

MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -DECEMBER 15, 2015- -7:00 P.M.

Mayor Spencer convened the meeting at 7:09 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

(15-726) Mayor Spencer announced that she would like the amendment to the General Fund budget [paragraph no. 15-732] and the resolution regarding the supplemental health plan and trust [paragraph no. 15-737] removed from the Consent Calendar for discussion.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(15-727) Tom Virsik, Alameda, submitted information and expressed concern over his public records request and compliance with the Sunshine Ordinance.

(15-728) Greg Pustelnik, Scout Troup 2, stated the Troup is present to obtain a merit badge called “Citizenship in the Community.”

Mayor Spencer noted nine members of the troop are in attendance.

CONSENT CALENDAR

Vice Mayor Matarrese moved approval of the Consent Calendar, excluding the amendment to the General Fund budget [paragraph no. 15-732] and the resolution regarding the supplemental health plan and trust [paragraph no. 15-737].

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.]

(\*15-729) Minutes of the Regular City Council Meeting Held on Minutes of the Special City Council Meeting held on November 9, 2015 and the Special and Regular Meetings held on November 17, 2015. Approved.

(\*15-730) Ratified bills in the amount of \$1,238,016.69.

(\*15-731) Recommendation to Accept and File the Community Facilities District No. 13-1 (Alameda Landing Public Improvements) Report for Fiscal Year Ending June 30, 2015 and the Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) Report for Fiscal Year End June 30, 2015. Accepted.

(15-732) Recommendation to Amend the General Fund Fiscal Year 2015-16 Budget by Appropriating \$3,000,000 from the General Fund Committed Fund Balance to Pay for the City's Other Post-Employment Benefits (OPEB) Obligation as Stated in the Safety Bargaining Groups Memoranda of Understanding.

Mayor Spencer requested clarification about what the Council us being asked to do in appropriating funds from the General Fund committed fund balance.

The Finance Director responded the funds were previously set aside; stated staff is now requesting authorization to appropriate the \$3,000,000.

Vice Mayor Matarrese inquired when the funds would be deposited into the interest bearing account.

The Finance Director responded January 2016.

Vice Mayor Matarrese inquired whether the funds would start accruing interest at said time, to which the Finance Director responded in the affirmative.

Mayor Spencer inquired whether the trust is a 5i trust, to which the Finance Director responded in the negative; stated 5i is a different type of trust; no City contributions are going into the 5i trust; the 5i is strictly contributions from employees.

Mayor Spencer inquired whether the OPEB trust, which the \$3,000,000 will go into, would be only City contributions or both members and City contributions.

The Finance Director responded the OPEB trust would be a combination and interest would be earned on the total.

Mayor Spencer inquired whether the trust has already been established, to which the Finance Director responded the City will be setting up an account as stipulated in the Memorandums of Understanding (MOUs); the account would not be comingled; the money would be for future retirees.

Mayor Spencer inquired whether there is a way to have subaccounts in order to not comingle City contributions and employee contributions.

The Finance Director responded the funds are considered City contributions and would not be separate because there would be an additional cost to the employees.

Councilmember Oddie moved approval of the staff recommendation.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Daysog inquired whether the trust is the trust addressed in April 2015 which would pay down the OPEB liability, to which the Finance Director responded in the affirmative.

Councilmember Daysog stated he is concerned about the trust being undercapitalized.

Mayor Spencer stated that she did not support the MOU and will not support the recommendation, which she feels jeopardizes the fiscal health of the City.

Councilmember Oddie stated the bargaining unit signed the MOU; voting no is a violation of the Council's fiduciary duties.

Mayor Spencer stated that she would not support the action because it is a partial solution.

Councilmember Ezzy Ashcraft stated the underfunding problem will not be solved overnight; the money will be placed in an interest bearing account; she hopes the Council majority will go forward with the appropriation.

Councilmember Daysog stated his concern is that public safety employees will be contributing money for retirement into a fund that will run out.

Mayor Spencer noted the current Council voted on the MOU on April 29, 2015; the vote was 3 to 2.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese and Oddie – 3. Noes: Councilmember Daysog and Mayor Spencer – 2.

(\*15-733) Recommendation to Conduct the Affordable Housing Ordinance Annual Review Consistent with Section 27-1 of the Alameda Municipal Code and California Government Code Section 66001 and Accept the Annual Report. Accepted.

(\*15-734) Recommendation to Award a Contract in the Amount of \$103,054 to Mark Thomas & Company for the Extraction of Street and Sidewalk Asset Data from Existing Mobile Mapping Data to Populate a Geographic Information System For Data Management, Retrieval and Analysis. Accepted.

(\*15-735) Recommendation to Authorize the Interim City Manager to Issue a Request for Proposals (RFP) for a New Integrated Library System (ILS) for the Alameda Free Library. Accepted.

(\*15-736) Recommendation for the City of Alameda to Co-Sponsor Alameda Unified School District's (AUSD's) "Everyone Belongs Here" Campaign. Accepted.

(15-737) Resolution No. 15109, "Amending the International Association of Fire Fighters (IAFF) Supplemental Retirement and Health Plan (Plan) and Trust Agreement for IAFF Employees Hired After June 7, 2011 to Include Alameda Fire Chief's Association (AFCA), Alameda Police Officers' Association (APOA), and Alameda Police Management Association (APMA) Employees Hired After June 7, 2011 as Provided in the Memoranda of Understanding (MOUs) Between the City and AFCA, the City and APOA, and the City and APMA Approved on April 29, 2015." Adopted;

(15-737A) Recommendation to Authorize the Interim City Manager to Appoint the President of Alameda Fire Chief's Association (AFCA), President of Alameda Police Officers' Association (APOA), and President of Alameda Police Management Association (APMA) Employees as Additional Trustees as Required by the Trust Agreement; and

(15-737B) Recommendation to Authorize the Interim City Manager to Execute Plan and Trust Documents.

Mayor Spencer requested clarification.

The Finance Director stated the trust includes only the IAFF bargaining group; in April 2015, Council approved amendment of the trust and a plan to include the remaining three bargaining units: AFCA, APOA and APMA.

Mayor Spencer inquired if the money is only from the employees, not the City, to which the Finance Director responded in the affirmative.

Vice Mayor Matarrese inquired whether the funding for such a trust is normally paid by the City.

The Interim City Manager responded in the negative; stated the retirement trust is in lieu of the City paying spousal coverage for retiree health; employees would contribute their own money to pay for medical costs for their spouses after retirement.

Vice Mayor Matarrese inquired whether the trust was previously funded by the City, to which the Interim City Manager responded in the affirmative.

Mayor Spencer stated the trust is separate from the OPEB trust.

Vice Mayor Matarrese moved adoption of the resolution.

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

(\*15-738) Resolution No. 15110, “Approving Administrative Corrections to Better Reflect Current Medical Contribution Rates, Dental Plan Modifications, to Update Language Changes Related to the Public Employment Pension Reform Act (PEPRA), and to List Specific Uniform Rates to the Memorandum of Understanding (MOU) Between the Alameda Fire Chiefs Association (AFCA) and the City of Alameda for the Period Commencing November 1, 2015 and Ending December 18, 2021.” Adopted.

(\*15-739) Resolution No. 15111, “Approving Administrative Corrections to Better Reflect Current Medical Contribution Rates, Dental Plan Modifications, to Update Language Changes Related to the Public Employment Pension Reform Act (PEPRA), and to List Specific Uniform Rates to the Memorandum of Understanding (MOU) Between the International Association of Firefighters, Local 689 (IAFF) and the City of Alameda for the Period of November 1, 2015 through December 18, 2021.” Adopted.

(\*15-740) Resolution No. 15112, “Approving Revisions to the Part-Time Classifications Salary Schedule to Meet State Law Requirements to Increase Minimum Wage.” Adopted.

## REGULAR AGENDA ITEMS

(15-741) Introduction of Ordinance Amending Chapter 30 of the Alameda Municipal Code (Zoning Ordinance) to Streamline Permitting for Second Units. [The Proposed Amendments Regarding Second Units are also Statutorily Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15282(h), for the Adoption of Ordinances Implementing Assembly Bill 1866 – Second Unit Law (Government Code Section 65852.2) and Categorically Exempt pursuant to CEQA Section 15305 Minor Alterations to Land Use Limitations]. Not introduced.

The City Planner and Planning Services Manager gave a Power Point presentation.

Councilmember Oddie inquired existing second units can be used as vacation rentals with Air BnB, to which the Planning Services Manager responded in the affirmative.

Councilmember Daysog inquired how many eligible lots would meet the 4,000 square feet threshold, to which the Planning Services Manager responded 3,900 lots would be eligible.

Councilmember Oddie inquired whether the current ordinance is in compliance with State law, to which the Planning Services Manager responded in the affirmative.

Councilmember Oddie inquired whether the 3,900 units includes Harbor Bay lots which have Covenants, Conditions and Restrictions (CC&Rs) preventing second units, to which the Planning Services Manager responded in the negative.

Councilmember Oddie inquired whether said units would be excluded.

The Planning Services Manager responded the Harbor Bay units are in a planned development; stated building a second unit would be difficult based on the topography of the neighborhood.

Councilmember Oddie inquired whether the ordinance allows internal or external second units, to which the Planning Services Manager responded the ordinance allows for both.

Councilmember Daysog inquired whether internal second units refers to people raising roofs, to which the Planning Services Manager responded someone raising a roof would be subject to design review.

Councilmember Oddie inquired whether staff is asking Council to allow an internal unit to be added to a home.

The Planning Services Manager responded the current ordinance already allows for an internal unit to be added to a home; continued the presentation.

Mayor Spencer inquired whether there was a way to enforce using the driveway for two cars so that one car would not end up parking on the street.

The Planning Services Manager responded in the negative; stated there is no way to enforce parking; continued the presentation.

In response to Vice Mayor Matarrese's inquiry regarding affordable housing incentives, the Planning Services Manager stated the matter can be reviewed; noted monitoring would be needed.

Councilmember Ezzy Ashcraft inquired about Santa Cruz's ordinance, to which the Planning Services Manager responded the ordinance is nationally recognized and generates an average of 17 units per year; outlined Santa Cruz's program.

Councilmember Ezzy Ashcraft stated a board oversees compliance; inquired how the program is funded.

The Planning Services Manager responded that he believes Santa Cruz has outside funding.

Mayor Spencer inquired whether the rent cap refers to low income housing, to which the Planning Services Manager responded in the affirmative.

In response to Councilmember Ezzy Ashcraft's inquiry, the Planning Services Manager stated the rent cap would remain in place until the unit is removed; continued the presentation.

Councilmember Daysog inquired whether the ordinance would sunset, to which the

Planning Services Manager responded the ordinance would be reviewed as part of the annual Housing Element update; in addition, Council could direct review after one year.

Councilmember Daysog inquired whether the City would receive any benefits from including second units within the Housing Element.

The Planning Services Manager responded any units created count towards the City's Regional Housing Need Allocation (RHNA); stated the second unit ordinance does not benefit the affordable criteria because the units are not deed restricted; units could count as affordable if the ordinance is amended to include deed restrictions.

Councilmember Daysog noted the City of Piedmont's incentive is for a period of 10 years.

Councilmember Ezzy Ashcraft inquired how staff created the estimate.

The Planning Services Manager responded the number of eligible lots would increase from 400 units, which has created half a unit annually, to 3,900 units, which would equate to 15 units annually; in addition, every year 10 to 15 customers make an inquiry about second units.

Councilmember Daysog inquired whether the units would occur mostly in the R-1 [residential] neighborhoods, to which the Planning Services Manager responded in the affirmative; noted multi-family neighborhoods have different requirements.

Expressed support for the second unit ordinance so that he can create a second unit for his mother to watch his children and have her own kitchen; stated there is not enough senior housing: Alvin Lau, Alameda.

Stated that he is in support of the ordinance; Council holds to key to creating housing: Doyle Saylor, Alameda Renters Coalition.

Expressed concern over the presentation slides being slightly misleading and owners not being given adequate notice: Steve Aced.

Stated that he is in favor of the ordinance; he knows people who are having trouble finding adequate housing; expressed support for tandem parking spaces; discussed square foot requirements: Dennis Owens, Alameda.

Thanked staff and the Planning Board; stated there are a lot of advantages; young people are going without cars; the number of units do not justify making it affordable housing: Bill Smith, Alameda.

Stated Alameda Architectural Preservation Society (AAPS) is generally in support; details and issues need to be worked out; expressed concern over costs for new buildings being prohibitive; stated ground floor units would be more affordable: Jim

Smallman, AAPS.

Vice Mayor Matarrese stated adjustment and more detail are needed, which could require Planning Board review; that he would like some return since the City would be granting significant value for the property; the goal should be affordable units; incentive should be written into the ordinance to allow additional concessions if the unit is affordable; requested an analysis of the costs to administer the program be provided when the matter returns to Council; outlined development projects that have monitoring requirement; stated a system for monitoring should already exist; adding the second unit program should not be too costly; family units and market units are different and should be handled differently; a definition of a second unit should be included that addresses second units which are within a building and those which are accessory buildings; there should also be a definition of short term rental; lastly, something should be included about legalizing accessory buildings.

Outlined AAPS's letter which proposes three amendments: Christopher Buckley, AAPS.

Councilmember Oddie inquired how many lots on Bay Farm would be eligible, to which the Planning Services Manager responded that he does not have the exact number, but roughly around 200.

Councilmember Oddie stated the ordinance needs more work; that he sympathizes with Mr. Smallman and Mr. Buckley's comments about affordable housing; both Piedmont and Santa Cruz address affordable housing; the proposed ordinance does not really have any guarantees; homeowners are receiving a large benefit; there should be more teeth and specificity; inquired how many units staff would like to have.

The City Planner responded two units in five years is not enough; stated the program already has to be monitored every year; the Council can control and adjust the program at the review each year; the matter could also be revisited by Council in one year, including a review of the data.

Councilmember Oddie inquired what if the floodgates are opened and there are 100 applications in two months, to which the City Planner responded Council could provide direction to hold a hearing if 100 applications are received in the first two months.

Councilmember Oddie stated the revised ordinance should include that the matter would return to Council if the number of units reaches a specific cap; suggested additional scrutiny be added as suggested by AAPS.

The City Planner clarified the AAPS suggestion for discretionary review is already on the books today.

Councilmember Oddie stated tandem parking could force tenants to park on the street; further stated consideration should be given to the third suggestion offered by AAPS regarding units inside the main building; the matter warrants additional analysis and



input.

The Planning Services Manager clarified many lots already have accessory buildings, which the ordinance is encouraging be used for second units.

In response to Councilmember Ezzy Ashcraft's inquiry, the Planning Services Manager stated the current requirement is that no more than 60% of the lot can be covered by the buildings or driveway.

In response to Councilmember Oddie's inquiry, the City Planner stated the second unit requirements are greater than requirements for single family homes, which can be 100% paved over.

The Planning Services Manager noted the City has lost 23 units from Victorians being converted back into single family homes; more people are asking to remove units than add units.

Councilmember Ezzy Ashcraft stated the proposed ordinance would be one more tool to address the rental housing shortage; both affordable and market rate units are needed; that she does not see a need to differentiate between a family member or renter living in the unit because both have value; there should be incentives to make units affordable, which is in the Santa Cruz ordinance; the floodgates will probably not open due to the cost to create a second unit; that she does not see a need to limit digging out ground floor units; expressed support for Mr. Owen's suggestion of 750 square feet or 10%, whichever is lesser; stated that she supports doing a pilot for one year and having a specific number of units trigger review; suggested Council provide direction on specific amendments; inquired whether making modifications would allow the ordinance to be introduced.

The City Attorney responded in the negative; stated the ordinance could only be introduced if the modifications are minor.

Councilmember Ezzy Ashcraft stated the matter should not be delayed.

Councilmember Daysog stated that he would like greater incentives for affordable housing, such as Santa Cruz waiving fees and Piedmont waiving parking; a clearer connection needs to be made; senior housing, which is at risk, should be incentivized as well; requested additional information on houses being raised to build units below; discussed infill housing concerns from the 1990s regarding houses being raised and changing the character of the neighborhood; stated the matter should be sent back to the Planning Board or staff; expressed support for a pilot program.

Councilmember Ezzy Ashcraft stated that she supports the staff recommendation to require two independent parking spaces.

Mayor Spencer expressed support for Mr. Owen's suggestion regarding 750 square feet

or 10%; stated that she supports requiring three parking spaces, but would agree to go to two independent spaces if the units were affordable or for a family member; noted a family member would probably not pay market rate; expressed concern over tandem parking; stated that she receives complaints about parking throughout the City; requested that the legal questions raised by AAPS be addressed when the matter returns to Council; stated that she would prefer the matter return to Council, rather than the Planning Board, in order to expedite approval; the 4,000 square foot lot size should be allowed for affordable or family member units, but is too small for market rate; 5,000 or 5,500 square feet should be required for market rate units; that she supports the staff recommendation regarding one story; requested an explanation of distance from the main house.

The Planning Services Manager stated the 20 foot setback is difficult to accommodate; 6 feet is alignment with Fire and Safety Codes.

Mayor Spencer inquired whether adjacent property owners would receive notification; stated that she would like neighbors to receive notification since the requirements are being lessened.

The Planning Services Manager responded notice is not required for properties which meet the checklist.

Mayor Spencer stated that she would like neighbors notified if the number of parking spaces are reduced.

The Planning Services Manager stated said notification requirement is in the ordinance.

Mayor Spencer stated that she would like the ordinance to have clearer check boxes, similar to Piedmont and Santa Cruz; that she supports more units being affordable, but neighbors should receive notice since there will be greater impacts; housing for a family member or affordable units should be deed restricted in perpetuity; the property owner should have to return to the City to change the unit to market rate.

Councilmember Ezzy Ashcraft stated deed restricted units for a family member would require the new owner to have a family member move in if the property is sold.

Mayor Spencer responded the unit could be used for a family member or as affordable housing.

The City Attorney stated the City cannot limit the use to a family member, but can limit the unit to being affordable.

Mayor Spencer inquired whether the unit could be considered affordable if the family member is not paying market rate.

The City Planner responded the Council has provided sufficient direction; stated staff

has to complete some analysis; inquired what process Council would like to follow.

The Interim City Manager stated that she would like clarification that Council is okay with having some affordable and some market rate units, but the market rate units would have meet a higher threshold.

Mayor Spencer stated a majority of Council agrees.

In response to Councilmember Ezzy Ashcraft's inquiry about allowing neighbors to oppose affordable units due to decreasing the parking requirements, Mayor Spencer stated there needs to be a discussion about when the neighbors would be notified.

Vice Mayor Matarrese stated the ordinance would return to Council for a first reading and would include: 1) issues of incentivizing affordability; 2) examination of parking and when there would be notice; there seems to a preference for independent spaces instead of tandem spaces; 3) there were a number of suggestions regarding modeling the ordinance after Piedmont; and 4) by right versus by use permits.

Councilmember Ezzy Ashcraft stated there have also been individual comments.

Vice Mayor Matarrese stated the staff report will have to address why staff did or did not include the suggestions; stated the matter would return to Council, rather than the Planning Board.

Mayor Spencer stated that units should not be used for a vacation rental.

Councilmember Ezzy Ashcraft stated Vice Mayor Matarrese requested short term rental be defined.

Councilmember Oddie stated second units previously approved do not have the same restriction; the requirement could be temporarily included until the Council supersedes it with creation of an Air BnB/short term rental regulation.

Councilmember Ezzy Ashcraft stated the number of said type of units is very low in Alameda and should be not be addressed now.

Mayor Spencer stated there could be different models; provided examples of the low income categories.

Councilmember Daysog stated the ordinance is to address the lack of permanent housing and provide a new stream of housing; the issue of vacation rentals might arise later; current providers in Alameda are not losing their right to do so.

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Mayor Spencer called a recess at 9:05 p.m. and reconvened the meeting at 9:13 p.m.

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(15-742) Recommendation to Approve an Exclusive Negotiating Agreement (ENA) between the City of Alameda and a Consortium of Four Developers Made Up of MidPen Housing, Alameda Point Collaborative, Building Futures with Women and Children, and Operation Dignity for Planning and Development of a 13.2-Acre Parcel in the Main Street Neighborhood Area at Alameda Point Bounded by West Midway Avenue, Orion Avenue, West Tower Avenue, and Main Street to Enable Predevelopment Activities for Designing and Constructing New Supportive Housing Facilities for these Existing Supportive Housing Providers.

The Chief Operating Officer – Alameda Point gave a brief presentation.

Doug Biggs, Alameda Point Collaborative, showed a video and started a Power Point presentation.

Nevada Merriman, continued the Power Point presentation.

Mayor Spencer inquired whether the developers would apply for the funds Friday if the Council approves the ENA tonight, to which Ms. Merriman responded in the affirmative.

Mr. Biggs continued the presentation.

Councilmember Ezzy Ashcraft inquired whether the \$100,000 spent was a grant from a particular agency.

Mr. Biggs responded the funding spent is from several past grants and has been close to \$300,000.

Councilmember Ezzy Ashcraft stated that she attended a MidPen housing workshop; inquired if the boomerang funds from the County's Affordable Housing Trust Fund refers to redevelopment funds, to which Mr. Biggs responded in the affirmative.

The Chief Operating Officer – Alameda Point continued the presentation.

Mayor Spencer inquired whether three or four votes are required to approve the matter, to which the Chief Operating Officer – Alameda Point responded three votes.

Councilmember Daysog inquired whether there is enough flexibility in the ENA process to move the project elsewhere should something happen.

The Chief Operating Officer – Alameda Point responded the planning process will require input from the community; stated the Collaborative is open to all possibilities, including other locations.

Councilmember Daysog stated that the relationship with the Alameda Point Collaborative makes Alameda a greater city and makes everyone proud.

Councilmember Oddie stated the housing units are not being added, they are being replaced; inquired whether the development can be taken apart and the property could be developed separately if the Main Street Plan cannot be achieved.

The Chief Operating Officer – Alameda Point responded the ENA would terminate after twelve months if an agreement has not been reached; stated the City could still move forward and find a way to create a plan.

Councilmember Oddie stated if the community cannot come to a consensus on the Main Street neighborhood, it is important to keep the process going because the area houses some of the most vulnerable population.

The Chief Operating Officer – Alameda Point stated the zoning requires that there is one or more specific plans.

Councilmember Ezzy Ashcraft stated that she is excited about possibly working with MidPen Housing; stated moving forward is important.

Vice Mayor Matarrese stated the ENA puts the City at no risk; stated he is ready to move forward.

Councilmember Daysog inquired whether the City is trying to sync the project with the larger mainstream neighborhood in order to use the financial mechanism generated to fund the project.

The Chief Operating Officer – Alameda Point responded the zoning creates subdistricts and requires that no one develop the neighborhood without a specific plan; stated the land needs infrastructure and the market rate development may be needed to finance the development.

Councilmember Daysog suggested checking in on the Main Street Plan process; stated the City should listen to ideas due to the housing crisis.

The Chief Operating Officer – Alameda Point stated there will be more public presence in the Main Street Plan process.

Mayor Spencer inquired whether the ENA is what Mr. Biggs wants, to which Mr. Biggs responded the ENA is what the residents want.

Mayor Spencer stated inquired whether the proposal is based on the needs of the residents, to which Mr. Biggs responded in the affirmative.

Mayor Spencer stated that she attended a College of Alameda class where two students raised great points about homelessness; inquired whether the two students present would like to speak.

Skylar Wright, Student, urged moving forward with the project to address homelessness because the homeless are people.

Mayor Spencer stated she plans to support the project.

Vice Mayor Matarrese moved approval of the recommendation as outlined in the staff report to enter into an ENA with MidPen Housing, Alameda Point Collaborative, Building Futures with Women and Children, and Operation Dignity for Planning and Development of a 13.2-Acre Parcel.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft noted the class at College of Alameda was very impressive.

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

(15-743) Recommendation to Accept the Five-Year Pipeline Report for Affordable Housing.

The Housing Authority Director of Housing and Community Development gave a Power Point presentation.

Councilmember Ezzy Ashcraft inquired how the upcoming North Housing project coordinates with the work of MidPen Housing and the Alameda Point Collaborative.

The Housing Authority Director of Housing and Community Development responded a MOU specifies the use should be supportive housing; stated the residents will be moved from the Collaborative to North Housing if the 90 units are developed first; it depends on which one is developed first.

(15-744) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 2.24 to Article II of Chapter II Related to Emergency Organization to Create the City of Alameda Disaster Council as Required by State Law to Obtain Legal Recognition as an Official Emergency Organization. Not introduced.

The Fire Captain noted a revised ordinance was provided; gave a brief presentation.

Vice Mayor Matarrese inquired if the membership of the Emergency Operations Team and the Disaster Council would include the Water Transit Authority; inquired whether they will be requesting guidance to put this together.

The Fire Captain responded in the affirmative and continued with her presentation.

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(15-745) Mayor Spencer stated a motion is needed to consider the remaining agenda items: the workers' compensation for disaster workers [paragraph no. 15-747] and the Theater marquee [paragraph no. 15-748].

Vice Mayor Matarrese moved approval [of considering the remaining items].

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

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In response to Councilmember Ezzy Ashcraft's inquiry, the Fire Captain stated the Certification Program training class is given four times a year; the course contains seven modules and is 21 hours of training; the next training class has not been scheduled; the Department plans to have the class information available to the public in the first or second week of January, 2016.

Councilmember Daysog stated the City Charter seems to give the Mayor and Council certain powers during emergencies; the Emergency Disaster Council is not just a planning body, it is a body to take action; the Mayor and Vice Mayor ought to be part of the decision-making; he agrees that the expertise lies with the Fire Department and the City Manager, but there has to be a role for the Mayor; he raised the issue when the Emergency Operations Center (EOC) was addressed; there is no other way to interpret Charter Section 6-1.

The Fire Captain stated the City Council could take control over the City at any time under Section 6-1 of the City Charter; there is always the possibility employees may not be able to come in during a disaster, therefore the Council must take control; the Disaster Preparedness program generally conducts business with the City Manager in charge of day-to-day operations and does not intend to leave out the Council; prior Mayors have not attended meetings in the past; the new ordinance was created to align with how the Disaster Preparedness operates generally in the Emergency Operation Program.

Councilmember Daysog stated the Fire Department will make recommendations to staff on deploying resources when decisions have to be made in the moment of an emergency; for the recommendation to be legitimate, there has to be involvement by an elected representative of the City.

Mayor Spencer inquired whether the Emergency Disaster Council was ever referred to as a Commission, to which the Fire Captain responded in the negative; stated it was always referred to as a Council.

Mayor Spencer stated she would like the prior document included with the report to make a comparison and see the proposed substantive changes.

The Fire Captain stated the only change is to add the City Manager as the Director and

the Assistant City Manager as the Vice Chair on the Commission.

Mayor Spencer stated that she prefers to have the original document included in the report anytime staff brings forth changes so Council and the public knows what is being changed; stated Councilmember Daysog and the Fire Chief's discussion regarding the Mayor and Council's role in the EOC was not included in the minutes from a previous meeting on the EOC; the Mayor and Council should be included in the EOC, which gives reason to why a larger EOC is needed; the proposal is silent to the Charter language which states that the Mayor takes command of the Police and Fire Department and governs the City by proclamation in the event of emergency; there needs to be a legal opinion on how the Charter should be addressed; the Charter cannot be changed by Council; the roles need to be clearly defined in advance, as well as how members are appointed to the Commission; she would like the certification training to take place on a day other than Tuesdays.

The Fire Captain stated the certification training classes are held on weeknights and weekends twice a year, according to the availability of the instructor; the Department will try to schedule a date which could accommodate Council.

Councilmember Ezzy Ashcraft stated that she would be happy to have the City Attorney reconcile the language of the Charter and the proposed ordinance; the first priority has to be the safety of the citizens, which should be placed in the hands of trained professionals; she is happy to take direction from the trained professionals; it would be a disservice to the citizens to say that an elected Mayor and Council are the ones who will be giving public safety direction; it takes a certain temperament and training to be cool and calm in any situation.

Councilmember Daysog concurred; stated part of the democracy involves elected officials and is explicit in the Charter; the Mayor would exercise discretion and caution in understanding the responsibilities of staff and members of the Disaster Council; there should be a role for the Mayor to give the trained professionals the complete backing of the public in the event of an emergency.

The Fire Captain stated the Emergency Management Plan has been adopted by the Council; the ordinance aligns the documents; the Council's role as proposed is the standard operating procedure for all other cities in the State.

Mayor Spencer stated Alameda is a Charter City; the EOC has been handled differently in the past.

Vice Mayor Matarrese stated the change is substantive and needs to be incorporated; he prefers to reconcile the ordinance, including the Charter language which separates operations from policy, and have the ordinance brought back for a first reading.

Councilmember Oddie stated he does not see a conflict between the ordinance and the Charter language; there is nothing in the ordinance that takes away the Mayor's



authority as stated in the Charter.

Vice Mayor Matarrese concurred with Councilmember Oddie; stated however, the ordinance is silent on the Mayor's authority.

Councilmember Oddie stated Ordinance Section 22-4 states: "if the Director claims a local emergency or issues a proclamation, the Council has the authority to ratify the proclamation within seven days"; Council retains authority; he is concerned that if there is an active shooter situation, similar to San Bernardino, and the whole City is shut down, action has to be taken quickly without waiting for the Mayor and Council to confer and issue a proclamation; the duty of the Commission is to develop emergency and mutual aid plans and agreements; elected officials are not turning over control of the City, the Council still retains authority; he does not see a conflict.

Vice Mayor Matarrese concurred with Councilmember Oddie, stated he is just requesting that the Charter language be imbedded in the ordinance to make sure the hierarchy is understood; the hierarchy is prescribed in the Charter; until the Charter is changed, Council must recognize it and declare a citywide disaster.

Mayor Spencer stated the changes are substantive and she would like to see the original document to be able to compare it to the proposed document.

Councilmember Daysog stated the past practice of including Mayors in the Disaster Council was to respect Charter Section 6-1; many Mayors did not attend meetings because of the planning nature of the Disaster Council; the issue is attending the meetings and recognizing Council reflects the civilian body; the Mayor was involved before, there is no reason the Mayor ought to not be involved today.

The Interim City Manager stated the reason why the prior ordinance was not included in the report is that it is not active and no longer in effect; it is important to remember that there are very different standards today than there were when Mayor Appezzato was in office; the Standardized Emergency Management System (SEMS) program is very technical; the City Manager has to be in the Director role; the City Manager has a daily, long standing, stable relationship with the departments which does not come and go with elections; staff will bring the ordinance back with the embedded Charter language.

Mayor Spencer requested a legal determination on the issue of the City Manager in the Director role; stated Council has to respect the Charter and cannot change it.

Councilmember Daysog stated Alameda citizens respected Mayor Spencer when she controlled the situation which occurred during the November 4<sup>th</sup> Council meeting regarding rents; her actions indicate she is a natural leader.

The Fire Captain stated the Mayor and Council are an integral part of EOC; what is being left to the trained professionals is the management of the boots on the ground and the things that are happening in real time; the people in the EOC are not doing the

response, they are managing the overall welfare and support what is happening in the field; the Disaster Council is an operational level where the people best experienced and trained handle an emergency incident and are backed by the City Council.

Vice Mayor stated the ordinance has to have the operational context included; the November 4<sup>th</sup> incident was not an emergency situation and is irrelevant to the issue; a video of a 1970's plane crash which occurred in Alameda features the EOC response with Mayor LaCroix; the plane crash incident and response is the intent of the Charter; the true operation and the operational decisions are not the Council's; he is asking to provide the context of the Charter to what happens operationally when the Disaster Council is implemented.

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(15-746) Mayor Spencer stated a motion is needed to continue the meeting.

Vice Mayor Matarrese moved approval [of continuing the meeting].

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

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Councilmember Ezzy Ashcraft stated that she is looking forward to language clarification; she would want the vote regarding taking control of a situation to be the entire Council, not just the Mayor; looking back at an incident from the 1970's is quaint; however, the magnitude of emergency situations that a community can face today have risen to a higher level; part of the duty as a Councilmember is to make good, solid decisions; Council does not have expertise in the operational part of an emergency situation.

Councilmember Oddie concurred with Vice Mayor Matarrese; stated how a Mayor responds to a fire flood, storm, epidemic, or threat of war does not compare to the November 4<sup>th</sup> incident.

Councilmember Daysog stated that he trusts and goes along with the professional judgement of the Police and Fire Chiefs; he just wanted to acknowledge Section 6-1 of the Charter.

The Fire Captain stated that she appreciates Council taking the responsibilities for planning seriously; it is important for everyone to see the plan's value; the plan will not work without everyone's commitment; the goal is to be able to get back up quickly from a situation and continue to live life; working together can make it happen.

(15-747) Adoption of Resolution Regarding Workers' Compensation Benefits for Registered Disaster Service Worker Volunteers. Not heard.

Under the previous item, the Fire Captain noted the resolution should not be considered

when the ordinance returns to Council.

(15-748) Update on Council Referral Regarding Alameda Theatre Marquee.

The Community Development Director gave a brief presentation.

Vice Mayor Matarrese stated backlit or other type of lighting was not included in the original design of the marquee and is not a priority; other maintenance issues need to be addressed first.

Councilmember Daysog stated the theater is not just the operator's, the theater is also the residents; that he hopes funding would be privately generated, not City funded; a program could be created to generate the funds for the lights; it is a shame the marquee is not lit; he would like the idea to continue; there is no rush.

Councilmember Ezzy Ashcraft concurred with the Vice Mayor; stated the lighting was not in the original design; the theater is popular with residents and out-of-towners, who find their way without a lit marquee; folks should be concentrating on safe driving rather than what is on the marquee; if someone wants to independently take up a private effort they should, but the issue should not come back to Council or staff.

Councilmember Daysog inquired staff's interpretation of the issue; stated that he would like to get the cost information; even private fundraising needs a target; he feels there is still something to be done by the City Council working with the private citizens.

Councilmember Oddie stated the issue seems to be excessive micro-managing of a private business; the Council should not be in the business of micro-managing; the issue does not matter to him.

Vice Mayor Matarrese stated the City owns the theater building; Council deferred to the expert to determine whether it is necessary to make the issue a concern; many hours were spent on the restoration and design of the building; he would not support lighting that hangs over the marquee, even if a private citizen donated the money.

In response to Mayor Spencer's inquiry, the Community Development Director stated the marquee has never been lit; it was not constructed to be lit from behind.

Mayor Spencer stated the theater is historical and should not have hanging over lights; if there is a private group that would like to pursue the lighting issue, they could reach out to Councilmember Daysog or Mr. Connor; Council as a whole should not be a part of the issue.

Councilmember Daysog inquired whether staff has some sense of the cost to back light the marquee, to which the Community Development Director responded the marquee cannot be back lit because of the construction design; Mr. Connor asked a contractor to evaluate how lighting alternatives could be achieved.

Councilmember Daysog stated the issue will have to be pursued privately.

Vice Mayor Matarrese stated the issue would have to come back to Council if pursued privately because the City owns the building; any significant architectural change to a historic building needs approval; he does not want to give a false impression that if the money is raised, the changes can happen.

The Community Development Director stated the matter would go before the Historical Advisory Board because it is a landmark.

#### CITY MANAGER COMMUNICATIONS

(15-749) The Interim City Manager announced the Alameda County Public Works Agency will be performing emergency repairs to the High Street Bridge on December 18<sup>th</sup> from 9:00 a.m. to 7:00 p.m.; neighbors of Godfrey Park are encouraged to attend a design review meeting on December 16<sup>th</sup> at 6:00 p.m. at the park.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(15-750) Councilmember Ezzy Ashcraft announced she attended several Alameda Police Officer Association (APOA) events, including Shop with a Cop at Target with 13 children.

Mayor Spencer stated she also attended the Shop with a Cop event.

Councilmember Oddie stated that he attended the APOA events, which were an amazing experience.

(15-751) Mayor Spencer announced she attended the County Supervisors meeting on the issue of Laura's Law.

(15-752) Councilmember Ezzy Ashcraft stated that she attended the opening of Natalie's Nook, a children's reading area, at the Alameda County Family Justice Center.

(15-753) Consideration of Mayor's Nomination to the Rent Review Advisory Committee (RRAC).

Mayor Spencer nominated John Roderick for appointment to the RRAC.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 11:25 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- -DECEMBER 15, 2015- -4:30 P.M. AND  
FRIDAY- -DECEMBER 18, 2015- -8:30 A.M.

On December 15, 2015, Mayor Spencer convened the meeting at 4:30 p.m.

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

[Note: Councilmembers Matarrese and Oddie arrived at 4:31 p.m.; and Mayor Spencer was absent when the meeting was continued to December 18, 2015]

Absent: None.

Public Comment

Submitted information; discussed the potential lawsuit regarding the proposed hotel at 2350 Harbor Bay Parkway; urged Council to rescind its vote: Pat Lamborn, Alameda.

The meeting was adjourned to Closed Session to consider:

(15-721) Public Employee Appointment/Hiring (Government Code Section 54957); Title/description of position to be filled: City Manager [Continued to December 18, 2015]

(15-722) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code; Number of cases: Two (As Defendant - City Exposure to Legal Action)

(15-723) 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.

Following the December 15, 2015 Closed Session the meeting was reconvened and Mayor Spencer announced that regarding Appointment/Hiring, the Council matter was continued to December 18, 2015 at 8:30 a.m.; regarding Anticipated Litigation, direction was given to staff regarding one case and Council received a briefing on one case; and regarding Labor, Council received a briefing.

At 8:38 a.m. on December 18, 2015, Vice Mayor Matarrese reconvened the meeting.

Following the December 18, 2015 Closed Session, Vice Mayor Matarrese announced that regarding Appointment/Hiring, direction was given to staff regarding conditions of employment.

Adjournment

On December 18, 2015, there being no further business, Vice Mayor Matarrese adjourned the meeting at 9:15 a.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 THE SUCCESSOR AGENCY TO THE  
COMMUNITY IMPROVEMENT COMMISSION (SACIC) MEETING  
TUESDAY- -DECEMBER 15, 2015- -6:59 P.M.

Mayor/Chair Spencer convened the meeting at 7:08 p.m. A member of Boy Scout Troup 2 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 Ezzy Ashcraft moved approval of the Consent Calendar.

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

(\*15-724 CC/15-016 SACIC) Recommendation to Accept the Treasury Report for the Quarter Ending September 30, 2015. Accepted.

(\*15-725 CC/15-017 SACIC) Recommendation to Accept the First Quarter Financial Report for the Period Ending September 30, 2015. Accepted.

Adjournment

There being no further business, Mayor/Chair Spencer adjourned the meeting at 7:09 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
 Secretary, SACIC

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