 15061(b)(3). Finally passed.

(*15-437) Ordinance No. 3130, "Amending Alameda Municipal Code Section 30-4.17 G, Special Government Combining District and the Zoning Map to Ensure Consistency Between the City of Alameda Municipal Code and Zoning Map and the NAS Alameda Community Reuse Plan for the 37.36 Acres of Federal Property Located on Singleton Avenue on the Former Naval Air Station in Alameda. Pursuant to CEQA Guidelines Section 15162, no further Environmental Review is Required. Finally passed.

REGULAR AGENDA ITEMS

(15-438) SUMMARY: The City Council is Being Asked to Take Several Actions for the Master Plan for the Del Monte Warehouse Project, Which was Approved in December 2014, Including Subdividing the Property, Authorizing an Agreement to Transfer Certain City Owned Land to the Housing Authority and Outlining the Requirement to Develop Affordable Units. [Continued to July 21, 2015]

(15-439) Resolution No. 15059, "Appointing Laura Giuntini as a Member of the Public Utilities Board." Adopted;

(15-439 A) Resolution No. 15060, "Appointing Daniel Davenport as a Member of the Social Service Human Relations Board." Adopted, and

(15-439 B) Resolution No. 15061, "Reappointing Mark Sorensen as a Member of the Social Service Human Relations Board." Adopted.

Councilmember Ezzy Ashcraft moved adoption of the resolutions.

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

Mayor Spencer called a recess at 7:34 p.m. and reconvened the meeting at 7:36 p.m.

The City Clerk administered the Oath of Office and presented Ms. Giuntini, Mr. Davenport and Mr. Sorensen with Certificates of Appointment.

(15-440) Update and Follow-Up on Harbor Seal Haul Out Memorandum of Understanding (MOU) Between the City of Alameda and the Water Emergency Transportation Authority (WETA) at Alameda Point.

The Economic Development Division Manager gave a brief presentation.

Councilmember Oddie inquired who is on the committee, to which the Economic Development Division Manager responded WETA contacts the members, which include: Mark Klein, Richard Bangert, Lenora Feeney and Irene Dieter.

Thanked staff and WETA for putting in a diligent effort: Richard Bangert, Alameda.

Councilmember Oddie inquired the status of the Bay Conservation and Development Commission (BCDC) hearing to approve the permit.

The Economic Development Division Manager responded there is no hearing; a follow-up meeting would be held to informally ask BCDC what will be required from the City and the next steps.

Councilmember Oddie inquired whether the City will be submitting a preliminary support letter expressing the importance to Alameda.

The Economic Development Division Manager responded the Dr. Harvey transmittal letter stated the work is of the Alameda community, City of Alameda, and WETA; stated BCDC is interested in seeing the project succeeding which has never been done before; BCDC is providing Alameda with a road map to complete the project.

Councilmember Oddie inquired what is the timeframe, to which the Economic Development Division Manager responded a tentative schedule was drafted but staff will return to Council if a full court press is needed.

Mayor Spencer thanked staff for proceeding with the project; stated she is hopeful it will work and would like updates to be monthly or quarterly.

The Economic Development Division Manager inquired whether going through the City Manager's office with written correspondence until milestones are reached would be sufficient, to which Mayor Spencer responded in the affirmative.

(15-441) Resolution No. 15062, "Approving the Engineer's Report, Confirming Diagram

and Assessment, and Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones.” Adopted.

Vice Mayor Matarrese and Councilmember Daysog recused themselves and left the dais.

The Management Analyst gave a brief presentation.

In response to Councilmember Ezzy Ashcraft inquiry, the Management Analyst stated Zone 8 assessments will resume the Consumer Price Index (CPI) rate at the end of the five year period.

Councilmember Ezzy Ashcraft moved adoption of the resolution approving the Engineer's Report, confirming diagram and assessment, and ordering the levy of assessments, Island City Landscaping and Lighting District 84-2, all zones.

Councilmember Oddie seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Daysog and Matarrese – 2.]

(15-442) Resolution No. 15063, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove).” Adopted.

The Management Analyst gave a brief presentation.

Councilmember Ezzy Ashcraft stated a positive this year is that there is no allocation from fund reserves to cover expenses, which will bring in additional assessment and/or reduced assessment or further allocation of reserves in coming years.

Councilmember Ezzy Ashcraft moved adoption of the resolution approving the Engineer's Report, confirming diagram and assessment, and ordering the levy of assessments, Maintenance Assessment District 01-01 (Marina Cove).

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

(15-443) Adoption of Resolution Confirming the Ballot Results to Determine Whether a Majority Protest Exists in the Proceedings to Increase Assessments in Island City Landscape and Lighting District 84-2, Zone 4 (Park Street). Not adopted; and

(15-443 A) Adoption of Resolution Confirming the Ballot Results and Providing for No Majority Protest and the Levy of an Annual Assessment in Island City Landscape and Lighting District 84-2, Zone 4 (Park Street); Not adopted;

(15-443 B) Resolution No. 15064, “Declaring the Results of the Assessment Ballot Tabulation for Island City Landscape and Lighting District 84-2, Zone 4 (Park Street),

Determining the Existence of a Majority Protest and Abandoning the Proceedings to Increase such Assessments Therein.” Adopted.

Mayor Spencer, the City Clerk and the City Attorney discussed the process.

The Management Analyst gave a brief presentation.

Councilmember Ezzy Ashcraft inquired what is required to pass this measure, to which the Management Analyst responded fifty plus one majority of the ballots submitted.

In response to Councilmember Oddie’s inquiry, the Management Analyst stated maintenance of public waste cans is part of the scope of work and can be increased if the ballot is successful.

Mayor Spencer stated that she does not support the use of the word “courageous”, Council’s role is to facilitate and not intervene one way or another.

Mayor Spencer opened the public hearing.

Spoke in opposition to increasing the boundary and the assessment: Walter McQueston, Masonic Hall.

Complimented the City and Park Street Business Association; additional trash receptacles are needed: Mona Hanson, Alameda.

Discussed trash receptacles: Robb Ratto, Downtown Alameda Business Association.

Mayor Spencer inquired what the Masonic Hall currently pays, to which the Management Analyst responded the Masonic Hall is not part of the current boundary of the district; stated as the boundary is being extended to include the Masonic Hall as part of the ballot.

Mayor Spencer inquired who made the determination to extend the boundary, to which the Management Analyst responded it was determined through general benefit analysis by the engineer’s report commissioned by staff.

In response to Mayor Spencer’s inquiry, the Interim City Manager stated the businesses within Masonic are part of the PSBA and by law, if there is a benefit, the business has to pay for the benefit.

In response to Mayor Spencer’s inquiry, Councilmember Ezzy Ashcraft stated the Council approved a contract to conduct the assessment analysis in February 2014; the analysis is complicated; any assessment increase triggers Proposition 218 special benefit analysis which requires a parcel-by-parcel review of land use and benefit, rather than the previous analysis which was based on acreage and frontage; State law mandates that any entity that benefits must be assessed; there will be hard feelings but the assessment is complying with State law.

Mayor Spencer stated there have been engineer's reports since 1996 when Proposition 218 was passed, yet the Masonic building was not addressed earlier; inquired why the Masonic is now being included.

The Management Analyst responded the increase of assessments triggers revisiting the special versus general benefit analysis; stated between the formation of the district and when PSBA requested the increase, the law changed; parcels within the district, like the Masonic which has been reclassified from for-profit to non-profit, affects the outcome of the analysis.

Councilmember Ezzy Ashcraft stated rates have remained flat since the mid 1990's; even if some entity has not paid assessment in the past, the City is not seeking to collect retroactive payments.

Vice Mayor Matarrese inquired whether the request for increased assessment is what triggers the engineer's report/analysis, to which the Management Analyst responded in the affirmative.

Vice Mayor Matarrese stated there has been no request for increased assessment for almost two decades and that is the reason why it has not been addressed in the past.

Mayor Spencer called a recess at 8:19 p.m. and reconvened the meeting at 8:23 p.m.

Mayor Spencer closed the public hearing.

Mayor Spencer called a recess at 8:25 p.m. and reconvened the meeting at 8:45 p.m.

The City Clerk announced the ballot results: 26.06% of ballots received were submitted in support of the levy of the proposed assessment; 73.94% were submitted in opposition.

In response to Mayor Spencer's inquiry, the City Attorney stated Council cannot adopt the resolution to approve the increase; with the failure of the assessment, the matter cannot come back again for a year.

The Management Analyst stated staff hoped for a different outcome; thanked PSBA and invited PSBA Executive Director to speak.

Mr. Ratto expressed disappointment; thanked staff and the Council; stated PSBA will continue to do the best they can to maintain the district with limited funding.

In response to Councilmember Oddie's inquiry, the Management Analyst stated businesses who are not included in the existing district can no longer receive special benefit services.

In response to Councilmember Ezzy Ashcraft's inquiry, the Management Analyst stated staff needs to figure out how to maintain services for the businesses outside of the district without using assessment funds.

In response to Mayor Spencer's inquiry, the Management Analyst stated part of the balloting process was to reflect the current state of the district and those who are receiving the services.

In response to Mayor Spencer's inquiry, the City Attorney stated a vote is needed.

Vice Mayor Matarrese moved adoption of the resolution [declaring the results of the assessment ballot tabulation for Island City Landscape and Lighting District 84-2, Zone 4 (Park Street), determining the existence of a majority protest and abandoning the proceedings to increase such assessments therein].

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

CITY MANAGER COMMUNICATIONS

(15-444) The Interim City Manager announced a Council meeting would be held next Thursday, July 16th.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(15-445) Consider Directing the City Manager to Draft a Policy to Increase the Transient Occupancy Tax (TOT) Above the Current Rate of 10%, with a Portion of All of Revenues Attributable to the Rate Above the Original 10% Dedicated to Specified Visitor-Serving Activities. (Councilmember Daysog)

Councilmember Ezzy Ashcraft requested the referral be continued; stated she did not have an opportunity to review exhibits received just today.

Councilmember Daysog stated that he is fine with continuing his referral to another date.

Mayor Spencer stated that she would prefer to discuss the issue tonight and return to review a proposed utility tax.

Vice Mayor Matarrese stated that he would like to absorb information before discussing whether or not to move forward.

The City Attorney clarified that the issue is phrased as “to draft a policy”; Councilmember Daysog is not seeking to draft the policy in his referral, he is just raising the issue; referrals are not agendaized items, it is for Councilmembers to raise an issue for Council to decide one of three things: 1) not to consider the issue, 2) move forward with the issue, or 3) continue the item because it requires more work for which Council could direct staff to complete before returning to Council.

Councilmember Daysog stated he is fine with the referral coming back on July 21.

Councilmember Ezzy Ashcraft stated July 21 agenda is already heavy.

Mayor Spencer suggested the referral come back in September.

Councilmember Daysog and staff agreed to bring the item back on September 1st.

Suggested Oakland’s model be reviewed: Karen Bey, Alameda.

(15-446) Consider Directing the City Manager to Draft Policies with Regard to AirBnb and Related Temporary Lodging Activities in Residential Homes and Zoning Districts. (Councilmember Daysog)

Councilmember Daysog stated he will postpone his referral to September 1st as well.

Discussed the benefits of AirBnb; suggested Council review of the City of Malibu’s advertising: Karen Bey, Alameda.

COUNCIL COMMUNICATIONS

(15-447) Consideration of Mayor’s Nominations to the Commission on Disability Issues, Library Board, Planning Board, Public Art Commission, Recreation and Park Commission, and Transportation Commission. Not heard.

(15-448) Councilmember Daysog stated he knows two families who are being forced to move out; that he looks forward to doing something meaningful.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JULY 7, 2015- -6:00 P.M.

Mayor Spencer convened the meeting at 6:02 p.m.

Roll Call – Present: Councilmembers Daysog, Ezzy Ashcraft, Matarrese, Oddie and Mayor Spencer – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(15-418) Conference with Legal Counsel - Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9; Number of cases: Three (As Plaintiff - City Initiating Legal Action)

Following the Closed Session the meeting was reconvened and Mayor Spencer announced that direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:24 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT CITY COUNCIL
AND SUCCESSOR AGENCY TO THE COMMUNITY
IMPROVEMENT COMMISSION (SACIC) MEETING
THURSDAY- -JULY 7, 2015- -6:59 P.M.

Mayor/Chair Spencer convened the meeting at 7:01 p.m. The Alameda 10U Blaze Girls Softball Team led the Pledge of Allegiance.

Roll Call - Present: Councilmembers/Agency Members Daysog, Ezzy Ashcraft, Matarrese, Oddie and Mayor/Chair Spencer – 5.

Absent: None.

Oral Communications

None.

Consent Calendar

Councilmember/Agency Member Daysog moved approval of the Consent Calendar.

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

(*15-419 CC/15-012 SACIC) Minutes of the Joint City Council and SACIC Meetings Held on June 2, 2015 and June 11, 2015. Approved.

Agenda Items

(*15-420 CC/15-013 SACIC) Public Hearing to Consider Resolution No. 15058, “Amending Master Fee Resolution No. 12191 to Add and Revise Fees.” Adopted.

The Acting Finance Director gave a brief presentation.

Vice Mayor/Agency Member Matarrese moved adoption of the resolution.

Councilmember/Agency Member Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 5.

Adjournment

There being no further business, Mayor/Chair Spencer adjourned the meeting at 7:07 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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