

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 6, 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

(16-405) Proclamation Declaring September 17, 2016 as Coastal Cleanup Day.

Mayor Spencer read and presented the proclamation to James Frank, East Bay Regional Park District, who made brief comments.

(16-406) Proclamation Declaring October 2 through 8, 2016 as Public Power Week.

Mayor Spencer read and presented the proclamation to Laura Giuntini, Public Utilities Board, who made brief comments.

Expressed concern over climate change: Ken Peterson, Alameda.

ORAL COMMUNICATIONS, NON-AGENDA

(16-407) Jim Hager, Alameda, questioned whether the City has regulations to prohibit noise and light control when industries move next door to neighborhoods.

(16-408) Heather Little, Alameda, discussed a bike versus auto accident on Main Street; stated that she would like the Council to bring adopt Vision Zero.

Mayor Spencer stated Vision Zero is to have zero traffic deaths.

The City Manager stated the matter would come to Council.

(16-409) Kristin Welch, Alameda, expressed appreciation for flashing pedestrian crosswalk lights near schools; stated people are still speeding and something needs to be done to protect pedestrians.

The City Manager stated staff is looking at improvements to the area to separate bicyclists from vehicles.

Councilmember Ezzy Ashcraft inquired whether the City Manager is referring to the Main Street ferry terminal.

The City Manager responded Main Street and Singleton Avenue to the ferry; stated the City is currently looking to fund the project in the next year's budget.

Mayor Spencer inquired if the Police rotate enforcement around different schools at the beginning of the school year.

The City Manager responded that the Police do ongoing enforcement; stated the issue is a combined effort of enforcement and capital improvements to separate bicyclists.

CONSENT CALENDAR

Councilmember Ezzy Ashcraft moved approval 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.]

(*16-410) Minutes of the Special and Regular City Council Meetings Held on July 5, 2016 and July 19, 2016. Approved.

(*16-411) Ratified bills in the amount of \$14,979,660.44.

(*16-412) Recommendation to Accept the Work of Rosas Brothers Construction for the Repair of Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, Fiscal Year (FY) 2015-16, Phase 16, No. P.W. 04-15-08. Accepted.

(*16-413) Recommendation to Amend the Contract with Ranger Pipeline Inc. to Increase the Contract Amount by \$4,504,757.51, Including Contingency, for Cyclic Sewer Rehabilitation Project, Phase 13, No. P.W. 05-16-08, for a Total Compensation of \$13,326,486, for Cyclic Sewer Rehabilitation Project, Phases 11, 12 and 13. Accepted.

(*16-414) Recommendation to Amend the Contract with Engineering Mapping Solutions, Inc. to Increase the Contract Amount by \$74,525, Including Contingencies, for a Total Compensation of \$142,250 for Continued Geographic Information System Support Services. Accepted.

(*16-415) Recommendation to Amend a Contract to Extend the Term for One Year to Lucity, Inc. for a Comprehensive Computerized Maintenance Management System. Accepted.

(*16-416) Recommendation to Amend a Contract to Extend the Term for One Year to

Water Works Engineers for Engineering Services During Construction for the Abandonment and Relocation of Existing Sanitary Sewer Main and Lagoon Seawall, No. P.W. 01-12-03. Accepted.

(*16-417) Recommendation to Amend a Contract with RMC Water and Environment to Increase the Contract Amount by \$25,032, for a Total Compensation of \$98,042, for Sanitary Sewer System Management Plan Support Services. Accepted.

(*16-418) Resolution No. 15191, "Grant of Utility Easement to Pacific Gas & Electric Company within Neptune Park". Adopted.

(*16-419) Resolution No. 15192, "Amending the Alameda City Employees Association (ACEA) Salary Schedule to Amend the Work Week of Customer Service Representative and Lead Customer Service Representative Classifications from Thirty Seven and a Half (37.5) Hours Per Week to Forty (40) Hours Per Week." Adopted.

(*16-420) Resolution No. 15193, "for the Mayor's Signature Reaffirming the Authority Previously Delegated to the City Manager, in Resolution No. 13135 Approved on September 7, 1999, to Make Application for Industrial Disability Retirement for Local Safety Members with the California Public Employment Retirement System." Adopted.

REGULAR AGENDA ITEMS

(16-421) Public Hearing to Consider Call for Review and a Resolution Upholding Planning Board Resolution No. PB-16-16 Approving Amendment (PLN16-0165) to the Esplanade Final Development Plan (PLN15-0092) to Allow Senior Assisted Living as a Permitted Use at 2900 Harbor Bay Parkway (Project: Westmont of Harbor Bay Assisted Living). Not adopted. [Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, there have been no significant changes in circumstances that require revisions to the previously certified Environmental Impact Report.]

The Assistant Community Development Director gave a Power Point presentation.

Mayor Spencer inquired if the space has always been zoned open space, to which the Assistant Community Development Director responded in the negative; stated the site is zoned commercial.

Councilmember Daysog stated the City of Alameda entered into an agreement in 2002 with the Port of Oakland; inquired if the Port of Oakland or the Citizens League for Airport Safety and Serenity (CLASS) lawyers provided input on the project.

The Assistant Community Development Director responded that he has not spoken to the CLASS lawyers but he has spoken directly with Port of Oakland staff to determine whether the proposed use is consistent with the Settlement Agreement; stated the Port confirmed the project does not violate any prior agreements; the City does not believe there is a conflict.

Councilmember Daysog inquired if there is a letter or official confirmation, to which the Assistant Community Development Director responded there is email confirmation.

In response to Councilmember Oddie's inquiry, the Assistant Community Development Director stated the Planning Board passed a resolution that the site is appropriate for assisted living and office use; the Council needs to decide whether or not to uphold the Planning Board's decision.

Councilmember Oddie inquired how the decision differs from the November 9, 2015 decision.

The Assistant Community Development Director responded the November 9, 2015 decision was not a decision on the property, rather it clarified the Zoning Code; the question is whether assisted living is permitted under the Zoning Code.

Councilmember Oddie inquired whether or not the assisted living facility is in conformance with the commercial use zoning is not what has been appealed, to which the Assistant Community Development Director responded in the affirmative; stated the Council can question the use on the particular site.

Councilmember Oddie inquired whether a traffic and parking study was done for the site; and if numbers compare traffic under the assisted living use and the original 2006 office building.

The Assistant Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether the use has 41 spaces during morning peak hours and afternoon versus 205 for the previously approved plan, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Oddie inquired what type of parking design is required for the facility.

The Assistant Community Development Director responded the parking is lower density compared to the 2006 office plan; assisted living generates a lot less parking demand.

Councilmember Oddie inquired whether the project would provide 60 parking spaces; and whether the Code requires 43 spaces, so the plan is 17 spaces over the required amount, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Oddie inquired if the use is within the Airport Land Use Compatibility plan, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether the Water Emergency Transportation Authority

(WETA) has expressed any interest in the property; and whether WETA or the City has the ability to take the property.

The Assistant Community Development Director responded WETA has indicated it does not have funding to purchase the property; stated eminent domain does not mean taking the property, the property has to be bought; WETA, the City and residents are working together to improve access to the ferry terminal; if the City took the property by eminent domain, the City would have to buy the land.

In response to Councilmember Oddie's inquiry regarding a parking lot, the Assistant Community Development Director stated the City is not interested in dragging more cars into the neighborhood.

Councilmember Oddie inquired if the project has gone before the Bay Conservation and Development Commission (BCDC) and whether the project complies with BCDC agreements and land use.

The Assistant Community Development Director responded in the affirmative.

Councilmember Oddie inquired if the Environmental Impact Report (EIR) found any nesting birds or plants of special interest, to which the Assistant Community Development Director responded in the negative.

Councilmember Oddie inquired if jackrabbits are a protected species, to which the Assistant Community Development Director responded in the negative.

Councilmember Oddie inquired if the EIR is bogus, to which the Assistant Community Development Director responded in the negative; stated the EIR reviewed the entire Harbor Bay development; the City updates the EIR for traffic, airport noise and biology for every development; all three of updates were done for the project.

Councilmember Ezzy Ashcraft inquired if the project has received an approval letter from the Alameda County Airport Land Use Commission regarding compliance with safety noise and height development, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether a noise analysis was done by AGD Acoustic stating the project met City, State and County noise level requirements, to which the Assistant Community Development Director responded in the affirmative.

Mayor Spencer inquired whether residential is not permitted at the site.

The Assistant Community Development Director responded under the Zoning Code and settlement agreements, residential housing is not allowed at the site.

Mayor Spencer inquired whether the job imbalance is part of the General Plan.

The Assistant Community Development Director responded the General Plan directs the City to work towards a job/housing balance to address traffic congestion; more jobs on the Island helps traffic congestion; there is currently a poor job/housing balance in Alameda; the Planning Board decreased the assisted living and increased the office space to have the project create more jobs.

In response to Mayor Spencer's inquiry about the type of jobs, the Assistant Community Development Director stated the jobs would be low salary jobs, assisting seniors with daily living.

Councilmember Daysog inquired if assisted living is addressed in the Housing Element.

The Assistant Community Development Director responded in the affirmative; stated residents are requesting more senior housing.

Councilmember Daysog inquired if the residents at the assisted living could register to vote, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft stated assisted living places are often polling places.

Mayor Spencer inquired whether an assisted living complex could be built in an area zoned for housing in Alameda, to which the Assistant Community Development Director responded in the affirmative.

Vice Mayor Matarrese inquired about the units in the assisted living facility; inquired whether 60 to 75% would be one or two bedroom apartments and the rest a memory care facility, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether the senior housing units can be applied to the Regional Housing Needs Allocation (RHNA), to which the Assistant Community Development Director responded in the negative; stated the units are not considered residential units.

Mayor Spencer inquired what type of modification would have to occur for the units to be counted towards housing.

The Assistant Community Development Director responded unit defined as residential count toward the RHNA, but residential units would not be able to go on the project site.

Mayor Spencer inquired whether some units have kitchens, to which the Assistant Community Development Director responded units do not have full kitchens.

Chris Garwood and Michael O'Rourke, Pacific Union Land Company, gave a

presentation.

Mayor Spencer inquired about the distance to the hospital.

Mr. O'Rourke responded that the hospital is 3.5 miles away from the project site.

Councilmember Oddie stated the project site is within half a mile from a Fire station with a full service ambulance.

Kaitlin Bishop, Pacific Union Land Company, and Alan Rose, RGD Acoustics, continued the presentation.

Councilmember Daysog inquired how far away the project is from the 65 decibel line.

Mr. Rose responded that he did not measure the feet, but the current noise level is close to the 65 decibel line.

Councilmember Daysog inquired how the 65 decibel line is determined.

Mr. Rose responded a noise modeling program projects aircraft activity; stated the noise level is projected 20 years into the future.

Councilmember Daysog inquired if the decibel line is currently at 65 decibel or if 65 decibels was modeled in the future.

Mr. Rose responded the plan looks at a 20 year horizon; stated the recent contours are from 2015.

Councilmember Daysog inquired if there are plus/minus factors to the contour levels; and are there margins of error to be confident the noise level is within the line.

Mayor Spencer inquired if there is an illustration showing the line in relation to the homes and proposed development.

Mr. Rose presented a slide.

Stated the assisted living facility is a good idea, but not at the proposed site; workers will have difficulties finding transportation to the facility: Dorothy Freeman, Alameda.

Stated there is a need for an assisted living facility in Alameda; the traffic will be substantially different with the project: Kevin Hester, Alameda.

Stated the Council should look at the use and not the EIR; the proposed facility is not an appropriate use of the site; parking would be an appropriate use for the area; the focus should be on increasing ferry ridership and parking for ferry riders: Tim Neilson, Alameda.

Stated the parcel of land should be used for ferry ridership; the assisted living facility could be placed elsewhere in Alameda: Steve Cvitanovic, Alameda.

Stated that he strongly supports the project; there are not enough affordable assisted living facilities in Alameda; assisted living facilities do not have a lot of traffic: Larry Williams, Alameda.

Showed a video in support of the project: Matt Tunney; Becca Perata; John McManus; and Josh Reed.

The City Attorney stated showing the video is not a violation of the Brown Act.

Mayor Spencer requested that in the future speakers be present to speak instead of showing a video.

Stated the Harbor Bay Business Association supports the project; urged Council to uphold the Planning Board's decision: Dan Reidy, Harbor Bay Business Association.

Stated the property is not appropriate for an assisted living facility; assisted living under State law is called residential care for the elderly; the zoning is not appropriate for the property: Dana Sack, Alameda.

Stated that he does not support the project; the facility is residential, not medical; an assisted living facility is an incompatible use for the project site because of the airport noise: George Humphries, Alameda.

Showed maps; stated the use is incompatible with the project site; the decibel level area is not an area to put seniors with health issues: Reyla Graber, Alameda.

Urged Council to deny the Planning Board decision; stated noise is not good for elderly individuals with Alzheimer's or memory problems; noise causes problems in sleep patterns, which is not healthy for elderly with memory problems: Patricia Gannon, Alameda.

Submitted a letter; urged Council to not approve the Planning Board decision; stated people with Alzheimer's are very sensitive to noise: Marie Kane, Alameda.

Submitted documents; stated that she is opposed to the assisted living facility on the proposed project site and concerned about the safety of seniors, the City's legal liability, the environmental impacts, and sea level: Pat Lamborn, Alameda.

Stated that he strongly supports the project; the noise and safety issues have been addressed by the Building Code; the City and WETA are not going to buy the property to make a parking lot for the ferry riders; the call for review process has become unacceptable: Michael McDonough, Chamber of Commerce.

Stated that he is in favor of the project; the project has a very low amount of parking; urged Council to vote on what is best for the entire City, not a select few: Bob Osteman, Alameda.

Stated that he strongly supports the project; the project will produce a very low traffic impact; the assisted living facility is better than a parking lot on the project site: Robert Doud, Alameda.

Stated that he has been to the project site many times and the airport noise is not noticeable; urged Council to support the project; stated an assisted living facility will help the people who already live in Alameda stay in the area: Brock Grunt, Alameda.

Stated the zoning and use are in compliance; there is a high demand for the proposed project; urged Council to uphold the Planning Board decision: Kristoffer Köster, Alameda.

Stated that she supports the project; the site will be developed; the call for review process needs to be changed: Kari Thompson, Alameda.

Stated that he is concerned with the traffic and parking; he lives close to the site and can hear airplane noise; there is a better site for an assisted living facility: Tom Krysiak, Alameda.

Read letter on behalf of Kevin Connolly from WETA: WETA is working with City staff and Harbor Bay Homeowners Association to address parking concerns; WETA has increased bike rack capacity and installed bicycle lockers; WETA strongly supports the project: Bruce Meyers, WETA.

Stated assisted living facilities are good places for seniors to live; that she strongly supports the project; residents were concerned with the noise level and safety of a past project, which is now thriving: Alice Lai-Bitker, Peace of Mind Home Care.

Stated seniors with Alzheimer's need a quiet surrounding; there is a need for senior housing but not at the proposed project site: Gretchen Lipow, Alameda.

Stated the assisted living facility should be located in a different location: Rosemary McNally, Alameda.

Stated the assisted living facility should not be located at the project site; the Zoning Ordinance as currently written does not authorize an assisted facility in the proposed project site: Steven Gurtler.

Stated the project is a residential facility; traffic and airport noise have increased; bird migrations have shifted; sea rise will happen; urged Council to demand a current EIR; stated the site is not suitable for an assisted living facility: Joe Van Winkle, Alameda.

Mayor Spencer called a recess at 9:51 p.m. and reconvened the meeting at 9:59 p.m.

Councilmember Ezzy Ashcraft inquired how current is the EIR and the difference between a convalescent home and assisted living.

The Assistant Community Development Director responded the EIR was updated in the three areas: traffic, airport noise and biology; stated sea level rise will be addresses as a standard condition of approval if the project is approved; the Planning Board has authority to determine if a use is substantially similar.

Councilmember Ezzy Ashcraft stated there was a great deal of opposition to other projects; people are opposed to change; staff is working on more ferry parking; the assisted living facility would alleviate some housing issues; the proposed use relates well to the General Plan; that she does not believe having seniors in the area will cause a disruption in the neighborhood; she supports the project; the project will be an asset to the business park and the community; thanked the Planning Board.

Vice Mayor Matarrese stated there is doubt about whether the project is in compliance with the zoning; assisted living is closer to residential than to a rest home or convalescent home; the model is great, but should be in another location in Alameda; the project is not appropriate for the site.

Councilmember Daysog stated that he is concerned with placing residential units in an area where the City has an agreement with Oakland Airport saying there would be no residential.

Councilmember Oddie stated having people submit a video for public speaking is the same as having residents read letters for other people who cannot be present; there will be 80% less traffic from the project; the project fits in with the goal to reduce parking; the noise level is within acceptable limits; the Oakland Airport has said the project does not violate the agreement with the City; the property is privately owned; a parking lot will not be placed on the site; the use is appropriate for the site; there is a demand for assisted living facilities in Alameda.

(16-422) Mayor Spencer stated a motion is needed to consider the remaining items: Boatworks [paragraph no. 16-423]; the lease [paragraph no. 16-425]; the Transit Plan [paragraph no. 16-426]; the Council Referrals [paragraph nos. 16-428 through 16-434], and the League of California Cities Resolution [paragraph no. 16-435].

Councilmember Ezzy Ashcraft moved approval of addressing Boatworks, the lease, and the Transit Plan; and having the League of California Cities Resolution on the next agenda Consent Calendar.

Vice Mayor Matarrese seconded the motion.

Under discussion, Mayor Spencer stated the referrals and the League item would return on September 20th.

Councilmember Oddie suggested an amendment to the motion to not hear the Transit Plan since Council still needs to return to closed session.

Councilmember Ezzy Ashcraft and Mayor Matarrese agreed to amend the motion.

Mayor Spencer summarized the motion; to hear Boatworks and the lease and have the League item return on the Consent Calendar.

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

Mayor Spencer stated if the project site is not appropriate for regular residential, the project site is not appropriate for a vulnerable population; the assisted living facility is not an appropriate use for the project site.

Mayor Spencer moved approval of overturning the Planning Boards decision.

Vice Mayor Matarrese seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated the distinction is that assisted living fits under commercial zoning; the Council is trying to determine if the location could have market rate housing.

Mayor Spencer stated the Council was informed the location is not appropriate for residential; an assisted living facility is more residential; the flight pattern in the area is increasing.

Councilmember Oddie inquired if something from the Oakland Airport could would alleviate Councilmember Daysog's concern.

Councilmember Daysog responded in the negative; stated the number of planes is increasing and the noise level will increase; the site is not appropriate for residential use.

Councilmember Oddie inquired if the agreement with the Airport limits the number of planes.

Councilmember Daysog responded there are a lot of elements to the agreement; noted planes fly overhead at all hours.

Councilmember Oddie inquired if Vice Mayor Matarrese would accept the staff recommendation if the developer changes the design.

Vice Mayor Matarrese responded changing the design would address one problem; stated the assisted living facility still would not work on the project site due to sea level rise and the noise level; the facility would work in another location where environmental concerns are not an issue.

Mayor Spencer summarized the motion is approval of overturning the Planning Boards decision.

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

(16-423) Public Hearing to Consider: Resolution No. 15194, “Denying Application to Extend Boatworks Tentative Map #8060 (Originally Approved in 2011) for an Additional Two Years.” Adopted, and

(16-423A) Resolution No. 15195, “Upholding Approval of Development Plan and Density Bonus Application PLN15-0582 and Open Space Design Review Application for 2229, 2235 and 2241 Clement Street (APN 071 029000100 AND 071 028900500), Known As the “Boatworks” Property, to Construct 182 Residential Units, Internal Roadways and Alleys and a Waterfront Park on a 9.48-Acre Property.” Adopted. An Environmental Impact Report (EIR) has been completed for the project in compliance with the California Environmental Quality Act (CEQA).

The Assistant Community Development Director gave a Power Point presentation.

Councilmember Daysog inquired what types of commitments the project has made with regard to transit uses, alternative transit uses and transit goals; how are the transit goals going to be measured.

The Assistant Community Development Director responded there will be annual transit payments; stated all units would have AC Transit passes; there will be annual reporting on the effectiveness and usage of transit; there will also be waterfront access.

In response to Councilmember Daysog’s inquiry, the Assistant Community Development Director stated the original floor plans were not approved; the Planning Board resolution limits the total number of housing units to 182.

(16-424) Mayor Spencer moved to continue the meeting past 11:00 p.m.

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

On behalf of the Applicant, Phil Banta, Robert McGillis and Nicolet Collins gave a Power Point presentation.

In response to Councilmember Daysog's inquiry regarding the aging in place, Mr. Banta stated the design can be changed.

Stated the development has not adhered to Alameda standards; the developer has disregarded instructions on how to make the project acceptable for Alameda; urged Council to deny the request for another extension to the developer: Dorothy Freeman, Alameda.

Stated the project should follow the inclusionary housing clause: Brian McGuire, Alameda.

Stated the developer has submitted a tentative map that meets the requirement; an extension is not futile: Shona Armstrong, Applicant's Attorney.

Mayor Spencer announced that the lease [paragraph no. 16-425] would not be heard tonight.

Councilmember Daysog inquired if the parking standards used for the project were 1.5 spaces per unit, to which the Assistant Community Development Director responded in the affirmative

Councilmember Daysog inquired what is requires under the zoning, to which the Assistant Community Development Director responded the conditional approval is 1.5 spaces.

Councilmember Daysog inquired whether zoning language specifies a range, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Daysog inquired whether apartments could have two cars, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Daysog inquired whether a bundle package is being pursued, to which the Assistant Community Development Director responded only for the multi-family units.

Councilmember Daysog inquired how many units are bundled, to which the Assistant Community Development Director responded 30% of the 180 units.

Councilmember Daysog inquired whether the developer has the aging in place design.

The Assistant Community Development Director responded the Planning Board approved plans do not have said design; stated the developer has to come back with the new floor plan designs.

Vice Mayor Matarrese inquired how many of the units will be affordable housing and how the plan complies with inclusionary housing requirements.

The Assistant Community Development Director responded the base project of 140 units would require six very-low income units, six low income and ten moderate income units; for a 30% density bonus project of 182 units, there needs to be 13 very-low income units; the developer is requesting to waive the low income units and reduce the moderate income to 8 units; the inclusionary requirements have to be met; if the developer wants a density bonus, one of the categories can be increased, but a category cannot be wiped out; the total is 29 units, but the developer would like to do 21 units.

Councilmember Daysog inquired whether the inclusionary housing refers to rental units or affordable ownership housing for first time home buyers.

The Assistant Community Development Director responded the Planning Board resolution does not get into the level detail.

Mr. Banta stated the application is based on an affordable housing application that was approved in 2011; in 2011, the City Council and the Planning Board approved the affordable housing percentages; 15% of the base units were presented as affordable housing; 9% very low income and 6% moderate income.

The Assistant Community Development Director stated staff recommends that the Council uphold the Planning Board decision; the developer can follow the conditions of approval and turn in a tentative map that is consistent with the development plan.

Vice Mayor Matarrese moved approval of denying the extension of Tentative Map 8060 [adoption of the resolution].

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

Vice Mayor Matarrese moved approval of upholding the Planning Board decision to approve conditions for the approval of the development plan and design review and open space plan [adoption of the resolution].

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

(16-425) Introduction of Ordinance Approving a First Amendment to a Lease and

Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a First Amendment to the Lease Agreement with Pacific Automated LLC, a California Limited Liability Company, dba Brix Beverage (Pacific Automated, LLC) to Include a Portion of Building 25 (Unit 100), a Small Outbuilding Known as Building 491, and Additional Parking Common Areas as Part of the Original Premises at 1951 Monarch Street at Alameda Point. [In accordance with the California Environmental Quality Act (CEQA), the project is Categorically Exempt under the CEQA Guidelines Section 15301(c) - Existing Facilities.] Not heard.

(16-426) Recommendation to Discuss the Existing Conditions and Goals/Objectives of the Citywide Transit and Transportation Demand Management (TDM) Plan. Not heard.

CITY MANAGER COMMUNICATIONS

(16-427) The City Manager stated the Finance Department was recognized for the Comprehensive Annual Financial Report (CAFR); the Certificate of Excellence for the CAFR will come to Council for recognition; announced the Love the Island campaign ribbon cutting would be September 15th.

Councilmember Ezzy Ashcraft inquired where people can obtain pins for the Love the Island campaign.

The City Manager stated there will be handouts at the ribbon cutting.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(16-428) 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. (Vice Mayor Matarrese) Not heard.

(16-429) Consider Directing the City Manager to Schedule a Priority Setting Work Session. (Mayor Spencer) Not heard.

(16-430) Consider Directing the City Manager to Immediately Hold a City Council Workshop on the Final Phase of the Bayport-Alameda Landing Disposition and Development Agreement (DDA)\Development Plan. (Councilmember Daysog) Not heard.

(16-431) Consider Directing the City Manager to Have the Social Service Human Relations Board (SSHRB) Review City Policies and Procedures for Aiding Alameda's Homeless in Order to Make Recommendations to the City Council for Policy Revisions

and Additions. (Vice Mayor Matarrese) Not heard.

(16-432) Consider Directing the City Manager to Initiate Revisions to the Ordinances and Code Sections for Mixed-Use Zoning in the City of Alameda to Aid Retention of Beneficial Commercial Uses within Areas Zoned for Mixed Use. (Vice Mayor Matarrese) Not heard.

(16-433) Consider Directing Staff to Review Enacting a Minimum Wage Increase in Alameda. (Mayor Spencer) Not heard.

(16-434) Consider Directing Staff to Renegotiate the Terms of the Friends of the Alameda Animal Shelter (FAAS) Lease and Relocate/Modernize the Shelter Facility, including Addressing Funding. (Mayor Spencer) Not heard.

COUNCIL COMMUNICATIONS

(16-435) Written Communication from the League of California Cities (LCC) regarding the October 5 through 7, 2016 Annual Conference Resolution: Committing the LCC to Supporting the Vision Zero, Toward Zero Deaths, and Other Programs or Initiatives to Make Safety a Top Priority for Transportation Projects and Policy Formulation, while Encouraging Cities to Pursue Similar Initiatives. Not heard.

(16-436) Consideration of Mayor's Nomination for Appointment to the Commission on Disability Issues and the Social Service Human Relations Board.

Mayor Spencer nominated Lisa Hall for appointment to the Commission on Disability Issues and Kale Jenks for appointment to the Social Service Human Relations Board.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 11:33 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 6, 2016- -5:30 P.M.

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

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

[Note: Councilmember Ezzy Ashcraft arrived at 5:39 p.m.]

Absent: None.

The City Attorney made a brief announcement about the Tidal Canal [paragraph no. 16-401].

Public Comment

In response to the City Attorney's comments, Theresa Rudy, stated that she would withdraw her request to speak.

John Knox White, Alameda, expressed concerns with privatizing the access to the water near the parks; stated homeowners do not have access to their docks; access to the City public land has been impacted; there needs to be a plan for ownership of the submerged land.

The meeting was adjourned to Closed Session to consider:

(16-402) Conference with Real Property Negotiators (Pursuant to Government Code § 54956.8); Property: Oakland Inner Harbor Tidal Canal; City Negotiator: Jill Keimach; Organizations Represented: US Army Corps of Engineers and Multiple Potential Purchasers; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment.

(16-403) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Boatworks v City of Alameda, et al.; Court: Superior Court of the State of California, County of Alameda; Case No.: RG16823346.

(16-404) Conference with Legal Counsel – Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; Number of Cases: Six (As Plaintiff – City Initiating Legal Action).

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced that regarding Existing Litigation, an update was given on litigation status; and regarding Anticipated Litigation, direction was given to City Attorney and City Manager to begin the process to address encroachments/trespass on public property on the public access areas between Fernside and the Tidal Canal.

Mayor Spencer called a recess at 6:12 p.m. and reconvened the meeting at 11:36 p.m.

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

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 12:29 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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