

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JUNE 21, 2016- -6:00 P.M.

Mayor Spencer convened the meeting at 6:01 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(16-286) 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).

(16-287) Conference with Legal Counsel – Anticipated Litigation Imitation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code Number of cases: Two (As Plaintiff – City Initiated Legal Action).

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced direction was given to staff on both items.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 7:14 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JUNE 21, 2016- -7:00 P.M.

Mayor Spencer convened the meeting at 6:23 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

(16-288) The City Clerk requested the Fire grant [paragraph no. 16-309] be moved above the Rent Fee [paragraph no. 16-310].

Councilmember Ezzy Ashcraft moved approval of moving the item.

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

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

The Director of Rent and Community Programs, announced the Section 8 wait lists are opening; applications would be accepted from June 22nd, at 10:00 a.m. to June 27th at 9:59 a.m.; selected applicants must reside in Alameda.

Mayor Spencer inquired whether the applications are available online or hardcopy, to which the Director of Rent and Community Programs responded online only.

Councilmember Ezzy Ashcraft inquired whether the chance of getting housing assistance is determined by when an application is submitted.

The Director of Rent and Community Programs responded applications are accepted at the open times, then a lottery is conducted.

Councilmember Ezzy Ashcraft inquired whether applicants have to be Alameda residents.

The Director of Rent and Community Programs responded applicants do not have to be a current resident of Alameda, but they need to be willing to reside in Alameda; stated the openings are project specific.

Mayor Spencer inquired whether the announcement is on the City Website, to which the Director of Rent and Community Programs responded in the affirmative.

ORAL COMMUNICATIONS, NON-AGENDA

(16-289) Ed Wong, Rachel Guan and Ricky Yan, raised issues regarding fair housing; stated they submitted an application for below market rate housing and were disqualified; requested a meeting with the City Manager and the City Attorney; stated the issue is with the Marina Shore development; they would like to discuss insufficient financial documents with the City Manager and City Attorney.

CONSENT CALENDAR

Mayor Spencer announced that the Legal Advertising Contract [paragraph no. 16-294]; the CalPERS resolution [paragraph no. 16-299]; and the IBEW MOU resolution [paragraph no. 16-300] were withdrawn from the Consent Calendar and the Enterprise District report [paragraph no. 16-295] would not be heard.

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

Vice Mayor 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.]

(*16-290) Minutes of the Special and Regular City Council Meetings Held on May 17, 2016. Approved.

(*16-291) Ratified bills in the amount of \$2,912,424.61.

(*16-292) Recommendation to Authorize the City Manager to Execute a Fourth Amendment to an Agreement with Michael Baker International, Inc. for Graphic Art and Marketing Support for the Community Development Department, Extending the Term for 12 Months, to June 30, 2017. Accepted.

(*16-293) Recommendation to Award Contract in the Amount of \$364,090 with an Additional Amount of \$35,910 in Contingencies, to Innovative Interfaces, Inc. for the Integrated Library System, Polaris. Accepted.

(16-294) Recommendation to Award Contract for Legal Advertising for Fiscal Year 2016-17. Accepted.

Councilmember Oddie inquired whether the bidding process could be reopened; stated Council authorized the opening of bids on May 3rd which were due May 16th, which is a short window; he is hopeful the Council can reopen the bidding process to allow the Alameda Sun to apply and Council can compare the bids.

Councilmember Ezzy Ashcraft stated the City Clerk informed the publisher of the Alameda Sun what the requirements were for the bid process; the publisher plans on bidding next year.

Mayor Spencer inquired whether there is a possibility for Council to vote to reopen the bid.

The City Manager responded the Council could reject the bid and republish the bid.

The City Clerk noted there is a deadline; stated the Charter requires that Council award the bid before the next fiscal year and the City would not meet the deadline if the bid is reopened.

Councilmember Daysog inquired whether there are exposure issues.

The City Attorney responded that there is the ability to qualify to have put in a bid.

The City Clerk stated the Charter requires that the newspaper be an adjudicated newspaper of general circulation within the City of Alameda; the Sun has had the status as of 2013; the City Clerk will provide the Sun with notice next year and they will have the opportunity to bid.

Mayor Spencer inquired whether there is legal exposure for the City to reopen the bids.

The City Attorney responded that the Alameda Sun did not put a bid in, which was advertised; there is no legal exposure.

Councilmember Ezzy Ashcraft clarified Mayor Spencer's question; is there legal exposure if the City were to withdraw its acceptance of the bid of the Alameda Journal.

The City Attorney responded the bid has not been accepted so the City could reject and reopen the bid; the Charter requirement have a legal newspaper would be missed.

Councilmember Ezzy Ashcraft stated the noticing requirements were met and legally published.

Councilmember Oddie moved approval of rejecting the Alameda Journal bid and rebidding the contract.

Mayor Spencer seconded the motion.

Under discussion Vice Mayor Matarrese inquired whether the City would not be able to meet the Charter requirement if action is not taken.

Councilmember Ezzy Ashcraft stated the bid from the Alameda Journal has been published, which gives an advantage to the Alameda Sun; she is also mindful of the deadline.

On the call for the question, the motion failed by the following voice vote: Ayes:

Councilmember Oddie and Mayor Spencer – 2. Noes: Councilmembers Daysog, Ezzy Ashcraft and Matarrese – 3.

Vice Mayor Matarrese moved approval of awarding the contract.

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

(*16-295) Recommendation to Accept the Alameda Point Enterprise District Marketing Strategy Document and a Six-Month Status Update. Withdrawn.

(*16-296) Recommendation to Award a Two-Year Contract in the Amount of \$177,740, Which Includes a 10% Contingency to PCI Parking Concepts, Inc. for the Management and Operations of the Civic Center Parking Structure. Accepted.

(*16-297) Recommendation to Amend Contract in the Amount of \$5,000,000 for MCK Services, Inc. for Repair and Resurfacing of Certain Streets, Phase 35, No. P.W. 03-16-03. Accepted.

(*16-298) Resolution No. 15158, “Approving the Final Map and Accepting the Dedications and Easements for Tract 8315 (West Tower Avenue Subdivision).” Adopted; and

(*16-298A) Resolution No. 15159, “Approving the Final Map and Accepting the Dedications and Easements for Tract 8316 (Hangar Row Subdivision).” Adopted.

(16-299) Resolution No. 15160, “Intention to Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees’ Retirement System (CalPERS) and the City Council of the City of Alameda to Include Provisions Pursuant to Government Code 20516 "Cost Sharing" for Local Police Members and for Local Fire Members in Accordance with the Previously Approved Memorandum of Understanding.” Adopted.

Stated that he is concerned with CalPERS relationship regarding broader issues; the City Charter requires the City to provide benefits to employees; there is a stipulation stating that the benefit program must be consistent with standard actuarial principals, which he believes is not being done: Ken Peterson, Alameda.

Mayor Spencer inquired what is the purpose of the item.

The Human Resources Director responded the issue was negotiated in 2012; stated the contract provides the members of the public safety unit to contribute additional money towards the employers retirement costs; an additional 6% would go towards the employers share, reducing what the City would pay; in order for the additional contribution to reflect that the employee made the contribution, CalPERS requires the contract amendment and additional steps.

Vice Mayor Matarrese moved adoption of the resolution.

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

(16-300) Resolution No. 15161, “Approving a Memorandum of Understanding (MOU) between the International Brotherhood of Electrical Workers (IBEW) and the City of Alameda for a Three Year Term Commencing on December 27, 2015 and Ending December 26, 2018.” Adopted.

Mayor Spencer stated the MOU includes an annual 3% increases as well as equity adjustments up to 10%; over time taxpayers will be asked to pay for the adjustments; she is concerned about the taxpayers having to pay for the increases.

Councilmember Ezzy Ashcraft requested clarification.

The Human Resources Director responded the increases are equity adjustments; stated the 3% is consistent with other bargaining units; the City also did equity adjustments based on salary survey comparisons with other jurisdictions; some classifications are getting 10% to make the City competitive.

Mayor Spencer inquired whether the 10% is on top of the 3% each year, to which the Human Resources Director responded in the affirmative.

Councilmember Ezzy Ashcraft stated the reason it is important to conduct a salary study is because the City needs to retain good help for technical positions; in comparison to other agencies, the City needs do a one-time catch up; the employees will receive the same percentage as other city employees.

Burke Dunfee, Chief Negotiator, stated the group that is receiving a 10% adjustment are the System Operators, a group of four employees plus the Chief Operator; compared to other jurisdictions, they were significantly lower.

Councilmember Oddie inquired whether the people that pay for the costs are the rate payers, not taxpayers, to which the Human Resources Director responded in the affirmative.

Councilmember Oddie stated anyone not purchasing electricity is not paying for the costs; inquired whether rates will be impacted.

The Human Resources Director responded in the negative; stated the costs are already budgeted under the current rates.

Vice Mayor Matarrese moved adoption of the resolution approving the Memorandum of Understanding (MOU) between the International Brotherhood of Electrical Workers

(IBEW) and the City of Alameda.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Daysog stated that he appreciates the set 3%.

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

(*16-301) Ordinance No. 3155, “Amending Alameda Municipal Code Section 5-7.1 Penalty for Nonpayment of Annual, Quarterly or Semi-Annual Business License.” Finally passed.

REGULAR AGENDA ITEMS

(16-302) Resolution No. 15162, “Reappointing Cheryl Saxton as a Member of the Golf Commission.” Adopted;

(16-302A) Resolution No. 15163, “Appointing Lynn Jones as a Member of the Historical Advisory Board.” Adopted;

(16-302B) Resolution No. 15164, “Appointing Thomas Saxby (Registered Architect) as a Member of the Historical Advisory Board.” Adopted;

(16-302C) Resolution No. 15165, “Reappointing Stephanie Shipe as a Member of the Housing Authority Board of Commissioners.” Adopted;

(16-302D) Resolution No. 15166, “Appointing Kenji Tamaoki as a Member of the Housing Authority Board of Commissioners.” Adopted;

(16-302E) Resolution No. 15167, “Appointing Fayleen Allen (Tenant) as a Member of the Housing Authority Board of Commissioners.” Adopted;

(16-302F) Resolution No. 15168, “Appointing Sandra Kay (Senior Tenant) as a Member of the Housing Authority Board of Commissioners.” Adopted;

(16-302G) Resolution No. 15169, “Appointing Ronald Curtis as a Member of the Planning Board.” Adopted;

(16-302H) Resolution No. 15170, “Appointing Adam Gillitt as a Member of the Public Art Commission.” Adopted;

(16-302I) Resolution No. 15171, “Reappointing Sherman Lewis as a Member of the Public Art Commission.” Adopted;

(16-302J) Resolution No. 15172, “Reappointing Mary Sutter as a Member of the Public Utilities Board.” Adopted;

(16-302K) Resolution No. 15173, “Appointing Milton Friedman as a Member of the Rent Review Advisory Committee.” Adopted;

(16-302L) Resolution No. 15174, "Appointing Christine Chilcott as a Member of the Social Service Human Relations Board." Adopted;

(16-302M) Resolution No. 15175, "Appointing Jennifer Hastings as a Member of the Social Service Human Relations Board." Adopted; and

(16-302N) Resolution No. 15176, "Appointing Samantha Soules as a Member of the Transportation Commission." Adopted.

Vice Mayor Matarrese moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented certificates of appointment to the board and commission members.

(16-303) Resolution No. 15177, "Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones." Adopted.

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

The Public Works Management Analyst gave a brief presentation.

Councilmember Oddie inquired whether, in the future, it is possible to split the areas or if they have to be all on one resolution.

The Public Works Management Analyst responded in the affirmative.

Acknowledged the good work of the City Engineer and the Public Works staff on developing the current Engineers Report: Dan Ready, Harbor Bay Business Park Association.

Councilmember Oddie moved adoption of the resolution with direction that staff separate the districts for the Councilmembers with conflicts next time.

Councilmember Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmember Daysog and Vice Mayor Matarrese – 2.]

(16-304) Resolution No. 15178, "Resolution Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Maintenance Assessment District (MAD) 01-01 (Marina Cove)."

The Public Works Management Analyst gave a brief presentation.

Councilmember Daysog moved adoption of the resolution.

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

(16-305) Resolution No. 15179, “Establishing Integrated Waste Collection Ceiling Rates and Service Fees for Alameda County Industries, Inc. (ACI) for Rate Period 15 (July 2016 to June 2017).” Adopted.

The Assistant Public Works Director, Chris Valbusa, Alameda County Industries (ACI), and Marva Shehan, HF&F, gave a Power Point presentation.

Mayor Spencer inquired whether the rates listed in the presentation are the rates for trash, to which Ms. Shehan responded the rates are for all services.

Mayor Spencer inquired whether the fee is monthly, to which Ms. Shehan responded in the affirmative.

Mayor Spencer suggested residents with a 64-gallon trash bin can reduce costs by getting a larger recycling bin and reducing the trash bin size, which will save residents money.

Councilmember Ezzy Ashcraft stated that she attended an ACI facilities lunch and heard stories from the workers who have turned their lives around with the help of ACI; ACI has piloted an annual bulky item pickup for multi-family properties; inquired how people set up a bulky item pickup.

The Assistant Public Works Director responded people can call ACI’s customer service line at (510) 483-1400; continued the presentation.

Councilmember Oddie thanked ACI and City staff for working together on employing residents of Alameda.

Mayor Spencer thanked staff for working on the multi-year project with ACI and the union.

Vice Mayor Matarrese moved adoption of the resolution establishing integrated waste collection ceiling rates and service fees for ACI.

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

(16-306) Public Hearing to Establish the Proposition 4 (Appropriations) Limit for Fiscal Year (FY) 2016-17 and Resolution No. 15180, “Establishing the Appropriations Limit for FY 2016-17.” Approved.

The Finance Director gave a brief presentation.

Councilmember Ezzy Ashcraft moved adoption of the resolution establishing the Appropriations Limit for FY 2016-17.

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

(16-307) Resolution No. 15181, “Resolution Amending Master Fee Resolution No. 12191 to Add and Revise Fees.” Adopted.

The Finance Director gave a brief presentation.

Mayor Spencer inquired how the passport processing will work.

The City Clerk responded that the City is in the early stages of the application process; the City Clerk’s office needs to be approved and trained on the process before passports can be processed.

Mayor Spencer inquired whether people will be able to go to the City Clerk’s Office for passports, instead of having to go to the post office, to which the City Clerk responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether the affordable housing unit fees and Alameda Point Development Impact Fees apply to developers that are already in the pipeline and approved.

The Community Development Director responded if the developer has not filed an application, the new fees would apply; if the application to the Community Development Department is already in, the developer would pay the old fees.

Councilmember Ezzy Ashcraft inquired if the application is in process, the new fees do not apply.

The Community Development Director responded the fee increase is effective July 1st, if an application is submitted prior to July 1st the old fees apply; stated she will double check that this is correct and inform the City Council.

Councilmember Oddie inquired whether the fee schedule will be adjusted to reflect the late business license fee penalty.

The Finance Director responded the second reading of the ordinance occurred tonight and takes 30 days to go into effect; once the ordinance is in effect, the master fee schedule will be updated to reflect the new fees.

Councilmember Ezzy Ashcraft moved to approve the resolution.

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

5.

(16-308) Public Hearing to Consider Collection of Delinquent Business License Taxes and Fees and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills.

The Finance Director gave a brief presentation.

Councilmember Oddie inquired about the two requests that were received asking for the penalties to be waived and an installment agreement; further inquired whether the Council has authority to grant the requests.

The Finance Director responded in the affirmative; stated granting the requests is the Council's discretion.

Councilmember Ezzy Ashcraft stated that she supports letting staff make the decisions; staff can apply appropriate discretion; inquired what is the implication to other businesses who pay fees.

The Finance Director responded that the current ordinance does not give the Finance Director the ability to grant the requests.

Mayor Spencer inquired whether there are five separate requests asking for relief, to which the Finance Director responded in the affirmative.

Vice Mayor Matarrese moved approval of the staff recommendation authorizing the collection of delinquent business license, taxes and fees and to waive the penalties on the five that were submitted.

Mayor Spencer inquired whether the City is asking for the 60% penalty as part of the motion, or 100%.

Vice Mayor Matarrese clarified 60%.

Mayor Spencer inquired whether the Council can waive all late fees of the five that submitted the requests.

Councilmember Oddie clarified the one request was a payment plan as opposed to a waiver.

Vice Mayor Matarrese clarified the motion to follow the request of the applicant.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft requested clarification whether Council is including the discretion to the Finance Director as well as the Council to make

the decisions.

Vice Mayor Matarrese responded that is already in the ordinance.

Mayor Spencer stated that she would like to amend the motion to waive the request asking for a payment plan.

Vice Mayor Matarrese and Councilmember Oddie accepted the amendment.

Councilmember Ezzy Ashcraft inquired if Mayor Spencer is making a new motion.

Mayor Spencer stated she is making a friendly amendment.

Councilmember Ezzy Ashcraft stated that she did not hear the response as an amendment.

Vice Mayor Matarrese stated he followed the staff report and then addressed the requests.

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

Vice Mayor inquired whether the requestors will be contacted with the updates, and whether once the ordinance is in place it will be at the rate that is in the ordinance with the Finance Director acting as the collection officer, to which the Finance Director responded on the affirmative.

(16-309) Recommendation to Accept a \$457,839 Grant from the Assistance to Firefighters Grant (AFG) Program for the Purchase of Self-Contained Breathing Apparatus (SCBA) Equipment, Amend the Fire Grants Fund Budget by \$503,622, Including Required Matching Funds, for Fiscal Year 2015-16, and Authorize the City Manager or Her Designee to Purchase the Equipment.

The Fire Chief gave a brief presentation.

Councilmember Ezzy Ashcraft stated that she is in support and is glad that the City received the grant.

Councilmember Ezzy Ashcraft moved approval of accepting a \$457,839 grant from the Assistance to Firefighters Grant (AFG) Program for the purchase of Self-Contained Breathing Apparatus (SCBA) equipment, amend the Fire Grants Fund budget by \$503,622, including required matching funds, for Fiscal Year 2015-16, and authorizing the City Manager or her designee to purchase the equipment.

Vice Mayor Matarrese seconded the motion.

Under discussion, Vice Mayor Matarrese stated the gear is essential; inquired if staff

can look at future budgets to see whether there is a savings from the grant, how it affect the budget; and if the City is deferring something else essential.

The City Manager stated staff will bring the information back to Council.

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

(16-310) Recommendation to Receive the Rent Program Regulatory Fee Study; and Adoption of Resolution Adopting a Fee Program for the City's Rent Review, Rent Stabilization and Limitations on Evictions Ordinance and Implementing Policies. Not adopted.

The Community Development Director gave a Power Point presentation.

Mayor Spencer inquired whether staff's recommendations is that the tenants portion be paid by the landlord to the City.

The Community Development Director responded in the affirmative; stated the City would bill the landlord for the fee; the landlord will be responsible for collecting the fee from the tenant; when there is a lease, the landlord can still pass the cost of the fee to the tenant; if the tenant does not pay, the landlord can take the tenant to small claims court or include a provision about the fee in the lease and enforce the lease; continued the presentation.

Councilmember Daysog inquired if the comparison to other cities is fair because the style of rent control is different than Alameda; and how does Alameda compare with Los Gatos or another small town.

The Community Development Director responded Alameda relies more on a mediation model, which is the only difference; stated a mandatory hearing is required if the rent is increased more than 5%.

Councilmember Daysog inquired how does Alameda compare with other rent stabilization programs.

The Community Development Director responded the table provided in the exhibit shows the comparison among jurisdictions.

Mayor Spencer inquired if there is a fee for Los Gatos, to which the Community Development Director responded in the negative.

Councilmember Daysog inquired whether the comparison should be against other cities that employ the rent stabilization mediation model; stated comparing against Berkeley, Santa Monica or West Hollywood is a comparison against a completely different model.

Councilmember Oddie stated some of the other cities have a lot more jurisdiction than

Alameda; the City is not really comparing apples to apples.

The Community Development Director responded there are no apples to apples to compare.

Councilmember Daysog inquired whether staff has a list of other cities respective costs.

The Community Development Director responded the current list was put together from the fee study; staff does have a list of other cities that can be put into a table; continued the presentation.

Councilmember Oddie inquired what does “apportioned the following year” mean, if a portion of the \$4,705 will not be paid.

The Community Development Director responded the portion would not be paid in the current year; stated in the following year, the City would know how many appeals were heard and the amount could be factored into the fee for non-exempt units.

Councilmember Oddie inquired whether the proposal is only for year 1, to which the Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether landlords and tenants would pay the fee for the arbitration hearing even if they never avail themselves of that process, to which the Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether it was the following year and every year thereafter, to which the Community Development Director responded in the affirmative; continued the presentation.

Vice Mayor Matarrese inquired what the costs of the program are to date.

The Community Development Director responded \$90,000.

Councilmember Ezzy Ashcraft stated said cost is just the Housing Authority; inquired whether there are additional costs to the City Attorney’s Office and the Community Development Department.

The City Attorney stated that she does not have the amount readily available; there has been significant time and outside counsel costs.

Vice Mayor Matarrese stated that he is looking to compare the real costs to what is projected.

The Community Development Director responded that she is unaware of the costs.

Vice Mayor Matarrese stated Council needs the information in order to determine whether the fee is a real number.

The Community Development Director responded the contracted amount with the Housing Authority is a real amount.

Stated the fee is unfair and the only people who benefit are the renters; landlords are the ones doing the significant paperwork; renters have no idea about building maintenance; urged Council to reconsider: Melinda Samuelson, Alameda.

Stated that she is a renter and cannot afford to buy in Alameda; there is a housing crisis in Alameda; she does not know if her family can afford to stay in Alameda for her children can attend school; urged Council not to pass the fee onto tenants; requests a just cause ordinance and no fault evictions, a rent cap, and creation of a rent board with more jurisdiction and services; urged Council to remember the renters and tenants in the City: Kari Rosenbaum, Alameda.

Stated the rent stabilization ordinance is not protection for the renters; renters do not feel safe and secure and fear retaliation; the program is failing at the price of \$2 million per year; there is a \$20 a month annual business fee per unit; less than 2,000 of the 17,400 units paid the fee; the fee should go up \$50 if the landlords are late; questioned how the City will bill and collect on landlords when the landlords cannot even pay the \$20 fee; stated rent control and eviction protections are needed; every week Alameda is losing more residents and adding insult to injury by asking tenants to pay an additional \$5.46 per month; even if only 10% of landlords are bad, that is 1,500 families and Alamedans: Catherine Pauling, Alameda Renters Coalition (ARC).

Urged Council to revise comparable cities costs; inquired if there is a way to base the regulatory fee on rent or square footage, which would be more fair: Eric Strimling, ARC.

Suggested the Housing Authority come up with a new plan and some real answers; questioned whether the \$40 per rental unit landlords pay goes into the General Fund; stated there needs to be a quarterly review of what the Rent Review Advisory Committee is actually doing and make adjustments accordingly; urged coming up with an alternative to small claims court if the landlords cannot collect the fee: Lester Cabral, Alameda.

Stated the landlords in Alameda will have to pay for new jobs created from the program; the fee should be paid by the ones who benefit; the people who are benefiting are the renters; urged Council to reconsider approval of the program: Wayne Leong, Alameda.

Stated that she did not mind the 5% increase cap; she does not have time to do the current paperwork, and the program will add more paperwork; urged the City to look into other cities and the costs: Nancy Gordon, Alameda.

Mayor Spencer called a recess at 9:26 p.m. and reconvened the meeting at 9:36 p.m.

Councilmember Oddie stated emails allege that if the fee is imposed it is a violation of the Charter.

The City Attorney responded the language does not apply to what the City is doing; stated the language addresses an amount of money pursuant to binding arbitration; if there is binding arbitration that requires an increase in salary, the City could not just raise taxes, the City would have to go to a vote of the people to increase the salary; the fee is allowed under the California Constitution, Proposition 218 and Proposition 206, which specify what has to be done to assess a fee; as long as the fee is limited to the service costs, the City is authorized to levy a fee.

Councilmember Daysog inquired what method is being used to obtain the cost ratios; questioned what if the figures are wrong.

John Bliss, SCI Consulting, stated all of the rental units had to be identified to figure out the fees; he worked with City and Housing Authority staff on an independent high level budget.

Councilmember Daysog stated it sounds like the fee is an estimate divided by the total number of units; the number of rental units shifts from one year to the next; inquired how the City would deal with the fact that the denominator is always changing.

Mr. Bliss responded the number of units will increase; stated the fee is driven from the County Assessor; the number will have to be updated each year; hopefully, the numerator will shrink; he is confident the costs and fee will go down.

Councilmember Ezzy Ashcraft inquired whether the program being in operation over the next few months will give staff more information to allow for better estimates.

Mr. Bliss responded in the affirmative; stated a lot of thought and detail went into the current estimate, but he is aware that the estimate will change over time.

Councilmember Daysog stated the report comes down to \$131 per unit; inquired if there are alternative scenarios to have low, high and mid points.

Mr. Bliss responded there is a 5% contingency and the three Full Time Employees (FTEs) are real; the genesis of the 5% is the issue of start-up; the Housing Authority will have some growth costs for managing the program.

Councilmember Daysog inquired whether a contract position was considered.

Mr. Bliss responded the City of Berkeley uses internal staff and the City of Santa

Monica contracts the position; stated that he does not know what would be right for the City of Alameda, but the study did not rigorously consider a contract position.

Vice Mayor Matarrese – stated he does not intend to vote for the item because more data is needed; would like to have additional comparisons of the costs of other cities and the implications of contracting the position out.

In response to Councilmember Ezzy Ashcraft's inquiry, Mr. Bliss stated the term "start-up" broadly means the costs of infrastructure and inefficiencies associated with staff, renters and landlords learning about the program.

Councilmember Ezzy Ashcraft inquired how long the start-up period would be, to which Mr. Bliss responded a 6 to 12 month time frame; stated the clock would start when a bill is sent.

Mayor Spencer inquired whether landlords are paying a business fee, to which the Community Development Director responded the business license tax only applies to multi-family rental units; stated single family homes are exempt from paying the business license tax; she does not know the exact number of units currently paying the business license tax; data will be shared with the Finance Department for cross-checking purposes.

Mayor Spencer inquired what would happen to the revenue collected, to which the Community Development Director responded the revenue would go into the General Fund.

Mayor Spencer inquired the amount currently received from the tax, to which the Community Development Director responded that she did not know; stated the amount is probably not a lot since the tax is only \$20 per unit.

Mayor Spencer stated that she received an email inquiring why fees include \$245,000 for the Community Development Director.

The Community Development Director responded the fee study includes the figure of how much time is attributable to all the positions; only 10% of the Community Development Director time is attributable to the fee, not 100%.

Councilmember Ezzy Ashcraft inquired whether the 10% is backed out of the General Fund since it is being covered by the program.

The Community Development Director responded in the affirmative; stated her position is part of the enterprise fund, not one penny has been billed to the General Fund.

In response to Mayor Spencer's inquiry regarding whether a tax could be imposed on all residents to fund the program, the Community Development Director stated fees are levied on the beneficiaries of the program.

In response to Councilmember Ezzy Ashcraft's inquiry, the Community Development Director stated the benefits derived from the program accrue on a per unit basis, not on the size of the unit or the amount of rent.

Councilmember Daysog stated that he is satisfied with the analysis; he would have preferred more comparable nearby cities; inquired how the City would pay for the program if a new fee is not created, would the \$1.9 million costs have to be absorbed.

The City Manager responded the budget Council approved included \$700,000 until the end of December 2016; if the program continues until the end of the fiscal year, it would be another \$700,000; the revenue for the rest of the year would have a structural deficit; funds could come from the fund balance.

Councilmember Daysog stated everyone has to tighten belts to deal with a rental crisis, the City should absorb the cost.

Councilmember Oddie stated that he is not ready to support the program; Council should consider putting it off for six months; there will be more information and real numbers, the start-up kinks would be worked out; there is uncertainty and many options to evaluate.

Councilmember Ezzy Ashcraft concurred with Councilmember Oddie; stated more time buys more accuracy; Council would know how the program is being used; there is still a lot of speculation; she has grave reservations about the fee for arbitration; the program could be more refined and staff could provide better options in six months; Council could apply the information more wisely in the second half of the fiscal year.

Vice Mayor Matarrese stated that he would like six months of real data, the cost of contracting versus hiring staff, and additional comparisons.

In response to Vice Mayor Matarrese's inquiry, the Community Development Director stated the Housing Authority billed the City just under \$40,000 for the program in the first two months, and they are not fully staffed; staff agreed to bid the program administration and plans to release a Request for Proposals (RFP) in September; the ordinance is only funded through December.

Councilmember Daysog stated rents are outrageous, more studies and methodologies requires action of the Council and residents of Alameda as a whole, to tighten belts to get through the crisis, the Council needs to take action and leadership, not wait for more studies.

Mayor Spencer stated that she likes the comparisons; Berkeley's fee is higher; she would like more information and comparisons to other cities to bring down cost; make the program should be complaint driven and increases should be no more than 5%; she concurred with waiting for more information.

Councilmember Ezzy Ashcraft stated the Housing Authority staff resolves a lot of cases before going to RRAC and probably need more staffing.

The Community Development Director stated that she understood the direction from the Council to have staff come back with more numbers, put the program administration function out for RFP to test the market, and come back in December with recommendations and proposal on funding going forward January 1.

Mayor Spencer stated that she would like to include reviewing the ordinance in comparison with other cities.

The City Manager stated staff will return with an option for completing and funding the rest of the fiscal year.

(16-311) Mayor Spencer stated a motion is needed to consider the remaining agenda items after 10:30 p.m., which are the Disaster Council Ordinance [paragraph no. 16-312], the workers' compensation for disaster workers resolution [paragraph no. 16-314] and the two referrals [paragraph nos. 16-316 and 16-317]; noted action is not required tonight on the two remaining regular agenda items.

Vice Mayor Matarrese moved approval of considering the remaining items.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft requested the motion be amended to only address the remaining regular agenda items.

Mayor Spencer inquired whether the Council has to vote to hear referrals, to which the City Clerk responded in the affirmative; stated Council takes action when giving direction on referrals.

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

Councilmember Ezzy Ashcraft inquired whether the July 5th agenda is full, to which the City Clerk responded in the affirmative.

Councilmember Ezzy Ashcraft moved approval of considering the Disaster Council Ordinance [paragraph no. 16-312] and the workers' compensation for disaster workers resolution [paragraph no. 16-314].

Vice Mayor Matarrese seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft, Matarrese and Mayor Spencer – 4.

Noes: Councilmember Oddie – 1.

(16-312) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 2.24 to Article II of Chapter II Related to Emergency Organization and Creating the City of Alameda Disaster Council as Required by State Law to Obtain Legal Recognition as an Official Emergency Organization. Introduced.

The Fire Captain gave a brief presentation.

In response to Councilmember Ezzy Ashcraft's inquiry, the Fire Captain stated the group is comprised of City staff, the four public response groups, including Police, Fire, Public Works and Alameda Municipal Power (AMP), supportive agencies such as the Red Cross, East Bay Municipal Utilities District (EBMUD), AC Transit, Alameda Hospital, and other response partners.

Councilmember Daysog stated the Disaster Council is planning body; he sees the role of the City Manager as the director in the event of an actual disaster; in that instance, it is conceivable that the Disaster Council may not have to be enacted.

Councilmember Ezzy Ashcraft stated any emergency policy that the Disaster Council formulates would ultimately come back to the City Council for approval.

The Fire Captain concurred with Councilmember Ezzy Ashcraft's comments.

Vice Mayor Matarrese inquired whether policies and disaster preparedness plans are presented as work outputs from the Disaster Council, to which the Fire Captain responded in the affirmative.

Mayor Spencer inquired whether the meetings are public, to which the Fire Captain responded in the affirmative.

Mayor Spencer inquired whether the meetings are noticed with an agenda, to which the Fire Captain responded in the negative; stated the meetings do not follow the same noticing requirements as a board or commission.

The City Attorney stated the Disaster Council would be subject to the Sunshine Ordinance.

In response to Councilmember Ezzy Ashcraft's inquiry, the City Attorney stated the City Council is creating the Disaster Council by ordinance; the Sunshine Ordinance would require the meetings to be noticed.

Mayor Spencer inquired whether the meetings would be public, to which the City Attorney responded in the affirmative.

The Fire Captain stated the people in the group do not necessarily do all the work; there are times when the meetings are held to provide guidance and delegate to other work groups.

In response to Mayor Spencer's inquiry on the frequency of the meetings, the Fire Captain stated the ordinance requires meetings twice a year but there is history of quarterly meetings.

Mayor Spencer inquired when the last time quarterly meetings took place, to which the Fire Captain responded 2008.

Mayor Spencer inquired if it is being recommended that the Mayor or Council will not be part of the Disaster Council.

The Fire Captain responded that is as the ordinance is written.

Mayor Spencer inquired whether the participants will continue to be similar to the past composition.

The Fire Captain responded the persons on the list are counterparts to Alameda's emergency managers.

Mayor Spencer stated other cities designate the Mayor as the Chair; she does not agree with not continuing to designate the Mayor as Chair for the City of Alameda Disaster Council.

Councilmember Daysog stated there are four provisions that relate to the role of the City Council in the event of emergency; the Mayor has a role in the real-time context of an emergency, not during planning; the City Charter powers contemplate role of the Mayor in operation activities; the fix is to simply insert the language "subject to Sections 3-12 and 6-1 of the City Charter"; the director will work within Charter Section 3-12 which identifies the process by which the City Council can declare a state of emergency.

Councilmember Ezzy Ashcraft moved introduction of the ordinance amending the Alameda Municipal Code by adding Section 2.24 to Article II of Chapter II related to emergency organization and creating the City of Alameda Disaster Council as required by State Law to obtain legal recognition as an official emergency organization.

Councilmember Daysog offered an amendment to add the language "subject to Sections 3-12 and 6-1 of the City Charter, which request the City Council to proclaim."

Councilmember Oddie seconded the motion without amendments.

Under discussion, Vice Mayor Matarrese stated the Disaster Council is the operations group; the Mayor or City Council should not be on the Disaster Council; the recognition of the role of the Council and the Mayor as the presiding officer of the Council and

ceremonial head of the City are missing; the ordinance is the implementing document, so the Charter does not have to be interpreted in the event of an emergency.

The City Manager stated an Emergency Operation Plan (EOP) and update on the Emergency Operations Center (EOC) is coming to Council soon; tonight's issue is a model developed by the State and has options for public consideration; a lot of different issues will be addressed when the EOP is brought back.

Councilmember Ezzy Ashcraft stated most of the Council agrees that the Disaster Council is a body that reports through the City Manager back to the Council; she would like to get the ordinance passed first, then address any clarifications about the Charter; she does not understand why the Disaster Council has to have the additional language as proposed by Councilmember Daysog.

Councilmember Oddie stated he hopes that the plan which comes before the Council will be consistent with the Charter and would encompass everything discussed tonight.

(16-313) Mayor Spencer stated a motion is needed to continue the meeting past 11:00 p.m.

Vice Mayor Matarrese moved approval.

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

The City Attorney stated the ordinance does not just discuss the role of the Disaster Council, it also discusses the role of the Director of Emergency Services, which may be a little confusing; clarified the Disaster Council is made up of the group of people which Council appoints to make recommendations to the Council to adopt policy; the City Manager is the Director of Emergency Services and is the actual implementer in the event of an emergency; the Disaster Council has no role in declaring an emergency; the Charter states the same regarding the role of the Disaster Council, which is a planning and pre-disaster preparedness group.

Councilmember Daysog stated that he does not think the ordinance is consistent with the City Charter.

The Fire Captain stated the City has an EOP in place, adopted in 2008, which gives the same guidance.

On the call for the question, the motion failed by the following voice vote: Ayes: Councilmember Ezzy Ashcraft and Oddie – 2. Noes: Vice Mayor Matarrese and Mayor Spencer - 2. Abstentions: Councilmember Daysog - 1.

Vice Mayor Matarrese moved approval of directing staff to modify the draft ordinance to include in the powers and duties of the Director language that incorporates compliance with the sections of the Charter that cover the declaration of emergency.

Councilmember Ezzy Ashcraft inquired whether there is a timing issue; stated next item deals with workers compensation for volunteers; inquired whether the City is leaving itself exposed to potential liability; the City cannot approve the workers compensation resolution without the Disaster Council ordinance; urged Council to pass an ordinance tonight that would still suffice as a first reading.

Vice Mayor Matarrese reiterated his motion is to modify the draft ordinance with addition of section 22-24.6 to reference the Charter provision 3-12 and 6-1 and 7-2(B).

Councilmember Daysog seconded the motion.

Mayor Spencer suggested an amendment to substitute the word “appoint” with “nominate” in section 2-24.e regarding the representatives of the Disaster Council.

In response to Councilmember Oddie’s inquiry, the City Attorney stated a first reading of the ordinance could be done with the suggested modifications; restated the modifications.

Councilmember Ezzy Ashcraft stated that she would like to vote on the language separately.

Vice Mayor Matarrese moved to call the question, which was seconded by Mayor Spencer and failed.

Councilmember Oddie suggested adding Section 2-24.8 that the development of the emergency management plan shall be developed consistent with the Charter.

Vice Mayor Matarrese stated that he is fine with the amendment.

Councilmember Ezzy Ashcraft suggested inserting a sentence that states “this ordinance is deemed consistent with all relevant provisions of the Alameda City Charter” so each and every instance of the Charter provisions does not need to be spelled out.

Councilmember Daysog stated he prefers the Charter provisions be spelled out.

Vice Mayor Matarrese concurred, stated the Charter provisions need to be outlined.

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

(16-314) Resolution No. 15182, “Relative to Workers’ Compensation Benefits for Registered Disaster Service Worker Volunteers.” Adopted.

Vice Mayor Matarrese moved adoption of the resolution.

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

CITY MANAGER COMMUNICATIONS

(16-315) The City Manager announced that the Fire Chief had to leave the meeting to attend to a fire at the auto upholstery shop on Park and Clement Streets; that she, Mayor Spencer, and Councilmember Oddie attended a tour of the USS Hornet where 500 Army Reservists have been training for emergency preparedness.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(16-316) Consider Directing the City Manager to Initiate and Begin the Process with the Planning Board to Propose Revisions to the Ordinance and Code Sections Defining Alameda’s Inclusionary Housing for Residential Development. Not heard. (Vice Mayor Matarrese)

(16-317) Consider Directing the City Manager to Schedule a Priority Setting Work Session. Not heard. (Mayor Spencer)

COUNCIL COMMUNICATIONS

(16-318) Consideration of Mayor’s Nomination for Appointment to the Golf Commission. Not heard.

(16-319) Councilmember Ezzy Ashcraft requested the meeting be adjourned in honor of the victims of the Pulse Nightclub shooting in Orlando, Florida.

(16-320) Mayor Spencer thanked the Army for collaborating with the City; commended the USS Hornet for housing the Army during training; shared a proclamation for Juneteenth regarding freed slaves.

(16-321) Councilmember Ezzy Ashcraft announced the Relay for Life event would be on Saturday at Encinal High School.

ADJOURNMENT

(16-322) There being no further business, Mayor Spencer adjourned the meeting at 11:16 p.m. in memory of the Orlando shooting victims.

Respectfully submitted,

Lara Weisiger
City Clerk

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