

MINUTES FOR THE REGULAR CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 17, 2015- -7:00 P.M.

Mayor Spencer convened the meeting at 7:03 p.m. Encinal and Paden School students led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Ezzy Ashcraft, Oddie and Mayor Spencer – 4.
Absent: Vice Mayor Matarrese – 1.

AGENDA CHANGES

(15-679) Mayor Spencer announced the Community Development Block Grant [paragraph no. 15-690] would be heard above the Resolution appointing Rent Review Advisory Committee measure [paragraph no. 15-698].

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(15-680) Marjory Cabutotan, Jomar Cabutotan, Matthew Almasco, Jomary Cabutotan, Macie Laguadio, Randell Rubio, Melchris Laguardia, Dan Cristobal, Dave Cristobal, Jasmine Solis, Kristal Osorio and Eleasha De la Cruz, Encinal/Paden students expressed concerns about being evicted from their apartments; stated they live close to school, and on their education would suffer; Sammy Gutierrez, Youth Counselor with Filipino Advocates for Justice, expressed the reasons for not wanting students to have to move from their apartment building due to receiving eviction notices.

Following the discussion of the assignment of lease [paragraph no. 15-683], Councilmember Daysog requested staff to provide an explanation for those who spoke.

The City Attorney outlined the moratorium; stated it expires in 65 days which is January 9, 2016; the moratorium limits rent increases to 8% in the last 12 months for a certain category of rental units defined in the Costa Hawkins Act; City staff is working on establishing Frequently Asked Questions (FAQs) for the website and drafting permanent legislation to bring to Council; the City Housing Authority is fielding questions; the City intended to have the legislation adopted before the end of the moratorium.

CONSENT CALENDAR

Mayor Spencer announced the assignment of lease [paragraph no. 15-683] was removed from the Consent Calendar for discussion.

Councilmember Ezzy Aschraft moved approval of the remainder of the Consent Calendar.

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

(*15-681) Minutes of the Regular City Council Meeting Held on October 7, 2015 and the Special and Regular Meetings Held on October 20, 2015. Approved.

(*15-682) Ratified bills in the amount of \$1,547,167.77.

(15-683) Recommendation to Approve a Consent to Assignment of Lease and Leasehold Deed of Trust with SHM Ballena Isle, LLC, for the Current CLP Ballena Marina, LLC, Formerly Known As CNL Income Ballena Marina, LLC, at Ballena Marina.

In response to Councilmember Ezzy Ashcraft's request, the Community Development Director briefly outlined the lease.

Councilmember Ezzy Ashcraft moved approval of a Consent to Assignment of Lease and Leasehold Deed of Trust with SHM Ballena Isle, LLC, for the current CLP Ballena Marina, LLC, Formerly Known as CNL Income Ballena Marina, LLC, at Ballena Marina.

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

(*15-684) Recommendation to Accept the Work of Ranger Pipeline Inc., for Cyclic Sewer Rehabilitation Project, Phase 11, No. P.W. 06-13-16. Accepted.

(*15-685) Recommendation to Accept the Work of Cratus, Inc., for Construction of City of Alameda Facility Lateral Replacement Project, No. P.W. 03-15-05. Accepted.

(*15-686) Resolution No. 15100, "Accepting a Grant of Easement to the City of Alameda from the Casitas Alameda Homeowners Association for a Sewer Pump Station Easement Located within the Common Area in Tract 2936 (Verdemar Drive and Flora Vista Drive) in Exchange for Valuable Consideration and Direct the Recording of the Grant of Easement." Adopted.

(*15-687) Ordinance No. 3141, "Approving a Lease and an Option to Purchase and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a 10-Year Lease and Option to Purchase with Natel Energy, Inc., a Delaware Corporation, for Building 23 located at 2401 Monarch Street at Alameda Point." Finally passed.

(*15-688) Ordinance No. 3142, "Amending the Alameda Municipal Code by Adding Subsections (f) through (j) to Section 13-2.2 Regarding the Construction of Weather-

Exposed Building Elements Extending Beyond Exterior Walls, such as Balconies, Landings, Decks and Stairs.” Finally passed.

REGULAR AGENDA ITEMS

(15-689) Resolution No. 15101, “Appointing John Nolan as a Member of the Civil Service Board.” Adopted; and

(15-689A) Resolution No. 15102, “Appointing Brendan Sullivan-Seriñana as a Tenant Member of the Rent Review Advisory Committee (RRAC).” Adopted.

Expressed support for the new RRAC member; stated that she understands only one of the existing members is being considered for reappointment [paragraph no. 15-698]; discussed the RRAC process; expressed support for the moratorium and future legislation: Catherine Pauling, Alameda Renters Coalition.

Councilmember Daysog moved adoption of the resolutions appointing Mr. Nolan to the Civil Service Board and Mr. Sullivan-Seriñana to the RRAC.

Councilmember Ezzy Ashcraft seconded the motion; stated that having an advisory board that is simply a body with no teeth and is ineffective; she feels the City needs a body that has authority and includes a professional mediator for landlord/tenant disputes; she commented that she appreciates the members of the community volunteering their time.

On the call for the question, which carried by unanimous voice vote – 4. [Absent: Vice Mayor Matarrese – 1.]

The City Clerk administered the Oath of Office and presented certificates to Mr. Nolan and Mr. Sullivan-Seriñana, who both made brief comments.

(15-690) Public Hearing to Consider Amendments to the Fiscal Years 2008-2015 Community Development Block Grant (CDBG) Action Plans, and Authorize the City Manager to Negotiate and Execute Related Documents, Agreements, and Modifications.

The Housing Programs Manager gave a brief presentation.

In response to Mayor Spencer’s request, the Housing Programs Manager reviewed funding changes outlined in the exhibit.

Councilmember Ezzy Ashcraft moved approval of authorizing the City Manager to negotiate and execute related documents, agreements, and modifications to the Fiscal Years 2008-2015 Community Development Block Grant Action Plans.

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

4. [Absent: Vice Mayor Matarrese – 1.]

(15-691) Adoption of Resolution Appointing Karin Lucas, as a Member of the Rent Review Advisory Committee (RRAC), to a Four Year Term Beginning November 4, 2015. Not adopted; and

(15-691A) Resolution No. 15103, “Appointing Thuy Nguyen, as a Member of the RRAC, to a Two Year Term Beginning November 4, 2015.” Adopted.

Catherine Pauling made comments regarding the matter under the other resolutions of appointment [paragraph no. 15-698].

The City Clerk noted Ms. Lucas has resigned from the RRAC and the resolution for Ms. Lucas would not be considered.

Councilmember Oddie moved adoption of the resolution.

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

(15-692) Presentation of Public Works Fiscal Year 2014-15 Annual Report.

The Interim Public Works Director gave a Power Point presentation.

Councilmember Ezzy Ashcraft inquired whether See Click Fix is currently up and running, to which the Interim Public Works Director responded in the affirmative; stated the information is available on the City website and explained details on how See Click Fix works; continued the presentation.

Councilmember Ezzy Ashcraft inquired how the City is addressing providing dumpsters for larger apartment complexes to avoid large curbside dumping, to which the Interim Public Works Director responded that the City is in the midst of a pilot program to offer an annual bulky pickup; the City is currently trying to obtain a better response; Alameda County Industries is putting together an a la carte menu to pick up single items and it should be running in the next couple of weeks.

Councilmember Ezzy Ashcraft inquired how the City is addressing the overflowing trash receptacles at Starbucks and Pete’s Coffee at the intersection of Park Street and Central Avenue.

The Interim Public Works Director responded the City has an agreement with Starbuck’s staff to ensure liter is picked up; the City is working with Pete’s to have a similar agreement.

Councilmember Daysog commented that he appreciates City staff getting certifications and working towards being a green facility.

Councilmember Oddie inquired whether a motion is needed to accept the presentation was.

Mayor Spencer responded that Council does not need to vote on the presentation.

Councilmember Oddie thanked City staff for their hard work and putting together the presentation.

Mayor Spencer informed the public how to submit a service request via the City's website.

CITY MANAGER COMMUNICATIONS

(15-693) The Interim City Manager announced November 19, 2015 is the Central Avenue Improvement meeting at the Transportation Commission; stated the moratorium FAQs and issues with housing affordability are posted on the City website.

The City Attorney stated the California Court of appeals resolved the case brought by Ann Marie Gallant former Interim City Manager; all of Ms. Gallant's claims were rejected; the City will be able to collect attorney fees.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(15-694) Consider Directing Staff to Provide the City Council with a Report on the Feasibility of including Alameda in the Service Area for the Bay Area Bike Share Program. (Councilmember Oddie)

Councilmember Oddie gave a brief presentation.

Councilmember Ezzy Ashcraft stated that she would love to see Alameda be a part of the bike share program; Alameda has the topography for bicycling; inquired whether this issue would preside with the Transportation Commission.

The Interim City Manager responded anything done on the bike share matter would include the Transportation Commission.

Mayor Spencer requested that City staff look into how the Metropolitan Transportation Commission (MTC) determines which cities have to pay money to do bike share and report back to Council.

The Interim City Manager responded that the City will look into how MTC identifies the

cities and if there is a cost; City staff needs to analyze the program.

Councilmember Daysog requested that staff look into companies that rent bikes in Alameda.

COUNCIL COMMUNICATIONS

(15-695) Councilmember Ezzy Ashcraft announced that she attended the golf course tour of the south course, which is currently under construction; stated that she attended the Veteran's Day dinner sponsored by the Elks Club along with Mayor Spencer and Councilmember Oddie; the Police Chief and several officers won a statewide marksmanship award and a check to donate to charity; they donated \$4,000 to the Elks Veterans fund for service members overseas; she attended the League of Women Voters meeting at the library; the public inquired whether Alameda would ever have Bart transportation; approximately 80% of the public attending the meeting use Bart.

Councilmember Oddie noted that the officers that won the marksmanship award were not obligated to give the money away; they voluntarily donated the money to a charity.

(15-696) Councilmember Daysog announced that he attended the League of Women Voters meeting at the library and that it was very informative and people were engaged and care about the transit solution.

(15-697) Mayor Spencer announced that today she attended the Alameda County Board of Supervisors and spoke on behalf of Council's unanimous vote supporting Laura's Law; the Board of Supervisors took action supporting Assembly Bill 1421 Laura's Law; a pilot program was approved.

Councilmember Oddie noted that he heard from a staffer that the Council's vote help pass the matter.

(15-698) Consideration of Mayor's Nominations to the Rent Review Advisory Committee (RRAC).

Mayor Spencer nominated Christopher Griffiths and Suzanne Warner for appointment to the RRAC; she stated the Council is seeking applications for the RRAC landlord seat.

ADJOURNMENT

(15-698) There being no further business, Mayor Spencer adjourned the meeting in memory of Mark Trujillo at 8:28 p.m. and Councilmember Ezzy Ashcraft requested adjournment in honor of the victims in the Paris tragedy.

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- -NOVEMBER 17, 2015- -5:30 P.M.

Mayor Spencer convened the meeting at 5:30 p.m.

Roll Call – Present: Councilmembers Daysog, Ezzy Ashcraft, Oddie and Mayor Spencer – 4.

Absent: Vice Mayor Matarrese – 1.

Public Comment

Former Councilmember Doug deHaan, Alameda, discussed Encinal terminals property negotiations; stated the matter should be addressed in open session.

The meeting was adjourned to Closed Session to consider:

(15-675) Conference with Conference With Labor Negotiators (54957.6); City Negotiator: Elizabeth D. Warmerdam; 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), and Alameda Management and Confidential Employees Association; (MCEA) Under Negotiation: Salaries and terms of employment. Not heard.

(15-676) Conference with Legal Counsel - Existing Litigation (54956.9); Case Name: Boatworks, LLC v. City of Alameda, et al. Superior Court of the State of California, County of Alameda Case No. RG14746654.

(15-677) Conference with Real Property Negotiators (54956.8) Property: Jim's on the Course, 1 Clubhouse Memorial Drive, Alameda, CA 94502; City Negotiator: Amy Wooldridge; Organizations Represented: Tom Geanekos Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment.

(15-678) Conference with Legal Counsel – Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9; Number of cases: One (As Plaintiff- City Initiating Legal Action)

Following the Closed Session the meeting was reconvened and Mayor Spencer announced that regarding Existing Litigation, the Council gave direction to staff; regarding Real Property, direction was given to staff on lease terms to return to Council for public consideration and approval.

Mayor Spencer called a recess at 6:54 p.m. and reconvened at 8:41 p.m.

Following the Closed Session the meeting was reconvened and Mayor Spencer announced that regarding Initiation of litigation, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 9:48 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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