

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 17, 2016- -4:30 P.M.

Mayor Spencer convened the meeting at 4:30 p.m.

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

[Note: Councilmember Ezzy Ashcraft arrived at 4:31 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(16-221) Conference with Legal Counsel - Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Zachary Ginsburg v. City of Alameda Court: Superior Court of the State of California, County of Alameda Case No: RG15791428.

(16-222) Conference with Labor Negotiators (Pursuant to Government Code § 54957.6); City Negotiator: Elizabeth D. Warmerdam and Nancy Bronstein; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW); Under Negotiation: Salaries and terms of employment.

(16- 223) Conference With Legal Counsel – Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; Number of cases: One (As Plaintiff - City Initiating Legal Action). Not heard.

(16-224) 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: One (As Defendant - City Exposure to Legal Action).

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced that regarding Existing Litigation, Labor and Anticipated Litigation, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:00 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
TUESDAY- -MAY 17, 2016- -6:59 P.M.

Mayor/Chair Spencer convened the meeting at 7:05 p.m. and led the Pledge of Allegiance.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Vice Mayor/Commissioner Matarrese moved approval of the Consent Calendar.

Councilmember/Commissioner 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.]

(*16-225 CC/16-021 SACIC) Minutes of the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting Held on April 19, 2016. Approved.

(*16-226 CC/16-022 SACIC) Recommendation to Accept the Second Quarter Financial Report for the Period Ending December 31, 2015. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Spencer adjourned the meeting 7:06 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk and Secretary, SACIC

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

Special Joint Meeting
of the City Council and the Successor Agency to the
Community Improvement Commission
May 17, 2016

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MAY 17, 2016- -7:00 P.M.

Mayor Spencer convened the meeting at 7:06 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

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(16-227) Heather Little, Community Representative, expressed concern over the speeds on the roadways; stated residents and cyclists are fearful riding around town; there is increased speeding and distracted drivers; recent data from the California Office of Traffic Safety ranked Alameda 8th worst out of 103 cities of similar size for vehicular crashes involving bicyclists and pedestrians; the problem of speeding is getting worse; urged Council to work together on a public awareness campaign.

(16-228) Gretchen Lipow, Alameda, discussed the Call for Review process being called into question [paragraph no. 16-256]; stated evidence shows that Alameda has no problem attracting developers; there is no evidence that the Call for Review process has been abused.

The City Attorney reminded residents to speak on agenda items when the item is called.

(16-229) Gerald Conners, Alameda, expressed concern for pedestrian safety; stated the corner of San Jose Avenue and Broadway is a very dangerous intersection for children to cross going to school; that he supports a public awareness campaign.

(16-230) Dorothy Freeman, Alameda, stated that she wishes to speak on the Council referral by Councilmember Oddie [paragraph no. 16-256].

Mayor Spencer stated Ms. Freeman would have to wait until the item is called.

Ms. Freeman stated that she did not want to risk being cut off at the end of the meeting.

The City Attorney stated oral communications is the time to speak on items not on the

agenda; people are to speak at the time the agenda item is called.

(16-231) Joseph Woodard, Alameda, stated all of Alameda is watching the meeting now; no one is watching at midnight; reminded Council that they are elected by all the people in Alameda, not just big money; Council's right for referral should not be eliminated.

(16-232) John-Michael Kyono, Alameda PEEPS, stated that he feels the mindset of the people that live in Alameda needs to change; he hears stories every day of people almost being hit by unsafe motorists, unsafe drivers and unsafe pedestrians; everyone is at fault.

(16-233) Brian McGuire, Alameda, stated the community is begging the City to show leadership on the issue of safer streets; the City needs to evaluate the best approach.

(16-234) Mary Vella, Alameda PEEPS, stated walking in Alameda is dangerous; she is happy the Complete Streets concept passed; the City needs to look into funding and implementation of the project; urged Council to work with the community to implement a program.

(16-235) Alison Greene, Alameda, stated speeding happens all over town; enforcement needs to be stepped up; urged Council to help make Alameda a safe community.

CONSENT CALENDAR

Vice Mayor Matarrese requested renaming Road B [paragraph no. 16-242] and the Island City Landscaping and Lighting District 84-2 [paragraph no. 16-247] be removed from the Consent Calendar so he could recuse himself.

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.]

(*16-236) Minutes of the Regular City Council Meeting Held on April 19, 2016. Approved.

(*16-237) Ratified bills in the amount of \$4,940,495.99.

(*16-238) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending March 31, 2016 Collected During the Period October 1, 2015 to December 31, 2015. Accepted.

(*16-239) Recommendation to Set June 21, 2016 for a Public Hearing to Consider Collection of Delinquent Business License Taxes and Delinquent Integrated Waste

Management Accounts Via the Property Tax Bills. Accepted.

(*16-240) Recommendation to Authorize the City Manager to Execute a Third Amendment to the Emergency Medical Services First Responder Advanced Life Support and Ambulance Transport Service Agreement with the County of Alameda to Extend the Agreement to April 30, 2017, with Two Possible Extensions that would Extend the Agreement to October 31, 2017. Accepted.

(*16-241) Recommendation to Accept the Semi-Annual Report on Litigation and Liability Claims Settlements and Availability of Any Documents Which Have Become Disclosable to the Public for the Period October 1, 2015 to March 31, 2016. Accepted.

(16-242) Recommendation to Rename Road B in the Harbor Bay Business Park to "Penumbra Place" pursuant to the 1998 City Council Policy on Corporate Address Designations for Private and Public Streets, PLN16-0161 - Road B in Harbor Bay Business Park - Applicant: Penumbra, Inc.; and

(16-242A) Resolution No. 15148, "Integrating Corporate Address Policy Provisions into the 2007 Policy for Naming City Property, Facilities, and Streets." Adopted [The street renaming and consolidation of street naming policies are exempt from the California Environmental Quality Act per Section 15061(b).]

Vice Mayor Matarrese recused himself and left the dais.

Councilmember Oddie moved approval of the staff recommendation.

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

Councilmember Ezzy Ashcraft stated Punumbra is a manufacturer of medical devices that helps with minimally invasive treatment of strokes, and is the largest private employer in Alameda with 1,200 employees, which will double in the next several years.

(*16-243) Recommendation to Authorize the Purchase of a John Deere Backhoe in the Amount of \$125,400 and Authorize the City Manager to Execute All Necessary Documents. Accepted.

(*16-244) Recommendation to Award a Contract in the Amount of \$436,441, Including Contingencies, to Ray's Electric for the Park Street Pedestrian Safety Project, No. P.W. 06-13-18 and to Appropriate \$280,000 in Measure B/BB Funds. Accepted.

(*16-245) Resolution No. 15149, "Authorizing Grant of a Non-Exclusive Utility Easement from the City of Alameda to AT&T within the San Leandro Channel." Adopted.

(*16-246) Resolution No. 15150, "Authorizing Application to the Department of Resources Recycling and Recovery for Block Grant Funds for Fiscal Year 2016-2017

(Authorize Submittal of Application for Payment Programs and Related Authorizations).” Adopted.

(16-247) Resolution No. 15151, “Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 21, 2016 - Island City Landscaping and Lighting District 84-2 (Various Locations).” Adopted.

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

Councilmember Ezzy Ashcraft moved adoption of the resolution preliminarily approving the Annual Report declaring the City's intention to order the levy and collection of assessments and providing for notice of Public Hearing on June 21, 2016 - Island City Landscaping and Lighting District 84-2.

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

(*16-248) Resolution No. 15152, “Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 21, 2016 - Maintenance Assessment District 01-01 (Marina Cove).” Adopted.

(*16-249) Ordinance No. 3152, “Amending Ordinance No. 1277, N.S. to Rezone 101-223 Brush Street and 150-284 Maple Way (Esperanza - APN 74-475-1-7) and 719-727 Buena Vista Avenue and 718-746 Eagle Avenue (Rosefield Village - APN 73-426-5) to Remove the “G” (Government) Overlay Zoning District. [The Proposed Amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15305, Minor Alternations to Land Use Limitations.]” Finally passed.

REGULAR AGENDA ITEMS

(16-250) Recommendation to Consider an Informational Report on City's Facility Condition Assessments.

The Deputy Public Works Director gave a Power Point quiz and presentation.

[Note: Mayor Spencer left the dais at 7:31 p.m. and returned at 7:32 p.m.]

Mayor Spencer inquired how a member of the public or Council could view the report on Facility Condition Assessments.

The Deputy Public Works Director responded that anyone could reach out to Public Works and ask to look at the report.

Councilmember Ezzy Ashcraft inquired if the list of 38 facilities assessed are projected to be in use in the next few years; stated the Building 76 pool located at Alameda Point is not in use; inquired how much money will go into the facility when there are plans to replace the building with a new recreation center.

The Deputy Public Works Director responded the Public Works Department is still working on said issues.

Councilmember Ezzy Ashcraft inquired what percentage of the Veterans' Building is in use on a regular basis.

The Deputy Public Works Director responded that he does not know the answer to the question.

Vice Mayor Matarrese inquired why is Marina Village listed.

The Deputy Public Works Director responded Public Works looked at what needs to be replaced long-term in the landscape and lighting zones; long-term plans are being compared to the revenue brought in through assessments.

Vice Mayor Matarrese inquired if he could comment about the issue because he lives next to the park, to which the City Attorney responded in the negative.

Councilmember Daysog stated in the long term planning, other Capital Improvement Program (CIP) items should be discussed; there are streets with wear and a lot of tremendous needs; other needs going unattended will turn into greater needs; as the City moves forward with the long term plan, maintenance of other deferred CIP items should be reviewed.

Councilmember Oddie stated if there is excess one-time money in the current fiscal year, he would like to know the high priority issues in order to address problems.

Councilmember Ezzy Ashcraft inquired if the \$12.3 million needed for rehabilitation would be for facilities that might not ever be used.

The Deputy Public Works Director responded in the affirmative.

Mayor Spencer inquired how much has been allocated for maintenance and deferment annually in the last 3 to 5 years; stated that she would like to know the occupancy of City Hall West and how the City uses the buildings; the animal shelter has serious facility needs.

(16-251) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Various Sections of Article IV (Contracts) and Article V (Administrative Procedures and Policies) Concerning Conformance of Alameda's Bidding Procedures

on Public Works Projects to Public Contract Code 22032 and California Uniform Public Construction Cost Accounting. Introduced.

The Deputy Public Works Director gave a Power Point presentation; noted subsection (f) should be changed to (d).

Mayor Spencer inquired if the current process does not include the City Engineer approving plans.

The Deputy Public Works Director responded the City Engineer approves the plans but then the plans go to Council for final approval.

Mayor Spencer stated the chart on page 10 of the presentation does not show the City Engineer approving the plans; inquired if the City Engineer approval is part of the current process and when the approval would occur.

The Deputy Public Works Director responded the City Engineer approves the plans before the plans and specifications are presented to the City Council for approval.

Mayor Spencer inquired whether the City Council would be removed from the approval process, but plans would still go to the Planning Board and the City Engineer; inquired who is the City Engineer.

The Deputy Public Works Director introduced the City Engineer, Sharhram Aghamir.

The City Engineer expressed excitement to work for the City of Alameda.

Vice Mayor Matarrese stated that he is not concerned with relinquishing the Council approval of the plans and specifications because Councilmembers are not engineers.

Vice Mayor Matarrese moved introduction of the ordinance with the caveat that, at the end of a year, there is an assessment to see if the process is working and if adjustments are adjustments needed.

Councilmember Oddie seconded the motion, with staff's technical amendment.

Under discussion, Councilmember Daysog stated shifting from \$75,000 to \$175,000 looks like a big number; however, the original threshold was set in 1990; he agrees with the reporting back in one year; concerned with the City Engineer replacing the City Council to approve plans and specifications because members of the public that are engineers might want to weigh in at Council meetings.

Councilmember Ezzy Ashcraft stated that she agrees with Vice Mayor Matarrese; the Councilmembers are not engineers; the professionals working for the City of Alameda adhere to standards and can do their job; she agrees the issue should come back to Council, but results may take longer than a year to be seen.

Mayor Spencer inquired whether the first time the City Council approves projects would be in the budget, and whether the two year budget involves Council approving the dollar amount, not the details of the project; inquired if there is detail in the budget about the project.

The Deputy Public Works Director responded in the affirmative.

Mayor Spencer inquired if the budget is approved as one agenda item.

The Deputy Public Works Director responded the last budget process contained a presentation about the CIP.

Mayor Spencer inquired whether plans for new parks or facilities go to the Planning Board, to which the Deputy Public Works Director responded in the affirmative.

Mayor Spencer inquired whether the Planning Board approvals would not come to Council, to which the Deputy Public Works Director responded in the negative; stated staff is committed to having new parks and facilities come to Council; routine maintenance projects would not come to Council.

Mayor Spencer inquired whether the projects would be specified during the budget process and if Council would approve each project as part of the budget, to which the Deputy Public Works Director responded in the affirmative.

Mayor Spencer inquired if the items listed in the presentation chart are in the budget and will not be returning to Council.

The Deputy Public Works Director responded in the affirmative; stated the projects will come to Council for approval, but not at the plans and specifications stage, unless the project is a new City facility or park.

Mayor Spencer inquired if the new City Engineer is replacing someone or has the position been vacant.

The Deputy Public Works Director responded that the current City Engineer has been under contract.

Mayor Spencer inquired if there is not a City Engineer would the process still be to send the projects out to whomever is under contract or is the City going to now have a permanent City Engineer.

The Deputy Public Works Director responded there is now a full time City Engineer.

The City Manager noted filling the City Engineer position is not related to the process; stated regardless of the Council decision tonight, there is a need for an in house City

Engineer.

Mayor Spencer agreed that the City needs a City Engineer; stated she is concerned about approving a process that eliminates Council if there is no City Engineer, which is a critical part of the process.

Councilmember Daysog inquired if the City approves a project as part of the CIP, would the decision be up to the City Engineer to figure out what kind of treatment would be done for a street.

The Deputy Public Works Director responded in the affirmative; stated the decision is a typical City Engineer role; the City Engineer approves the plans and specifications and then the plans go out for bid, the lowest responsive bid is awarded to the bidder, which would go to Council.

Councilmember Daysog inquired if there are several types of treatments, would Council pick the type of treatment and then, the City Engineer would assess how the plan is meeting the treatment of the street.

The Deputy Public Works Director responded the City Council would approve a given amount for a project and a given number of miles for the reconstruction; the City Engineer will come up with a plan for how to accomplish the project, approve the plans and specifications and the plan will go out for bid; the contract will then go to Council for approval; the process does not cover small pothole repair, which is another issue.

Councilmember Daysog inquired if there is a street repair that could be low level because the process would be cheaper, but in the long run, the cheaper repair could end up costing more.

The Public Works Director responded streets are categorized by Pavement Condition Index (PCI), which is a program run by Metropolitan Transportation Commission (MTC), MTC evaluates all the streets; the treatment on any street is related to the PCI; stated the City of Alameda is currently replacing three miles of sewer per year throughout the City in the next 23 years; the streets will be repaved after the sewer replacements.

Councilmember Daysog inquired if the treatment of the street is determined by the PCI and the role of the Engineer is to make sure that the treatment implemented is being done according to the proper engineering, to which the Public Works Director responded in the affirmative.

Councilmember Daysog inquired if the decision is not up to the Engineer to make the determination, and is based on the PCI.

The Public Works Director responded the determination is the calculation every city uses to prioritize streets; stated that the City is trying to take into account the sewer program; the City is not ignoring the streets, the City is trying to strategically not repave

the street that needs sewer replacements just to have to repave the street again.

Mayor Spencer stated Section 2-61.4, states: "City Manager is authorized to award informal contracts pursuant to lowest responsive, responsible bidder;" inquired if the word "responsive" is new.

The Public Works Director responded the word responsive has always been in the ordinance; explained the difference between a responsive and responsible bidder.

The City Attorney inquired if the direction given to staff to come back to Council with an assessment of implementation is direction and not part of the ordinance.

Vice Mayor Matarrese responded in the affirmative; stated the direction is not a part of the ordinance.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Mayor Spencer – 4. Noes: Councilmember Daysog – 1.

(16-252) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter 30 Clarifying Text Amendments to Sections 30-58 through 30-59.3 of the Zoning Ordinance Related to Water Efficient Landscaping. [The Proposed Amendments are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations]. Introduced.

The City Planner gave a brief presentation.

Councilmember Ezzy Ashcraft moved introduction of the ordinance amending the Alameda Municipal Code by amending Chapter 30 clarifying text amendments to Sections 30-58 through 30-59.3 of the Zoning Ordinance related to water efficient landscaping.

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

CITY MANAGER COMMUNICATIONS

(16-253) The City Manager announced there will not be fireworks on 4th of July.

Mayor Spencer stated there will still be a 4th of July parade and South Shore and Site A will also be having festivals.

The City Manager stated the Fire Department received a grant from Federal Emergency Management Agency (FEMA) to replace equipment.

Vice Mayor Matarrese inquired if the \$500,000 grant would cause a budget reduction or whether the grant is for material that the City was not planning to acquire.

The City Manager responded that the grant is for breathing apparatus; the equipment was not budgeted.

Vice Mayor Matarrese inquired if the grant is something that would save the City money in the future because the equipment is needed, to which the City Manager responded in the affirmative.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(16-254) Consider Having Council Sign the Friends of the River Letter Urging the U.S. Bureau of Reclamation Interior Secretary to Reject the Proposed Shasta Dam Raise and the Temperance Flat Dam for the Friends of the River May 18, 2016 Legislative Outreach, which Requires Council Action at the May 17, 2016 Meeting. (Mayor Spencer)

Mayor Spencer made brief comments on her referral.

Stated the project does not work; Alameda should not build more environmental problems that the City will then have to remediate: Heinrich Albert, Friend of the River.

Stated the proposal does not make sense from a cost perspective; creation of the dam will flood two existing hydro power plants and create a net loss in electricity production: Nina Gordon Kursh, Friends of the River.

Stated that he supports the letter; there will be no net increase in power; urged Council to take a firm stand on the issue: Richard Bangert, Alameda.

Mayor Spencer stated that she agrees with Mr. Bangert; the time has come to take a position on the issue.

Vice Mayor Matarrese moved approval of signing the letter.

Mayor Spencer seconded the motion.

Under discussion, Councilmember Oddie stated that he finds the arguments compelling and plans on supporting the issue.

Councilmember Ezzy Ashcraft stated that she has looked at all sides of the issue and plans to sign the letter and support the issue.

Councilmember Daysog stated Alameda Municipal Power (AMP) recommends is that Alameda take no position; he plans to support AMP.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Mayor Spencer – 4. Noes: Councilmember Daysog – 1.

(16-255) Consider Having Council Endorse One or a Combination of Options for the Future Structure of the Association of Bay Area Governments (ABAG), including an Option to Merge with the Metropolitan Transportation Commission (MTC), which Requires Council Action at the May 17, 2016 Meeting. (Councilmember Ezzy Ashcraft)

Councilmember Ezzy Ashcraft made comments on her referral.

Mayor Spencer inquired if the motion could be divided into two votes: a vote on Option 4 then a separate vote on Option 7.

The City Manager stated that she believes the vote can be done that way; she heard a request to support Option 4 and then flexibility depending on what happens at the ABAG meeting.

Mayor Spencer stated that she supports Option 4 and asking MTC to rescind Resolution 4210 and continue to fund ABAG until Option 4 can be fully implemented.

Vice Mayor Matarrese stated a Senate Bill (SB) has mandated the merger; he would like to have more local control; Option 4 buys time to help the City understand the next step.

Councilmember Oddie stated that he would like more input from staff and for staff to evaluate the material and come to a recommendation.

The City Manager stated the merger did start with SB375 and forced the marriage of the unwilling partners; ABAG and MTC have talked about merging; the biggest issue is what to do with the governance structure; Option 4 creates a new governing board and Option 7 combines staff under one Executive Director reporting to two boards with different interests; Option 7 exists because both agencies have to agree to one Option; ABAG believes MTC will not support a new governing structure.

Councilmember Ezzy Ashcraft stated MTC should be persuaded to rescind the resolution or amend the July 1st deadline to allow more than six weeks to figure out the details and facilitate discussion.

Councilmember Daysog stated the difference is between a merger and a takeover; the City's representative to ABAG, Councilmember Ezzy Ashcraft, is very involved in the issue, if her recommendation is to pursue Option 4 then he supports it.

Vice Mayor Matarrese moved approval of authorizing the City's representative to represent the City in support of Option 4.

Mayor Spencer seconded the motion, with amendment to ask MTC to rescind Resolution 4210 and continue to fund ABAG until Option 4 can be fully implemented.

On the call for question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft, Matarrese and Mayor Spencer – 4. Abstention: Councilmember Oddie – 1.

Councilmember Ezzy Ashcraft stated if MTC stands firm and refuses to rescind Resolution 4210, she would like to see an orderly process and not leave ABAG in a vulnerable position of just dissolving; she would like Option 7 as a backup plan.

Vice Mayor Matarrese inquired if ABAG dissolves does MTC become the regional planning body.

Councilmember Ezzy Ashcraft responded in the affirmative; stated MTC would become the regional planning body by default.

Mayor Spencer stated that she does not support Option 7; Option 7 looks like a hostile takeover; if MTC is not willing to negotiate, she does not expect ABAG will be given any protections or control; she is concerned about losing local control.

Vice Mayor Matarrese stated ABAG's vote will happen on Thursday; inquired if the Council's position [Option 4] does not prevail, will ABAG have a second vote.

Councilmember Ezzy Ashcraft responded by outlining the process for Thursday; stated the ABAG representatives will vote; if Option 4 receives the majority vote, ABAG will take Option 4 to the joint session with MTC; 101 cities are represented on ABAG; doing nothing does not seem like a good option.

Vice Mayor Matarrese inquired whether a second vote would be taken on Thursday or whether the matter could come back to Council rather than supporting another option now.

Councilmember Ezzy Ashcraft stated both boards have to come to an agreement by July 1st unless MTC is persuaded to rescind Resolution 4210; if there is not a quorum a vote will not be taken.

Vice Mayor Matarrese inquired if a quorum is established and a motion to support Option 4 loses, could a motion be made at the ABAG meeting to go with the second choice.

Councilmember Ezzy Ashcraft responded in the affirmative.

Councilmember Daysog moved approval of supporting the second option [Option 7] as a backup plan.

Vice Mayor Matarrese seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft and Matarrese – 3. Noes: Mayor Spencer – 1. Abstention: Councilmember Oddie – 1.

(16-256) Consider Directing the City Manager to Prepare a Presentation on the Neighborhood Parking Permit Program. (Councilmember Daysog)

Councilmember Daysog made brief comments on his referral.

Stated parking is so bad in the Bayport neighborhood that people have moved out of the community; expressed support for permit parking: Eleanor Alperon.

Vice Mayor Matarrese moved approval directing the City Manager to put together an updated presentation on a neighborhood parking permit program with the options discussed by Councilmember Daysog in his referral, as well as the points raised in the discussion of 1435 Webster Street and at the Harbor Bay Ferry Terminal.

Councilmember Ezzy Ashcraft stated more traffic enforcement on the streets to keep pedestrians and bicyclists safe would be the priority if there are budgetary concerns; she would like to see where the program fits into the budgetary constraints.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer inquired whether staff is working with the homeowners association on a proposal; stated the different neighborhoods should be addressed separately; if there is a problem, the proposal could be modified; she is not sure if the proposal is the best use of staff's time; there are very distinctive problems in certain neighborhoods.

Councilmember Daysog stated the parking problems are very similar and are due to a transportation network, whether it is the ferry or bus system.

The City Manager stated each neighborhood would have to be reviewed on a case by case basis.

The Police Chief stated there is enough staff to handle parking enforcement; the parking permit program would not add any additional cost to the Police Department; he would be concerned only if there are more neighborhoods down the line that are added for the parking permit program.

The Deputy Public Works Director stated the Public Works Department will be back in front of Council on June 7th with some proposed changes to the residential parking

permit program; the Citywide Transportation Study has a parking element; the need for more parking permit programs can be determined through the course of the Citywide Transportation Study.

Mayor Spencer inquired if the proposed changes are the best way to address these issues.

The City Manager responded the issue could be brought back on June 7th with the first set of changes to see how the program works; stated the City is meeting with residents and can talk to staff about the issues.

Vice Mayor Matarrese stated the issue can come back to Council with the Public Works report and the Transportation Master Plan; he would like to see what is going on with Harbor Bay highlighted with the overall transportation demand management program.

Councilmember Daysog stated his concern is that the Citywide Transportation Plan is currently 3 months into an 18 month process; he is looking to staff to think about countermeasures if the plan needs to be scaled down.

Mayor Spencer stated she would like to hear from the community.

Councilmember Daysog stated Taylor Avenue was raised for illustrative purposes; success might spur others in the area to want the parking permit program; he would like staff to contemplate the countermeasures to deal with that possibility.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Oddie, Ezzy Ashcraft and Matarrese – 4. Noes: Mayor Spencer – 1.

(16-257) Consider Reforming the Council Review Process of Planning Board Decisions.
(Councilmember Oddie)

Councilmember Oddie summarized his referral for the public.

Stated the process does a disservice to businesses; she would like to discuss the process and possibly change it; asked that the Call for Review process occurs on a project basis, not a political or personal basis; inquired if Council reviews the Planning Board meeting minutes and videos before calling an item for review; stated any person can appeal a decision yet they have to pay a fee; suggested the fee come out of the Council budget: Kari Thompson, Chamber of Commerce.

Stated the Call for Review process is a way to establish checks and balances; he is asking for an open dialog to improve the process: Michael McDonough, Chamber of Commerce.

Stated implementing the new policy will create an unnecessary expense of the City's

resources on a monthly basis; Council should think more deeply before doing a Call for Review and prevent staff from having to work on another bureaucratic policy that may not be currently necessary: Irene Dieter, Alameda.

Stated there should be a discussion about the Council review procedure; the Association supports Councilmember Oddie's referral; there needs to be a public forum to have proper input from the community: Robb Ratto, Downtown Business Association.

Stated the Call for Review is an oversight function for the Council; the issue has been brought to Council in the past; currently the Call for Review is the only place a single Councilmember can agendaize an item; the Council referral process was developed to provide Council direction before taking staff and community time; the proposal creates regular reporting from the Planning Board to the Council; the proposal maintains residents, business and Council's ability to file an appeal within 10 days and does not limit Council oversight; the change makes the process more clear and more transparent: John Knox White, Planning Board.

Urged Council not consider the proposal; stated the process is helpful to the citizens of Alameda to come to a Councilmember and have consideration on a decision made by the Planning Board; the large fee would not allow people to appeal a decision: Janet Gibson, Alameda.

Councilmember Oddie made brief comments on his referral.

Councilmember Ezzy Ashcraft inquired what is the cost for an appeal.

The Assistant City Attorney responded there is an initial fee then fees for labor and material.

Councilmember Ezzy Ashcraft stated that she would like to see staff come back to Council with cleaned up language and actual costs when someone files an appeal.

Vice Mayor Matarrese stated the Call for Review is a very important responsibility of the Council; the process is a very important tool the Council has and should be used sparingly and with judgement; Council is elected to exercise judgement and if Councilmembers are not making good judgements the citizens should let them know.

Councilmember Daysog stated that he believes the City can continue to improve the Call for Review process; the Call for Review process is entrusted to Council and he does not want to give up that privilege; the standard for discussing Call for Review and improving the process should not be determined by whether it will succeed; further public discussion would be valuable; he is not opposed to discussing improvements to the Call for Review process; he would like to improve the public participation in governance.

Mayor Spencer stated that she is concerned the policy has not been accurately

represented; thanked the City Planner for the reports he puts out; stated there is a short time for a Councilmember to call an item for review; 10 days does not delay or impact a project; to wait until a Council meeting to discuss a Call for Review would defeat the goal of the short time period; it is critical that the public holds Council accountable and knows Council has the right to call an item for review; stated the Council does take the issue very seriously, there were four calls for review and one call for reconsideration in 2015 and 2016.

The City Clerk clarified that there were four in 2015, including a reconsideration of a prior Council action and two, so far, in 2016.

Mayor Spencer stated a Councilmember calling an item for review takes the matter very seriously; Councilmembers review what occurs at a Planning Board meeting before calling an item for review; she does not feel changing the Council's ability to call an item for review is appropriate.

Councilmember Oddie stated no one approved of the idea that was outlined; there are three Councilmembers that would like a high level evaluation and the narrow focus could be on the budgetary aspect of the proposal.

Councilmember Ezzy Ashcraft stated the City is costing the applicant time and money; the Call for Review process has evolved over time; the Chamber of Commerce has asked Council to review the process; she would like to see the process go back to staff and present more recommendations that the Council can consider; she would like other departments to weigh in.

Councilmember Oddie stated that he is fine with review as long as Council's authority is not infringed upon.

Mayor Spencer stated Council continues to give staff more work and should focus on priorities.

Councilmember Ezzy Ashcraft moved approval of directing staff to conduct a review of the current Council review process, the economic implications for the City and implications to the applicant, the ability to carry out some of the mandates for the development areas, and to bring a report back to Council on the implications of the processes as currently configured and any suggestions for improving the process.

Councilmember Oddie seconded the motion, with the caveat that staff review past processes and still recognize the authority of individual Councilmembers and that privilege that Council has.

Under discussion, Councilmember Daysog stated coming up with some way of reforming the process is still within the framework of Council exercising prerogative.

Vice Mayor Matarrese stated that he would like Councilmember's to maintain the ability

to Call for Review a decision of the Planning Board; stressed the importance of maintaining the process; he is not against gathering information, but he will not vote to dismantle part of the system.

Mayor Spencer stated that she agrees with the Vice Mayor Matarrese's comments; she does not see the majority saying they want to change the way an appeal occurs.

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

COUNCIL COMMUNICATIONS

(16-258) Councilmember Ezzy Ashcraft announced that she and Councilmember Daysog attended a workshop on the City Transportation Demand Management System and Transit Study; she and Councilmember Oddie attended a meeting regarding the proposed Alameda County affordable housing bond that will be on the November ballot.

(16-259) Councilmember Daysog stated several citizens expressed concern with the City's policy with pesticide use and how the pesticides might affect bees.

(16-260) Mayor Spencer stated that she would attend the legislative day in Sacramento regarding the action that Council took earlier to reject the proposed Shasta Dam raise.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 10:32 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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