

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -APRIL 18, 2017- -5:00 P.M.

Mayor Spencer convened the meeting at 5:00 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(17-240) 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 Number: RG16841240. Not heard.

(17-241) Conference with Real Property Negotiators (Pursuant to Government Code § 54956.8); Property: Chuck Corica Golf Complex, 1 Clubhouse Memorial Road, Alameda, CA 94502; City Negotiators: Jill Keimach, City Manager and Amy Wooldridge, Recreation and Parks Director; Organizations Represented: Greenway Golf Associates, Inc.; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment

(17-242) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of cases: One (As Defendant - City Exposure to Legal Action)

(17-243) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; Number of cases: One (As Plaintiff - City Initiating Legal Action)

(17-244) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Positions Evaluated: City Manager - Jill Keimach, City Attorney - Janet Kern and City Clerk - Lara Weisiger

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced that regarding the four matters heard, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 7:01 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- -APRIL 18, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:07 p.m. and led the Pledge of Allegiance.

Present: Councilmembers Ezzy Ashcraft, Matarrese, Oddie, Vella and Mayor Spencer – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(17-245) Mayor Spencer announced Site A is in default and a press release went out, which outlined the steps to cure.

(17-246) Proclamation Declaring April 22, 2017 as Earth Day Alameda.

Mayor Spencer read and presented the proclamation to Patrick Russi and Alameda High Earth Team.

Stated it is time to update the climate action plan: Sylvia Gibson, Community Action for a Sustainable Alameda.

(17-247) Proclamation Declaring April 28, 2017 as Arbor Day Alameda.

Mayor Spencer read and presented the proclamation to the Public Works Coordinator.

ORAL COMMUNICATIONS, NON-AGENDA

(17-248) Vanessa Cooper, made an announcement regarding Stargell Commons grand opening.

CONSENT CALENDAR

Mayor Spencer announced the Investment Policy [paragraph no. 17-251] and the East Bay Municipal Utility District agreement [paragraph no. 17-253] were removed from the Consent Calendar for discussion.

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

Councilmember 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.]

(\*17-249) Minutes of the Regular City Council Meeting Held on March 21, 2017. Approved.

(\*17-250) Ratified bills in the amount of \$3,051,066.86.

(17-251) Recommendation to Approve the City of Alameda Investment Policy.

The City Treasurer stated a ban on investing in Wells Fargo securities has been incorporated in the Investment Policy through 2020; current securities will be liquidated before the new fiscal year.

In response to Mayor Spencer's inquiry, the City Treasurer stated the matter can be revisited in 2020.

Councilmember Oddie moved approval of the staff recommendation.

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

(\*17-252) Recommendation to Authorize the City Manager to Execute a First Amendment to an Agreement with Akerman LLP for Federal Legislative Services Extending the Term for Three Years and Adding \$90,000 Per Year, for a Total of \$270,000. Accepted.

(17-253) Recommendation to Authorize the City Manager to Execute a Short Term Agreement with the East Bay Municipal Utility District (EBMUD) to Provide Services for the City of Alameda's Potable Water System at Alameda Point.

Councilmember Ezzy Ashcraft stated that she does not recommend transitioning from EBMUD to an outside contractor; inquired what is the impetus for the recommendation.

The Public Works Coordinator responded EBMUD does not typically provide operations and maintenance for a system that is not theirs but has been providing the service to the City since the late 1990's through a Joint Powers Agreement (JPA); the short term agreement extends the JPA for six months, which gives the City an opportunity to understand the legal, regulatory, and technical aspects of having another service provider.

Councilmember Ezzy Ashcraft inquired whether the primary consideration for seeking an alternative provider is because EBMUD does not do maintenance on facilities that are not their own, to which the Public Works Coordinator responded in the affirmative.

Councilmember Ezzy Ashcraft moved approval of authorizing the City Manager to execute a short term agreement with the East Bay Municipal Utility District to provide

services for the City of Alameda's potable water system at Alameda Point.

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

(\*17-254) Recommendation to Approve the Webster Street Business Improvement Area (BIA) Annual Assessment Report; Approved; and

(\*17-254A) Resolution No. 15254, "Intention to Levy an Annual Assessment on the Webster Street BIA of the City of Alameda for Fiscal Year (FY) 2017-18 and Set a Public Hearing for May 2, 2017 to Levy an Annual Assessment on the Webster Street BIA." Adopted.

(\*17-255) Recommendation to Approve the Park Street Business Improvement Area (BIA) Annual Assessment Report; Approved; and

(\*17-255A) Resolution No. 15255, "Intention to Levy an Annual Assessment on the Park Street BIA of the City of Alameda for Fiscal Year (FY) 2017-18 and Set a Public Hearing for May 2, 2017 to Levy an Annual Assessment on the Park Street BIA." Adopted.

(\*17-256) Recommendation to Authorize the City Manager to Execute a First Amendment to the Agreement with the County of Alameda Extending the Term of the Community Paramedicine Pilot Program; Approved; and

(\*17-256A) Resolution No. 15256, "Amending the Fire Grants Fund Revenue and Expenditures Budget for Fiscal Year 2016-17 by \$246,048 from Alameda County for Costs Associated with the Extension of the Community Paramedicine Pilot Program." Adopted. [560-40]

## REGULAR AGENDA ITEMS

(17-257) 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 Advanced Roofing Services, Inc. a California Corporation, for Building 612 Located at 1450 Viking Street at Alameda Point. Introduced. [In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt under the CEQA Guidelines Section 15301(c) - Existing Facilities.]

Councilmember Matarrese inquired whether there are any other perspective lessees interested in the building.

Andrew Schmieder, Cushman and Wakefield, responded in the negative; stated the building is currently occupied by the tenant and is not being marketed.

In response to Councilmember Matarrese inquiry, the Assistant Community Development Director stated the building is not being marketed as a business retention

strategy; Building 612 is in the Enterprise Area; short term leases are being done to provide a consistent revenue stream and to maintain tenants in small buildings.

Councilmember Ezzy Ashcraft inquired whether the building will be marketed after 24 months.

The Assistant Community Development Director responded the Enterprise Zone is marketed in its entirety as a packet; short term tenants are kept so by the time the developer is ready to move forward, the tenant can be eased out of the building.

Mayor Spencer inquired whether the \$2,500 rent is the going rate for a 4,000 square foot building at Alameda Point, to which Mr. Schmieder responded in the affirmative; stated the rent has been increased 6%.

Mayor Spencer moved introduction of the ordinance.

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

(\*17-258) Recommendation to Accept Status Report on Tidal Canal Project Phase I and Provide Direction to Staff on Moving Forward with Phase II and Phase III. Accepted.

The Assistant City Attorney gave a Power Point presentation.

Councilmember Ezzy Ashcraft inquired the height of the fence which is proposed to be constructed around the bulkhead, to which the Assistant City Attorney responded the standard height is six feet; the proposed fencing would be for safety and would not obstruct the view.

In response to Councilmember Oddie's inquiry, the Assistant City Attorney stated the strategy is to treat everyone the same with two exceptions; one property on the west side added landscaping and private asphalt, reducing the pathway to five feet wide; the City proposes to retain the existing improvement under a license agreement; the second exception is the property which added a pool and stairs.

Councilmember Oddie inquired whether the plan is to add fencing for the remaining three properties, to which the Assistant City Attorney responded in the affirmative; stated there is the exception for the property on the eastern most point with the pool and stairs, which is encroaching on City land; the costs to remove the encroachments are prohibitive, so staff is considering offering a leasing arrangement.

Councilmember Oddie inquired why the City issued a permit for the pool to be built if the property is City-owned.

The City Planner responded permits and the project were never finalized; the City inspector stated there is a problem and the project cannot move forward.

Mayor Spencer stated that she reviewed the project permit history which showed two inspectors made multiple approvals, but at the end the project was denied.

Vice Mayor Vella inquired whether the City has had the property surveyed, to which the Assistant City Attorney responded in the affirmative; stated as part of Phase 1, the area was surveyed as recently as last year by the RJA Firm.

Vice Mayor Vella inquired what type of survey was performed, to which the Assistant City Attorney responded RJA Firm did a public record search, pulled title reports on every single parcel, and conducted an aerial survey to get existing conditions.

Vice Mayor Vella inquired whether the firm review permits from the past as part of the survey, to which the Assistant City Attorney responded in the negative.

Councilmember Oddie inquired whether the City is planning to make the property owners pay the same price, to which the Assistant City Attorney responded the affirmative; stated even though the public access easement will be recorded on title, the property owners would have full use of the lot until the City decides to build a public dock; there is no diminution of the price.

Councilmember Ezzy Ashcraft inquired whether the pool lot is the most encroaching, to which the Assistant City Attorney responded in the affirmative; continued the presentation.

Councilmember Ezzy Ashcraft inquired when was the last conversation with homeowners, to which the Assistant City Attorney responded that he spoke with some homeowners last week and other homeowners in December.

Councilmember Ezzy Ashcraft inquired whether the Assistant City Attorney only met with one homeowner between December and tonight's Council meeting.

The Assistant City Attorney responded in the affirmative; stated that he informed property owners that he would follow up with them after getting direction from Council tonight.

Mayor Spencer inquired what is the width of the public access sidewalk with the landscaping, to which the Assistant City Attorney responded approximately five feet.

Mayor Spencer stated the Recreation and Park Commission discussed allowing small water craft access, such as a kayak; inquired about the public access points and whether the five foot width would be sufficient for kayaks.

The Assistant City Attorney responded the access points were initially put in as a view corridor; stated the City is proposing changing the use to allow water access.

The Recreation and Parks Director stated the Recreation and Parks Commission voted 18 feet would be adequate to launch small water craft and that one public dock would suffice.

In response to Mayor Spencer's inquiry, the Recreation and Parks Director stated the Recreation and Parks Commission did not want to allow large motorized water craft at the access point; the Division of Boat and Waterways requires boat trailers to have turnarounds; having large motorized vessels would be unsafe; there should be a full public process.

In response to Mayor Spencer's inquiry on fencing material, the Assistant City Attorney stated staff plans to work with the neighbors; depending on the choices, the City will work with the property owners on the materials and safety parameters.

Mayor Spencer inquired what the City has done to protect its rights along the public access point, to which the Assistant City Attorney responded he does not know what efforts the City has made since 1912, but efforts have not been sufficient to prevent encroachments.

Mayor Spencer inquired whether the City has put up its own fencing, to which the Assistant City Attorney responded in the negative.

Mayor Spencer inquired whether the City has made efforts to ask homeowners to remove the encroachments, to which the Assistant City Attorney responded he does not know of any efforts at this time.

In response to Mayor Spencer's inquiry, the Assistant City Attorney stated staff proposed an 18 foot public access easement dock; the Planning Board recommended 35 feet to cover entire bulb out; new information revealed the bulb out on the land is 60 feet, but the Planning Board still recommends 35 feet.

In response to Mayor Spencer's inquiry, the City Planner stated staff is asking if Council wants to proceed in subdividing the land to sell the parcel.

Mayor Spencer inquired whether the matter has been discussed at a Planning Board meeting and shared with the public, to which the City Planner responded in the negative; stated the matter has not yet been to the Planning Board but will go in the future.

In response to Mayor Spencer's inquiry, the City Planner stated staff thought the City only owned 35 feet of the total 60 feet; one homeowner has 10 feet, the other homeowner has 15 feet, and the City owns the 35 feet in between; the Planning Board logic was the easement should be the 35 feet owned by the City.

Mayor Spencer inquired whether the City owns more than 35 feet, to which the City Planner responded in the affirmative; stated as of right now, the property has not been subdivided.

Councilmember Ezzy Ashcraft inquired whether the original intent of the bulb outs was to provide a view corridor, not public access, to which the City Planner responded the original intent is not known; it is an assumption since no access was made in the last 100 years.

Councilmember Ezzy Ashcraft inquired how did the point of having bulb outs come about if there are no recorded decisions by the City Council about the purpose of the pathways.

The City Planner responded that he can only speculate since the tentative map was presented to Council in 1912; given the shape of the bulb outs, the assumption is the public could walk to the bulb out to view the water.

In response to Councilmember Ezzy Ashcraft's inquiry, the City Planner stated the thought was that the Alameda community should have access to a public dock if property owners will have access to the water from their personal docks; the Planning Board wanted to make sure there is enough space for public access and to reserve the space in the future.

In response to Vice Mayor Vella's inquiry, the Assistant City Attorney stated the revelation that the City owns 60 feet of the property came about as an evolution; the initial purpose of the project was to facilitate the transfer the property from the federal government to private citizens; addressing the issues regarding the public access was not part of the project; when public access issues came up, the initial purpose was hijacked; staff made a decision to deal with the issues that have been festering while working through the property transfer issue; the public access area was not federal property, it was always the City's property; selling the property to the adjacent property owners would prevent the community from having a public dock.

Vice Mayor Vella stated she is concerned about numbers changing; the City needs to show the work and that the numbers are consistent and correct; she would like to see more information on how staff arrived at the numbers; it is not clear to the general public.

In response to Vice Mayor Vella's inquiry about whether the City issued fence permits, the Assistant City Attorney stated fences under six feet do not require permits; he does not know if a permit was issued for a retaining wall higher than six feet.

Vice Mayor Vella inquired whether any walls were permitted, to which the Assistant City Attorney responded the City has not done permit histories except for the bulb out property.



Councilmember Oddie stated that he thinks the fences are over six feet; expressed concern that the City did not know the numbers.

Mayor Spencer inquired whether permits were issued for decks that extend into the bulb out, to which the Assistant City Attorney responded the City did not a full permit history; staff wanted to get direction from Council first.

Mayor Spencer stated the home at 3267 Fernside Avenue has permits, including signed-off for a seawall, dock replacement, and gangway which cost over \$15,000; their improvements extend into the proposed 35 feet; inquired whether the City will ask the homeowner to remove the portion which extends into the 35 feet, or if the homeowner will receive their money back.

The Assistant City Attorney responded nothing will happen until Council decides on if and where a public dock should be; stated staff hopes the property owners obtained proper permits; staff is proposing to sell property owners the submerged property behind their homes.

Expressed concern over the underuse of the public access points: John Knox White, Alameda.

Stated that she opposes Phase II as proposed; requested the City to repair the pavement and close the public access path from dusk to dawn; outlined safety concerns: Bethany Polentz, Adjacent Property Owner.

Discussed the best uses for the public access points; stated a boat launch would not be the best use; the Council has one shot to the project right: Serge Wilson, Alameda.

Stated most neighbors have responsible access to the water, she does not want to deny public access; it is the City's responsibility to keep the area safe and clean: Mary Anne Ostrom, Alameda.

Submitted information; stated public access is hidden and limited; urged Council not to go further and develop something negative: Jan Schlesinger, Alameda.

Stated expanding bulbouts will attract more nuisance and enforcement is difficult; the cost of putting docks in will be enormous and needs to be Americans with Disabilities Act (ADA) compliant: Former Councilmember Mike Gorman, Waterfront Homeowners Association (WHOA) Executive Committee.

Stated the purpose of the pathways 104 years ago was to be able to get access to the water in times of disaster; Phase 2 needs to be revamped dramatically and is unsafe: Kevin Peterson, Alameda.

Urged Council to approach the issue with a good lens, not just a literal view of a 100 year old map; encouraged Council to find an appropriate and safe solution: Ezra Roizen, Alameda.

Stated the City has an opportunity to have a public asset on the East End, urged Council to keep options open and not privatize public amenities: Brian McGuire, Alameda.

Stated Phase 1 was a convergence of cooperation; the property it is an odd asset, urged Council to be thoughtful in consideration and find a defensible, safe solution: Seth Hamalian, WHOA.

Councilmember Ezzy Ashcraft stated the Assistant City Attorney did an awesome job on the project; the City Attorney inherited the 100 year old mess; completing 91 transfers and only being held up by six is amazing; homeowners provided great testimony; she hears the concerns about safety; making the area safe and sensible is important; there are more sophisticated problems; she is glad the Police Department installed cameras.

The Police Chief stated he has been in contact with residents who have shared emails with photos and videos of incidents occurring in the area; regardless of where anyone is on this issue, no one should tolerate what happens there; calls to the Department increase with the increase of the homeless population; further stated the Department can do a better job of policing the area.

Councilmember Ezzy Ashcraft stated there needs to be some balance in whatever Council decides; the title needs to be wrapped up; Council has a decision to make about where to expend City resources and keep residents safe at the same time; she is distressed at the condition of the area and has immediate safety concerns; making the area safe should happen sooner rather than later.

The Assistant City Attorney stated the City has looked into temporary fencing to address the safety issue; funds are already allocated to take the immediate step.

Councilmember Ezzy Ashcraft stated that she supports pursuing the temporary fencing.

Councilmember Oddie concurred with Councilmember Ezzy Ashcraft; stated “reasonable and feasible options” is a good starting point; each of the six homeowners may require a unique solution; he would like the City have more outreach with homeowners for a custom solution; he is concerned about safety; assertion of the City’s property rights should be backed up with responsibility; safety is the priority.

Councilmember Matarrese stated that he supports the recommendation on direction to repair the pavement; the center access can be driven into, which is not a good situation; problems need addressing; staff needs to lock down the use; practical constraints should be considered; the review on how the public can access the water should be broadened; there are practical steps between the wants and what can be done; the

immediate hazard to public needs to be remedied; for everything else, there is no rush; the project should be done right.

Vice Mayor Vella stated there needs to be a conversation based on the usable space and the feasibility of the options; the public is asking for a better boat launch; there is opportunity to ensure the public is able to launch on both sides of Island; she was appalled by the conditions; liability is a concern; trash receptacles are needed; signage needs to be improved; there should be reflective lighting at the end and signage on the gate; homeowners did not know the location of the property line; the City has not done due diligence over the years to protect the property; she would like to preserve water access; there is not enough information to give advice on the matter at this point; conversations need to happen before potential uses are decided; resources should not be spent if a plan is not feasible.

Councilmember Ezzy Ashcraft stated that she would recommend accelerating Phase 3 so Council can make a good recommendation sooner rather than later.

Councilmember Matarrese inquired whether City land which has been determined to be encroached upon would have a license fee, to which the City Manager responded in the affirmative; stated the land will not be gifted.

Councilmember Matarrese stated the license fees would be a nice revenue stream as long as the fees are not constrained by law.

Mayor Spencer stated that she does not think the City has done anything to show the public the land is owned by the City; the City is responsible for knowing its land; inquired whether access to the water would be feasible for fire support.

The Fire Chief responded supplying water from the bulb out areas would be difficult; the firetrucks would not be able to get close enough to the water to pump it out; using fire boats from the water would only require alleyway access and a long hose.

Mayor Spencer stated that she does not think an ADA dock is possible, but she is happy to receive feedback it; she does not want to do Phase 3; the pavement needs to be maintained and improved signage for the three pathways is needed; a gate needs to be added to the top access; she does not want to change the use of the public access points; she would agree to an 18 foot area if it is large enough; she does not want to encourage large water craft use.

The City Manager summarized Council's direction; stated staff would not be able to commit tonight but will return with a short term solution; for the long term, staff can get input from neighbors and bring back a feasibility analysis with more detail and design components.

Councilmember Matarrese concurred with the City Manager; stated that he does not want staff to have total say on the use before coming back to Council; having a Recreation and Park Commission recommendation is appropriate.

Mayor Spencer concurred with Councilmember Matarrese.

Councilmember Oddie stated that he concurs with Councilmember Ezzy Ashcraft's suggestion to move Phase 3 ahead; he would like to know the practicality of building a public dock before the City locks the six property owners into an arrangement.

Councilmember Ezzy Ashcraft stated that she would like staff to meet with homeowners rather than making them appear at a public meeting.

Vice Mayor Vella stated if the Recreation and Park Commission desires to build a public dock, she hopes the discussion is not just limited to the three access points.

The Assistant City Attorney concurred with Vice Mayor Vella; stated other locations should be included in the analysis; reiterated Council's direction for the immediate action which includes safety fencing, repaving work, and signage.

In response to Mayor Spencer's inquiry, the Assistant City Attorney stated no fencing will be added on bulb outs on the land side; only safety fencing would be installed until further direction from Council.

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

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(17-259) Mayor Spencer inquired whether Council would be willing to continue hearing all the remaining items if it meant going past 11:00 p.m.

Councilmember Matarrese stated two of the referrals are the same, with support from three Councilmembers and he thinks Council will get through the referrals quickly.

Councilmember Oddie stated he is amenable to going past 11:00 p.m. if Council hears the Fire Department items [paragraph no. 17-256], the Cross Alameda Trail [paragraph no. 17-263], Bird Safe Buildings referrals [paragraph no. 17-266 and 17-267] and Shoreline Park referral [paragraph no. 17-268]; and postpone establishing priorities [paragraph no. 17-264].

Councilmember Ezzy Ashcraft stated she would not support not hearing establishing priorities [paragraph no. 17-264] tonight.

Councilmember Oddie moved approval of hearing the Cross Alameda Trail [paragraph no. 17-263], Bird Safe Buildings referrals [paragraph no. 17-266 and 17-267] and

Shoreline Park referral [paragraph no. 17-268] after 10:30 p.m.

Vice Mayor Vella seconded the motion.

The motion requires four affirmative votes, so it FAILED by the following voice vote:  
Ayes: Councilmembers Oddie, Vella and Mayor Spencer – 3. Noes: Councilmembers Ezzy Ashcraft and Matarrese – 2.

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(17-260) Resolution No.15257, “Approving Workforce Changes to Add Three New Positions to the Fire Department Fire Prevention Bureau Effective May 28, 2017: One Fire Captain and Two Fire Inspectors at the Firefighter or Apparatus Operator Rank for an Annual Cost of \$799,206.” Adopted; and

(17-260A) Recommendation to Authorize the City Manager or Designee to Negotiate and Execute an Agreement for the Purchase of Three Staff Vehicles and Miscellaneous Equipment in an Amount Not to Exceed \$188,684 to Support the Reinstatement of the Fire Prevention Bureau.

The Fire Chief gave a Power Point presentation.

In response to Councilmember Ezzy Ashcraft’s inquiry, the Fire Chief stated a total of 3.65 inspections are done per day per inspector.

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(17-261) Mayor Spencer stated a motion is needed to consider remaining items

Councilmember Ezzy Ashcraft moved approval of hearing the balance of the regular agenda and not hearing the referrals.

The motion failed for lack of second.

Councilmember Matarrese moved approval of hearing the balance of the regular agenda and the Bird Safe Buildings referrals [paragraph no. 17-266 and 17-267].

Vice Mayor Vella amended the motion to include Shoreline Park referral [paragraph no. 17-268].

Councilmember Matarrese seconded the motion.

The motion requires four affirmative votes, so it FAILED by the following voice vote:  
Ayes: Councilmembers Matarrese, Oddie, and Vice Mayor Vella – 3. Noes: Councilmember Ezzy Ashcraft and Mayor Spencer – 2.

Mayor Spencer moved approval of finishing the current item and hearing the Cross Alameda Trail [paragraph no. 17-263], Bird Safe Buildings referrals [paragraph no. 17-266 and 17-267] and Shoreline Park referral [paragraph no. 17-268].

The motion failed for lack of second.

Councilmember Ezzy Ashcraft moved approval of finishing the Fire items [paragraph no. 17-256] and the Cross Alameda Trail [paragraph no. 17-263]

The motion failed for lack of second.

Councilmember Matarrese moved approval of hearing the balance of the regular agenda, Bird Safe Buildings referrals [paragraph no. 17-266 and 17-267] and Shoreline Park referral [paragraph no. 17-268]

Vice Mayor Vella seconded the motion.

The motion requires four affirmative votes, so it FAILED by the following voice vote: Ayes: Councilmembers Matarrese and Vice Mayor Vella – 2. Noes: Councilmembers Ezzy Ashcraft, Oddie and Mayor Spencer – 3.

Councilmember Oddie stated he would like to get through at least three referrals.

Vice Mayor Vella moved approval of hearing the Cross Alameda Trail [paragraph no. 17-263], Bird Safe Buildings referrals [paragraph no. 17-266 and 17-267] and Shoreline Park referral [paragraph no. 17-268].

Councilmember Matarrese seconded the motion.

The motion requires four affirmative votes, so it FAILED by the following voice vote: Ayes: Councilmembers Matarrese, Vella and Mayor Spencer – 3. Noes: Councilmembers Ezzy Ashcraft and Oddie – 2.

Councilmember Oddie moved approval of hearing all remaining items.

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

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In response to Councilmember Ezzy Ashcraft's inquiry, the Fire Chief stated fire suppression staff would still be used; there are approximately seven inspections per month; distribution of the workload will change to have fair coverage and enhance completion rates; additionally, a new software program with email alerts will be implemented to track inspection progress.

Councilmember Ezzy Ashcraft stated the City of Oakland had some communication issues affecting a recent fire incident because departments used different software

which did not communicate; inquired how Alameda would make sure relevant departments could communicate with each other.

The Fire Chief responded the Fire Department is cross referencing with other departments to make sure nothing is missed; staff is reviewing all business licenses to make sure inspections are done, and assigning inspection dates so none are missed; the Building Department uses the same program for tracking permits; if an issue arises, the Fire Department will be alerted and can get involved.

In response to Councilmember Matarrese's inquiry, the Fire Chief stated the two agencies using non-sworn staff as Fire Inspectors are Oakland and Fremont.

In response to Councilmember Matarrese's inquiry, the Fire Chief stated the City has a non-sworn Code Compliance Officer and Fire Inspections are done by fire companies.

Vice Mayor Vella inquired whether adding two Fire Inspector positions is enough to get through the back log, to which the Fire Chief responded in the affirmative; stated having two inspectors and an additional Fire Captain would help the Code Compliance Officer do follow-up; he is concerned about not having a full-time Fire Marshall; he will come back to Council after the end of the Community Paramedic program to make a request for a management position.

Vice Mayor Vella inquired how much Alameda receives in Ground Emergency Medical Transportation (GEMT) funds, to which the Fire Chief responded \$275,000 per year on average; he expects to continue to ask for reimbursements.

Councilmember Oddie inquired what does the City lose as a community by not having a full time Fire Marshall, to which the Fire Chief responded the City loses the management aspect; there is no one to explain policy and give direction; the position is important enough that it should be stand alone; a lot of technical information comes from the position; the City would be missing out on regional meetings a Fire Marshall would attend to be informed of fire prevention and new codes.

Councilmember Oddie inquired whether not having a Fire Marshall or other resources would impact public events such as the Park Street festival, to which the Fire Chief responded things would be slowed down; the department is not functioning at the highest level; it will be more difficult when the Department loses the Chief from the Community Paramedic funding.

Councilmember Oddie stated there was a huge cost overrun with the EOC funding due to lack of management of the IT aspect; inquired what the City would lose by not having management expertise.

The Fire Chief responded the City would lose direct management of several things, including the Fire Prevention Bureau, quality control, quality assurances and quality improvement; a framework will be pieced together but making sure the plan is working

will be difficult without management to oversee it; the immediate objective is to complete the back-log of fire inspections; the bigger picture is that it will be harder to expand and be fully functional without management.

Mayor Spencer inquired whether the inspection fees are the same for a non-sworn and sworn inspector, to which the Fire Chief responded in the affirmative.

Mayor Spencer inquired whether there is an independent analysis of other agencies which indicate whether or not sworn or non-sworn positions is a good way of conducting the inspections.

The City Manager responded the Human Resources Department contacted the other cities; using non-sworn inspectors works for the City of Fremont, but they have a bigger department; there are more factors which determine whether cities select sworn or non-sworn inspectors.

The Fire Chief stated non-sworn Fire Inspectors do not have training or equipment and cannot be sent to an emergency.

Mayor Spencer stated nine Fire Fighters live in Alameda, which is 10% of the total; other cities require Fire Fighters to live in the city in which they work.

The City Attorney stated the resident status was a requirement in the past; the requirement is not legal.

In response to Mayor Spencer's inquiry, the City Manager stated Alameda does not require Fire Fighters live in a close radius to the City; having such a requirement would cut back on the quality of candidates.

Mayor Spencer inquired what is the difference in the estimated post-employment costs of sworn versus non-sworn.

The Human Resources Director responded there is no additional cost; everything, including benefits, is included in the total salaries.

Mayor Spencer stated additional revenue is estimated at \$400,000 per year; inquired where is the difference going to come from.

The City Manager responded \$170,000 from the General Fund would make up the difference.

Mayor Spencer inquired whether there would be no encroachment into General Fund with a non-sworn inspector, to which the City Manager responded in the affirmative.

Stated the matter should be part of a budget discussion; the City is facing pension costs and retiree medical costs; if the matter is not addressed in this budget cycle, each city



department will be asked to do more with less in the next budget cycle: Kevin Kennedy, City Treasurer.

Stated public safety is an area where he would not want to do more with less; protecting citizens is important; he supports staff; urged Council to bring back the Fire Prevention program: John Knox White, Alameda.

Stated there is a disconnect between sworn staff and non-sworn staff; having sworn inspectors creates a professional development tract; urged Council not to make the same mistakes as Oakland; stated Fire Inspectors need to be sworn staff: Dan Robertson, City of Oakland Fire Fighter.

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(17-262) Vice Mayor Vella moved approval of continuing the meeting past 11:00 p.m.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated that she would only support considering the current item.

The motion was not amended.

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

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Stated that he supports the item; he is surprised that a large number of buildings are not being inspected; it is the City's job to make sure there is staff and resources for inspections; urged support for the safety and betterment of Alameda: David Mitchell, Alameda.

Stated his concern turned to worry for the safety of family and community; urged Council to restore a sworn Fire Prevention Bureau: Dennis Popalardo, Alameda.

Councilmember Ezzy Ashcraft stated the issue is important; she is mindful of the budget but the issue cannot wait for a two year budget; she wants to make sure the City can pay for firefighters in their retirements; the City spends money to keep the community safe; Alameda has older structures; she would like funds to go to having buildings inspected; safety is the highest priority.

Councilmember Oddie stated Alameda is not immune to a Ghostship [Oakland fire] situation; cutting corners puts Firefighters and citizens lives in danger; the number one priority is to keep the community safe; he is concerned about lack of management and not having a Fire Marshall; the EOC budget overrun was an example of a failure of not having management in place; the Police and Fire Departments should not be run like a business; he fully supports the funding.

Councilmember Matarrese stated there is a risk of losing lives when buildings are not inspected; he is not convinced that Fire Inspectors have to be sworn; the City of Fremont is doing a fine job with non-sworn inspectors; other factors led to the Ghostship situation which goes beyond not having a sworn Inspector; he supports non-sworn staff.

Vice Mayor Vella stated that she thinks for less than a few hundred dollars, the City is getting double the bang for the buck; Alameda is already short-staffed; if the money is going to be spent, Alameda should have the extra bodies to backfill in emergencies; risks are greater when under-staffed; having a Firefighter out injured does not help staffing; funds generated by the Department counteract costs; she is concerned that the Department is not being brought back to full capacity and will be doing more with less; she does not want to outsource and would like to see sworn officers; she is ready to support the recommendation.

Mayor Spencer stated that she does not support the recommendation; Firefighters have to go through comprehensive training to fight fires and she does not want Firefighters to do inspections; she supports hiring inspectors to do inspections; inquired what is the current dollar amount of unfunded liabilities, to which the Assistant City Manager responded \$113 million.

Mayor Spencer stated the City could hire more non-sworn to do inspections and make sure Firefighters can fight fires; she does not want to confuse the two; Alameda has over 3,000 overdue inspections; Council's number one priority is safety; the City not having a long term financial plan is a serious problem.

Councilmember Oddie stated he would like to bifurcate the motion.

Councilmember Oddie moved adoption of the resolution approving workforce changes to add three new positions to the Fire Department Fire Prevention Bureau effective May 28, 2017: One Fire Captain and Two Fire Inspectors at the Firefighter or Apparatus Operator Rank for an annual cost of \$799,206.

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

Councilmember Ezzy Ashcraft moved approval of authorizing the City Manager or designee to negotiate and execute an agreement for the purchase of three staff vehicles and miscellaneous equipment in an amount not to exceed \$188,684 to support the reinstatement of the Fire Prevention Bureau; inquired whether the funds would come from the current Fire Department budget.

The City Manager responded in the affirmative.

Councilmember Matarrese seconded the motion, which carried by the following voice

vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Vella – 4. Noes: Mayor Spencer – 1.

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Mayor Spencer called a recess at 11:18 p.m. and reconvened the meeting at 11:23 p.m.

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(17-263) Recommendation to Approve Design Concept for Cross Alameda Trail Gap Closure on Atlantic Avenue between Webster Street and Constitution Way.

The Transportation Planner gave a Power Point presentation.

Councilmember Ezzy Ashcraft stated that she would like better graphics of the street level renderings; she cannot approve a plan without seeing better visuals.

The Base Reuse Director stated staff could have renderings prepared and come back to Council in June.

The Transportation Planner continued the presentation.

Stated the project is holding up two other projects; urged support of the plan: John Knox White, Alameda.

Stated Council does not need to delay the project; there was a unanimous vote from the Transportation Commission; the plan is good and is ready to move forward; delaying the plan holds up key pieces of Cross Alameda Trail: Brian McGuire, Alameda.

Stated 200 seniors live at Independence Plaza; she appreciates improved safety on both ends of major junctions; urged support of the plan: Vanessa Cooper, Alameda Housing Authority.

Vice Mayor Vella stated that she supports the midblock crossing adjacent to senior housing; she is concerned that the Transportation Commission did not include a midblock crossing; the crossing improves a lot of safety aspects of multi-modal transportation.

In response to Vice Mayor Vella's inquiry, the Base Reuse Director stated staff talked to the property owner about removing the left turn into Starbucks and they were not supportive; the Transportation Commission can still explore the issue.

Vice Mayor Vella stated she would want a bigger conversation with the property owner; it is a safety issue.

The Base Reuse Director stated staff has talked to the property owners a number of times; the property owners were adamant about prohibiting access.

Councilmember Ezzy Ashcraft inquired whether there is a median where pedestrians can get half way across the midblock crossing, to which the Transportation Planner responded in the negative; stated the proposed design is four feet wide but the requirement for ADA is six feet.

Councilmember Matarrese stated that he would like to see a midblock crossing; such crossing would be a good benefit for residents of Independence Plaza and the shopping area; it is necessary for Council to approve the plan in concept and review the design again; suggested going forward with the plan and come back with details; stated Alameda has engineers that could answer the number of questions raised.

Councilmember Oddie stated that he would like to move forward; he understands the need to have better information; he is prepared to support the project.

Councilmember Ezzy Ashcraft stated that she supports the project but needs clearer drawings; she is fine with the midblock crossing; engineers will come back with more information; she would like to know more that can be done for bicyclists and pedestrians to reduce traffic impacts.

In response to Mayor Spencer's inquiry, the Transportation Planner stated there are two lanes in each direction that enter and widen out to three lanes at the Webster Street intersection, Constitution Avenue and Atlantic Avenue.

Mayor Spencer stated having a midblock crossing is critical; the Housing Authority and Independence Plaza is very inaccessible at the moment; that she would not support the recommendation without a mid-block crossing and a left turn in the Housing Authority; she would like to see better illustrations.

The City Manager suggested Council approve the concept.

Councilmember Oddie moved approval of the design concept for Cross Alameda Trail Gap Closure on Atlantic Avenue between Webster Street and Constitution Way, with a mid-block crossing design option.

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

(17-264) Recommendation to Approve the City Council's Priorities Established at the February 17, 2017 Priority Setting Workshop, the Referral Tracking Table, the Revised Form for Submitting City Council Referrals and a Process for Ranking/Addressing New Referrals.

The City Manager made a presentation.

Stated Council referrals deserve more consideration; the current referral process is a

disservice to the Council and citizens; the chart was difficult to read; a better way to present the information to the public needs to be considered: Dorothy Freeman, Alameda.

Stated the chart is missing a timeline; urged Council to work harder to engage the public: Gretchen Lipow, Alameda.

Councilmember Matarrese stated once a referral is voted on it is no longer a referral; Council should be consistent; an estimate is needed as to when a referral would be done; the form needs to have a suggested priority level; suggested having the Eisenhower chart on the form; the understanding of referrals is that a Councilmember is not soliciting action other than to have Council agree before expending staff time.

Councilmember Oddie stated including the Eisenhower chart on the form is appropriate; he is concerned that there is no schedule or timeline; the community would benefit from a schedule that is regularly updated; having a schedule gives more notice, is more transparent, and would be an effective planning tool.

The City Manager outlined detail on the spreadsheet tracking referrals; including the Housing and Homeless, FAAS, and Zoning referrals.

Vice Mayor Vella stated the original date of the referral is missing from the chart; suggested changing 'next steps' to 'projected timeline' and including the original referral direction date to keep track; stated having a suggested priority level is helpful; she hopes there is discussion about the reality of how much time the referrals are going to take; expanding upon the upcoming items list and making it public would be helpful.

Councilmember Ezzy Ashcraft urged Council to give the new referral form a try; the form places focus on what the Councilmember is recommending and helps prioritize.

Mayor Spencer stated that she does not like the form and it is not transparent; she prefers to make it clear to the public that Council may be able to take action that night or give direction; the tracker chart is not useable and has way too small print; the tracker chart needs a timeline and consideration of how much time all items would take to get done, not just high priority.

The City Manager reminded Council agendas are packed; stated there is lots of work with limited staff; referrals could be piled on but other items will suffer; the City does not have the budget to add additional staff to handle non-critical referrals and does not recommend doing so.

Mayor Spencer stated the referrals are critical and some could have significant impact on the lives of residents.

Councilmember Oddie stated there needs to be a balance; the Council is the policymaking body and has the right to bring the referrals, which will not slow down.

Councilmember Ezzy Ashcraft stated the way things have been done is not yielding the results hoped for; staff has to come close to a workable format in order to move items forward.

Vice Mayor Vella stated Council is willing to take a first step and be cognizant of a timeline.

Vice Mayor Vella moved approval of revising the City Council referral form to include priority and urgency, as well as distinguish whether or not the referral is asking for Council action; [the tracking form] is to include the dates when the referral was brought, when Council took action, and a general timeline for all items.

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

#### CITY MANAGER COMMUNICATIONS

(17-265) The City Manager announced the hands across Alameda and Coastal Clean Up at Crab Cove as part of Earth Day.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(17-266) Consider Adopting a “Bird-Safe Buildings” Ordinance. (Vice Mayor Vella and Councilmember Oddie) [Not heard March 21 or April 4, 2017]

Council agreed to address the two bird safe building referrals together.

Vice Mayor Vella made brief comments regarding the referral.

Councilmember Matarrese stated the purpose of the referral is to establish an ordinance that people have to follow to make buildings bird safe.

Stated that she chose to live in Alameda because of its wildlife friendly reputation; urged Council to adopt a bird safe ordinance: Marjorie Powell, Alameda.

Stated it is time for Alameda to establish a bird safe ordinance; urged Council to adopt the referral: Linda Carloni, Friends of the Alameda Wildlife Reserve (FAWR).

Stated that she strongly endorses a bird safe ordinance; an ordinance establishes Alameda’s credentials as a bird safe city and would encourage other cities to do the

same: Patricia Gannon, FAWR.

Stated there are many development plans in Alameda; establishing a bird safe ordinance is urgent to ensure there is environmentally safe development: Cindy Margulis, Golden Gate Audubon Society.

Stated that she is excited that Alameda is joining the list of communities that are concerned about bird safe buildings: Leora Feeney, FAWR.

Discussed the importance of landscaping and trees for people who live near well-lit buildings: Pat Lamborn, Alameda.

Mayor Spencer stated that she submitted a separate referral based on the Golden Gate Audubon Society's standards for wildlife safety, not just bird safe; she would like a more comprehensive effort for protecting Alameda's wildlife, including artificial lighting and trees.

Vic Mayor Vella stated the sample draft ordinance could work and includes the importance of landscaping and future related standards, atriums, greenhouses, and some of the lighting aspects; she hopes the ordinance addresses some of Mayor Spencer's concerns; she would like the effort to be comprehensive as well, not just piece-meal.

Councilmember Oddie stated the draft Ordinance from the City of Richmond addresses the concerns; he would like Alameda to be celebrate being recognized for the effort; Alameda has done a lot of work to protect wildlife; Councilmember Matarrese took the lead on protecting the seals; taking the next step is important.

Mayor Spencer stated that she wants to make sure Council is agreeable to combining the referrals for a comprehensive effort.

Councilmember Ezzy Ashcraft stated Council should place the appropriate priority level on the referral; the matter will go to the City Planner for review; she would like to know all the considerations.

In response to the City Manager's inquiry, Councilmember Matarrese stated the referral is a medium priority similar to the lighting ordinance.

Councilmember Matarrese moved approval of giving direction to consider a comprehensive bird friendly ordinance with protections for other wildlife.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated while staff is reviewing the applicable criteria, the referral could be dependent on, and combined with, other projects or work efforts.

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

(17-267) Consider Directing Staff to Provide Standards for Bird-Safe Buildings for Council to Adopt.

Considered as part of the first bird-safe buildings referral. [paragraph no. 17- 266].

(17-268) Consider Directing Staff to Prepare a Report on the City of Alameda Acquiring/Taking Title to the Uncompleted Strip of Shoreline Park next to Harbor Bay Parkway.

Mayor Spencer made comments regarding the referral.

Stated Council should clarify that the property is park land: Pat Lamborn, Alameda.

Urged Council to move forward with the referral: Cindy Margulis, Golden Gate Audubon Society.

Councilmember Matarrese moved approval of the referral.

Councilmember Ezzy Ashcraft stated the adjacent property owner should pay for developing the park land; she does not support the City taking on the responsibility that rightfully belongs to a developer.

The City Attorney stated preliminary research of the documents and the strip of land indicates it is already to be dedicated to the City; there is a public access easement across the property; the idea is that when a developer develops the adjacent property, the City typically requires the developer to do some initial improvements to the strip of land, which is why the City has not yet taken the property.

Councilmember Matarrese stated the original referral regarding the issue is to direct staff to bring back a report on the request; he would like to see a report on what steps need to be taken to acquire the property; Council does not need to decide tonight whether to take the property, but he would just like to know what are the considerations; a report would help make the determination.

The City Attorney inquired whether the strip of land is the only consideration or if Council is interested in a broader piece of property, to which Mayor Spencer responded just the strip.

The City Manager inquired whether Council would like cost estimates to purchase, to which Mayor Spencer responded she would like to know the status; stated she understands the City could take title.



Vice Mayor Vella stated knowing what the cost would be to fix up the park would be helpful; she would also like to know whether the City would lose the ability to make improvements if a developer develops the property later.

Councilmember Oddie stated that he would rather take title when the property is developed instead of taking it now.

Councilmember Ezzy Ashcraft inquired whether the issue is ripe; stated that she thought the hotel owner is planning to make another application.

Mayor Spencer stated the discussion should not be about the merits of the referral; Council is being asked to provide direction to staff to provide more information.

The City Attorney stated staff would be happy to come back with a report on the current status of the property.

Vice Mayor Vella stated the report could be rolled into a presentation if a new application is submitted, rather than asking staff to address it now.

Mayor Spencer stated that she is concerned the City having a right to the strip of land was not made clear at the Bay Conservation and Development Commission (BCDC).

Vice Mayor Vella stated the City Attorney's interpretation of the property rights appears to be different than the developer's interpretation; it would be helpful to get guidance.

Mayor Spencer stated that she does not want to wait until the developer submits an application; she would like the issue to be resolved so the Council and community know whether the property is the City's and how much it would cost.

Vice Mayor Vella inquired whether the City Attorney has information readily available, to which the City Attorney responded in the affirmative; stated staff has started pulling together the documents so an analysis of the City's rights could be done relatively quickly.

Councilmember Oddie stated he is concerned taking action on the referral so quickly would bump other referrals; he does not think the referral has a higher priority than some others.

Councilmember Matarrese restated the motion to approve the referral, including receiving a report on the current status of the property and whether a future developer would still have to provide improvements as a public benefit if the City takes title to the property.

In response to Vice Mayor Vella's inquiry regarding the referral's priority, Councilmember Matarrese stated the referral is medium priority; he does not think the

issue is more important than the homelessness, mix used, and social development referrals, which he deems are frontline issues.

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

Mayor Spencer moved approval of adjourning the meeting and bringing back the remaining referrals.

Councilmember Matarrese moved approval of tabling the remaining referrals.

Councilmember Ezzy Ashcraft stated a motion for reconsideration should be made by a Councilmember who voted against it.

The City Attorney stated a motion for reconsideration would need to come from a Councilmember who would be changing their position.

In response to Councilmember Matarrese's inquiry, the City Attorney stated if Council votes to table the remaining items, the agenda is finished and Council can adjourn the meeting.

Councilmember Ezzy Ashcraft stated Council has kept the Housing Authority Executive Director waiting all evening; she would like Council to hear the Housing Authority item [paragraph no. 17-269].

Councilmember Ezzy Ashcraft moved approval of hearing the Housing Authority referral [paragraph no. 17-269] and tabling the Climate Protection [paragraph no. 17-270] and Rules of Order [paragraph no. 17-271] referrals.

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

(17-269) Consider Directing Staff to Present the Steps for City Council to Return to Its Role as Board of Commissioners for the City of Alameda Housing Authority.

Councilmember Matarrese made comments regarding the referral.

The Housing Authority (HA) Executive Director made comments regarding the referral.

Mayor Spencer inquired why the HA was initially separated from the City, to which the HA Executive Director responded the 2012 separation was done to put a fiscal and reputational firewall in place; stated the HA assets, which have large capital needs, could be dealt with solely by the HA and not impacted by the City constraints.

Councilmember Oddie stated that he would like to hear more about the plan; there is no accountability to an elected official; the buck stops at Council with housing and rent

issues; not having control over issues is difficult; having the discussion is important; he supports the referral.

Councilmember Ezzy Ashcraft stated that she does not support Council returning to its role as Board of Commissioners for the HA; doing so would mean Council has the potential of placing the HA Section 8 funds in jeopardy; she feels the remedy is extreme with a lot of dangerous repercussions.

Vice Mayor Vella stated that she has concerns about the fiscal impacts; Council could address some of the rent program issues in connection with the services contract; she would prefer to maintain the basic relationship instead of taking the bigger step and placing funds in jeopardy.

Mayor Spencer stated that she would like to have more discussion on the referral; suggested a presentation from the HA to help Council understand how issues are being addressed; Council could reconsider after receiving more information; she does not support the referral at this point.

Councilmember Ezzy Ashcraft stated the matter is not agendized and Council cannot provide direction beyond directing staff to present steps as the referral states.

In response to Mayor Spencer's inquiry, Councilmember Matarrese stated modifying his referral would no longer make it a referral; suggested the next Rent Review Advisory Commission (RRAC) report or the management of rental complaints be expanded to include the status of the HA projects.

The HA Executive Director stated there are privacy issues which may prevent disclosing tenant information; she would only be able to inform Council of general, statistical information.

Councilmember Matarrese withdrew the referral.

(17-270) Consider Directing Staff to Review and Update Alameda's 2008 Local Action Plan for Climate Protection. Not heard.

(17-271) Consider Reviewing and Updating the Rules of Order for City Council Agendas and Meetings. Not heard.

## COUNCIL COMMUNICATIONS

None.

## ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 1:53 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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