

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JUNE 20, 2017- -5:00 P.M.

Mayor Spencer convened the meeting at 6:00 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:

(17-369) 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 announce direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:47 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES FOR THE SPECIAL JOINT MEETING OF THE  
CITY COUNCIL AND SUCCESSOR AGENCY TO  
THE COMMUNITY IMPROVEMENT COMMISSION (SACIC)  
TUESDAY- -JUNE 20, 2017- -6:59 P.M.

Mayor/Chair Spencer convened the meeting at 7:02 p.m. and led the Pledge of Allegiance.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

Councilmember/Commissioner Oddie seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*17-370 CC/17-008 SACIC) Recommendation to Accept the Second Quarter Financial Report for the Period Ending December 31, 2016. [City Council and SACIC]. Accepted.

(\*17-371 CC/17-009 SACIC) Recommendation to Accept the Third Quarter Financial Report for the Period Ending March 31, 2017. [City Council and SACIC]. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Spencer adjourned the meeting at 7:03 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk and Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JUNE 20, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:03 p.m.

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

Absent: None.

AGENDA CHANGES

(17-372) Mayor Spencer announced the work force change resolution [paragraph no. 17- ] would not be heard.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(17-373) Proclamation Declaring June 19, 2017 as Juneteenth Day.

Mayor Spencer read the proclamation and presented it to Robbie Wilson.

ORAL COMMUNICATIONS, NON-AGENDA

(17-374) David Maxey, Alameda, discussed the influx of traffic, the School District and the shortage of schools.

(17-375) Lisa Klofkorn and Jim Lott, Jackson Park Heritage Area, expressed appreciation for the prompt response and painting the Kentucky Fried Chicken (KFC).

(17-376) Mary Manning, Jackson Park Watch/Park Avenue Heritage Area, expressed appreciation for the prompt response and painting the KFC; encouraged the City to increase the 100 foot notification requirement.

Mayor Spencer inquired whether staff could review expanding the 100 foot notification requirement.

The City Manager responded in the affirmative; stated the requirement is typically 300 feet; the KFC issue was presented differently to the Planning Board.

The Planning Services Manager stated KFC inquired about painting the building over the counter; the Planning Department informed KFC a permit was not required since the color palette was approved in 2008; the Planning Department has reached out to KFC to inform them they must return to the previous color palette; design review requires 100 foot notice and public hearings require 300 foot notice.

Mayor Spencer inquired whether a referral needs to be done to review the notice

requirement.

The City Manager responded a referral is needed; stated the City is honoring the original color palette which required a 300 foot notice in 2008.

### CONSENT CALENDAR

Mayor Spencer announced the legal notices contract [paragraph no. 17- ] was removed from the Consent Calendar for discussion and the work force change resolution would not be heard [paragraph no. 17- ].

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.]

(\*17-377) Minutes of the Special Joint City Council and Alameda Public Financing Authority (APFA) Meeting Held on May 2, 2017, the Special and Regular City Council Meetings Held on May 16, 2017 and the Special City Council Meeting Held on May 17, 2017. Approved.

(\*17-378) Ratified bills in the amount of \$2,735,188.67.

(\*17-379) Recommendation to Approve an Interfund Loan of \$700,000 from the General Fund to the Development Impact Fees (DIF) Parks Fund and \$700,000 from the Fleet Industrial Supply Center (FISC) Lease Revenue Fund to the DIF Parks Fund for the Financing of the Estuary Park Improvements Project. Accepted.

(\*17-380) Recommendation to Award a Contract in the Amount of \$156,359 to IPS Group, Inc. for the Upgrade of Alameda's Single Space Parking Meter Revenue Collection and Vault Equipment. Accepted.

(17-381) Recommendation to Award a Contract for the Publication of Legal Notices to the Alameda Journal for Fiscal Year 2017-18.

Councilmember Oddie inquired whether the difference in the two numbers for the verified audit makes a difference in the bid process.

The City Attorney responded the Government Code determines what a legal newspaper is; newspapers have to be adjudicated by a court to meet the requirements; there are a couple of tests; the audit is not part of the tests; the Alameda Journal was adjudicated in 1992; the Alameda Sun is now adjudicated; the Alameda City Charter requires the City Clerk to solicit bids from adjudicated newspapers annually and to award the contract to the lowest responsive bidder; the Alameda Sun would need to petition the court if they

believe any information they have could affect the adjudicated result.

Councilmember Oddie inquired whether the City is required to go with the lowest bid.

The City Attorney responded in the affirmative; stated the Charter states to go with the lowest and best bid; read the Charter Section 3-18.

Councilmember Oddie inquired whether the word best is defined.

The City Attorney responded in the negative.

Mayor Spencer inquired whether the word best allows an opening to evaluate beyond the lowest bidder.

The City Attorney responded if Council can find a reason why one is better than the other when both are adjudicated legal newspapers.

Councilmember Matarrese stated the local ownership and local operation of the Alameda Sun qualifies it as being the best.

Councilmember Oddie added the local circulation based on the audit numbers shows the Alameda Sun's circulation is higher.

Councilmember Matarrese moved approval of accepting the Alameda Sun, by virtue of its higher circulation and its local ownership, qualifying it as best and should be awarded the contract for legal notices for the City of Alameda.

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Vella stated the prices are substantially higher for the Alameda Sun; requested the difference in the circulation be clarified for the record.

Mayor Spencer inquired whether there it is possible to do six months with the Alameda Journal and six months with the Alameda Sun.

Councilmember Ezzy Ashcraft stated awarding the contract to the Alameda Sun would cause the cost to triple; inquired where the funds would come from.

The City Manager responded the total cost would go from \$18,000 to approximately \$60,000; the amount would be split between departments who utilize the service, of which one quarter comes from the General Fund.

Vice Mayor Vella inquired which departments primarily use the service.

The City Manager responded primarily the Planning Department.

Mayor Spencer inquired whether Councilmember Matarrese would accept a friendly amendment to the motion to do six months with the Alameda Journal and six months with the Alameda Sun; stated generally people receive one paper or the other, not both.

Councilmember Matarrese did not accept the friendly amendment to the motion.

Vice Mayor Vella inquired what the exact numbers are for the circulation on each newspaper.

The City Clerk responded the Alameda Sun is 23,500: paid circulation is 175, free circulation is 22,930; the Alameda Journal is 18,012.

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

(\*17-382) Recommendation to Authorize the City Manager to Execute a Second Amendment to an Agreement with BKF Engineers to Add the Amount of \$42,461 for a Total Agreement Amount of \$297,964 for the Design of the Cross Alameda Trail, Webster Street to Sherman Street through Jean Sweeney Open Space Park. Accepted.

(\*17-383) Recommendation to Award a Contract in the Amount of \$3,353,576, Including Contingencies, to McGuire and Hester, for Cross Alameda Trail - Jean Sweeney Improvements Project, No. P.W. 05-16-11; and

(\*17- 383B) Approve a \$900,000 Interfund Loan for the Financing of Cross Alameda Trail - Jean Sweeney Improvements Project. Accepted; and

(\*17-383C) Resolution No. 15274, “Amending the Capital Budget for Fiscal Year 2016-17”. Adopted.

(17-384) Adoption of Resolution Approving One Workforce Change at Alameda Municipal Power: Add One New Position, Utility Distribution Automation Analyst; and Amend the Salary Schedule of Electric Utility Professionals of Alameda (EUPA) to Add the Classification Title of Utility Distribution Automation Analyst, Effective June 25, 2017. Not heard.

(\*17-385) Resolution No. 15275, “Authorizing the Mayor to Sign a Memorandum of Understanding (MOU) Regarding the Formulation and Implementation of Sister City Relations Between Yeongdong-gun (County of Yeongdong), South Korea and the City of Alameda.” Adopted.

(\*17-386) Ordinance No. 3181, “Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Five-Year Lease with Two Five-Year Extension Options and a Right of First Negotiation to Purchase with Saildrone, Inc. a Delaware Corporation, for Building 12 Located at 1050 West Tower Avenue at Alameda Point.” Finally passed.

## REGULAR AGENDA ITEMS

Regular Meeting  
Alameda City Council  
June 20, 2017

(17-387) Resolution No. 15276, “Reappointing Ann McCormick as a Member of the Public Utilities Board.” Adopted;

(17-387A) Resolution No. 15277, “Reappointing Christopher Griffiths as a Member of the Rent Review Advisory Committee (RRAC) (Tenant Seat).” Adopted;

(17-387B) Resolution No. 15278, “Appointing Sarah Murray as a Member of the RRAC (Housing Provider Seat).” Adopted; and

(17-387C) Resolution No. 15279, “Appointing Claudia Medina as a Member of the Social Service Human Relations Board.” Adopted.

Mayor Spencer moved adoption of the resolutions.

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

The City Clerk administered the oath of office and presented certificates of appointment to Ms. McCormick, Ms. Murray and Ms. Medina.

Ms. McCormick, Ms. Murray and Ms. Medina all made brief comments.

(17-388) Introduction of Ordinance Amending Ordinance 3850 Approving and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of an Amended and Restated Lease with Bay Ship and Yacht Corporation to Clarify the Parties Obligations, Modify the Leased Premises and Adjust Rent Payments for the Tideland Property Located at 2900 Main #2100 and Surrounding Area. Introduced.

The Assistant Community Development Director gave a brief presentation.

Mayor Spencer stated at a Planning Board meeting, she became aware that Bay Ship and Yacht is possibly working with an adjacent developer; inquired whether the amendment has nothing to do with the Bay Ship and Yacht project.

The Assistant Community Development Director responded the leasehold mortgage agreement could possibly apply to the project because the wording says Alameda commercial properties and adjoining premises; the property under negotiations adjoins to the property.

Mayor Spencer inquired whether the language in the original lease.

The Assistant Community Development Director responded the language is a change to the lease.

Mayor Spencer inquired why the language being added.

The Assistant Community Development Director responded the language is being added due to Bay Ship and Yacht purchasing title from Alameda Gateway; the language does not exclude the new adjoining properties; language has been added, in concept, for the City's Tidelands and Alameda Gateway.

Councilmember Ezzy Ashcraft moved introduction of the ordinance amending Ordinance 3850 approving and authorizing the City Manager to execute documents necessary to implement the terms of an amended and restated Lease with Bay Ship and Yacht Corporation to clarify the parties obligations, modify the leased premises and adjust rent payments for the Tideland Property located at 2900 Main #2100 and surrounding area.

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

(17-389) SUMMARY TITLE: This Ordinance facilitates shared living facilities in certain zoning districts, with a discretionary use permit, to allow private living quarters without private kitchen facilities.

Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter XXX (Zoning Ordinance) to Add Shared Living to the Definitions and the Commercial Districts with Approval of a Use Permit in the Neighborhood Business, Central Business, and Community Commercial Districts. The Amendment Allows a Proposed Shared Living Project at 1629 Webster Street. [The proposed amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations]. Introduced.

The Planning Services Manager gave a Power Point presentation.

Councilmember Matarrese stated that he is ready to support the ordinance.

Councilmember Ezzy Ashcraft stated that she fully supports the project; the project is good for Webster Street and the seniors that will utilize the space; the project will provide much needed housing.

Councilmember Oddie moved introduction of the ordinance.

Vice Mayor Vella stated that she hopes the price will be kept affordable; the project allows more [housing] options.

Mayor Spencer inquired whether future builders or businesses would still need to go through the discretionary use permit process.

The Planning Services Manager responded in the affirmative; stated proposals involving a new building would require design review; shared living uses would be conditionally



permitted; any approval would require a public hearing, a discretionary use permit and noticing within 300 feet.

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

(17-390) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Amending Regulations Pertaining to Second Units/Accessory Dwelling Units (ADU), and Related Regulations, for Compliance with State Law. Introduced.

The Planning Services Manager gave a Power Point presentation and provided revised ordinance language.

Mayor Spencer inquired whether the proposed amendments are in the packet.

The City Clerk responded in the negative.

Mayor Spencer requested the amendments be shown on the overhead projector.

Councilmember Matarrese inquired whether waiving the parking requirement does not dispense of requiring design review for an addition to a house.

The Planning Services Manager responded in the affirmative.

Councilmember Oddie inquired whether the City could certify making ADU housing affordable.

The Planning Services Manager responded under the State law, the City is no longer allowed to add requirements above and beyond the State requirements; stated an affordability requirement would be considered burdensome.

Councilmember Oddie stated the City has received a lot of correspondence on the size of ADUs; inquired whether the City has flexibility.

The Planning Services Manager responded the State recommends at least 850 square feet to be a viable investment for homeowners; stated the Planning Board recommends going with the State standard of 1,200 square feet to provide for flexibility; a lot of Alameda properties would not meet the requirements to build a 1,200 square foot ADU.

Councilmember Oddie inquired how many Alameda homes are eligible for up to 1,200 square foot ADU.

The Planning Services Manager responded 15% of single family lots, which is approximately 1,000 units.

Vice Mayor Vella inquired where the cap of 3,000 square feet or greater came from if the State is capping the expansions at 1,200.

The Planning Services Manager responded the 3,000 square foot threshold already exists in parking requirements; stated in the City of Alameda, for a single family home, the parking requirement is 2 parking spaces; if the home exceeds 3,000 square feet, the requirement is 3 parking spaces; the Planning Board deferred to the existing parking requirement as a standard.

Vice Mayor Vella inquired whether there is anything preventing the City from incentivizing affordability with ADUs.

The Planning Services Manager responded inclusion of incentives would depend on how the regulation is drafted.

Vice Mayor Vella stated visibility is a concern for many residents; inquired whether the requirement could read: “where the proposed design would be visible from the street.”

The Planning Services Manager responded defining “visible from the street” would be problematic; stated the Planning Board regulations pertain to an ADU being built in homes with a very large front yard or a corner lot home.

Vice Mayor Vella inquired what would the process be if an ADU is being proposed on a detached garage in a house that is in a historical district.

The Planning Services Manager responded the design of the addition needs to be the same style of the existing house.

Vice Mayor Vella inquired whether the information would be given during the design review permitting process, to which the Planning Services Manager responded in the affirmative.

Vice Mayor Vella inquired whether the owner occupancy requirement would require the owner to remain in the property until completion of the addition of the ADU.

The Planning Services Manager responded staff would review the requirements; stated if staff finds any issues, the ordinance could be amended.

Councilmember Ezzy Ashcraft stated a concern is that there is no way to receive input from neighbors; inquired whether there is a way to incorporate input from neighbors.

The Planning Services Manager responded the ordinance requires a ministerial review process; the State would consider public comment a burdensome requirement.

Vice Mayor Vella inquired whether the Housing Authority Board (HAB) would be involved in any of the design review process.

The Planning Services Manager responded there are certain restrictions with the ministerial review process; if the ADU does not meet the required checklist, the project would be under discretionary review.

Mayor Spencer inquired whether the State requirement legally allows the City to have an applicant, who wants to build an ADU over 600 square feet, apply for a use permit for design review to allow public review of the impact to neighboring properties.

The Planning Services Manager responded the State law sets an upper ceiling for the size of an ADU and allows cities to set an appropriate maximum size for the ADU; if Council sets an upper ceiling and a homeowner wants to go above that ceiling, the project would need to go through the design review process.

Mayor Spencer inquired if the project would have to go through design review if the design is not consistent.

The Planning Services Manager responded staff is proposing specific design standards; stated the design standards provide scenarios about what staff will evaluate; review for consistency will be done using the City's adopted design review manual as a guide.

Mayor Spencer stated the Alameda Architectural Preservation Society (AAPS) is concerned about a proposed change to the design review process; inquired whether there is a change to the process.

The Planning Services Manager responded the City would still require going through design review and apply guidelines to the proposals.

Mayor Spencer inquired whether the language is the same with regards to the design of the ADUs.

The Planning Services Manager responded the process is the same; stated the language has been expanded to address front yards and corner lots.

Mayor Spencer inquired whether the language in the current ordinance states that every time an ADU is designed, it must be consistent with the primary residence.

The Planning Services Manager responded the language is being changed.

Mayor Spencer inquired if there is more flexibility.

The Planning Services Manager responded there is not more flexibility; stated there are different standards; a number of requirements have been added.

Mayor Spencer inquired if the language allows for secondary units that are not consistent with the primary residence.

The Planning Services Manager responded only if the primary dwelling does not have any specific architectural style.

In response to Mayor Spencer's inquiry about changing the language, the Planning Services Manager stated the proposed language is from the design review manual; staff tried not to use new words; the word compliment is already in the language.

Councilmember Oddie inquired whether the Bay Farm Island housing subject to Covenants Conditions and Restrictions (CC&Rs) would also be subject to the requirements.

The Planning Services Manager responded the Bay Farm Island homes are also subject to State Law.

Stated State law prohibits making the ADU affordable; a full design review with public input is important: David Baker, Alameda.

Stated historical value is lost by adding something that was not there originally; requested if the home is on the Historic Building Study List, contemporary compatible is an acceptable design guideline: Alan Teague, Alameda.

Urged the Council to make ADUs as feasible as possible to build; urged Council not to make requirements that would eliminate prefab construction: Alexandra Saikley, Alameda.

Expressed concern with adding housing to a historic city; stated the addition of ADUs will result in the loss of parking and green space: Doree Miles, Alameda Architectural Preservation Society (AAPS).

Expressed support for the AAPS recommendations: Erich Stiger, Alameda.

Expressed concern about the language; stated limiting the size will be a safe way to preserve the integrity of the town: Alice Chen, Alameda.

Expressed support for the full 1,200 square feet being made available for second units; stated increasing density will encourage people to get out of cars: Angela Hockabout, Alameda Home Team.

Showed a diagram of a 1,200 square foot ADU; stated limiting the size of an ADU to 600 square foot is reasonable; the proposed language is very subjective: Christopher Buckley, AAPS.

Urged design review be retained: Pat Lamborn, Alameda.

In response to Councilmember Ezzy Ashcraft's request for clarification on the proposed

ordinance, the Planning Services Manager stated the plans will still go through a review process for ministerial review: staff would still review plans; under State law, the City has 120 days to take action; plans would be reviewed against the City's adopted design review manual and design guidelines; the ministerial process does not require notification to the neighborhood.

In response to Councilmember Ezzy Ashcraft's inquiry about the percentage of coverage and non-permeable surfaces, the Planning Services Manager stated not more than 60% of the lot can be covered.

Councilmember Ezzy Ashcraft stated ADUs are a valuable source of housing; the smaller footprint of the ADUs might be more affordable for people; not every homeowner will build the same size ADU; she supports the ordinance.

Vice Mayor Vella stated in certain scenarios the design review will still be triggered and require HAB review; she is concerned about the clarity of the language on page 7, Subsection B, which reads: "subordinate relative to the footprint;" Subsection A regarding detached units states 60% of permeable sources; the 60% requirement is not included for attached units; requested clarification.

The Planning Services Manager responded the maximum aggregate lot coverage of 60% applies to both scenarios, whether adding on to the back of the house, attached ADU or a separate cottage.

Vice Mayor Vella inquired why the 60% language is not listed under detached.

The Planning Services Manager responded staff would make the clarifying change to apply 60% to both attached and detached ADUs.

Vice Mayor Vella inquired how subordinate does the footprint need to be to still allow for 60% of permeable surfaces.

The Planning Services Manager responded said detail would be resolved during the design review process; stated the footprint of the ADU should not be larger than the primary dwelling.

Vice Mayor Vella inquired whether 60% of the surface would still have to be permeable, to which the Planning Services Manager responded in the affirmative.

Vice Mayor Vella stated the footprint is capped at 50% of the floor space, but not more than 1,200 square feet or whichever is less; stated the "whichever is less" language addresses a lot of the concerns; a lot of different scenarios will trigger the design review process; she is willing to support the ordinance.

Mayor Spencer inquired whether Vice Mayor Vella's question was answered regarding the 60% language.

Vice Mayor Vella responded staff would add language.

The Assistant Community Development Director responded the intent has always been that the 60% would apply to all second units, whether attached or detached; the language would be clarified.

Vice Mayor Vella stated the intent should match the language.

The City Attorney stated the language needs to be clarified now to be published between the first and second reading.

Councilmember Oddie stated the design standards state: “where there is clearly architectural design style present in the immediate surroundings, the attached building shall have the same architectural style and level of interest as the immediate surrounding buildings;” stated there is a housing crisis and the State will step in if more is not done to address the issue; giving all Alamedan’s an opportunity to stay in Alameda is important; residents should be able to age in place; the ordinance is a step in the right direction; he will support the ordinance.

Mayor Spencer inquired about houses on the study list and about the contemporary compatible design appropriate to specific neighborhoods versus eclectic neighborhoods.

The Planning Services Manager responded the ordinance addresses the preservation of the historic properties.

Councilmember Matarrese inquired whether AAPS is proposing a 600 square feet threshold, to which the Planning Services Manager responded in the affirmative.

Councilmember Matarrese stated a good compromise is to have no design review required if the second addition is within the envelope of a building; he agrees that if the ADU is visible from the street, staff should determine if the ADU is ministerial or requires design review; he would like a threshold to say: if a building is past a certain size, it will require design review; he is concerned with the affordability standards; he would like to incentivize affordability; with the exception of the trigger that states there is no design review, even for a 1,200 square foot addition, he supports the guidelines and rules for the ADU mandates.

Mayor Spencer inquired whether a person wanting to do a two story ADU would be required to do design review if the project is within the acceptable square footage.

The Planning Services Manager responded there are two scenarios: 1) if there is a two story addition to the back of the house or 2) if the unit is detached, which does not allow for a two story ADU.

Mayor Spencer inquired about the length of the design review process.

The Planning Services Manager responded if the maximum is set at 600 square feet and someone wants to build an ADU from between 600 to 1,200 square feet, design review would be required; staff would review whether plans conform with the design review manual; neighbors within 100 feet of the property would be given public notice to provide 10 days to comment; once staff decides to approve or deny the project, there is a 10 day appeal period.

Vice Mayor Vella inquired how many properties in Alameda could add 1,200 square feet and still have 60% of permeable space.

The Planning Services Manager responded based on County data, approximately 15% of the lots, or 1,700 Citywide.

Vice Mayor Vella inquired whether the amount is without reviewing the amount of permeable surfaces, to which the Planning Services Manager responded in the affirmative.

Mayor Spencer stated her preference would be to limit the square footage to 600 and require a design review for projects above 600 square feet to allow for public input.

Councilmember Ezzy Ashcraft stated there is a housing crisis in Alameda; the addition of ADUs will increase housing supply and allow for affordable units.

Councilmember Ezzy Ashcraft moved introduction of the ordinance amending the Alameda Municipal Code by amending regulations pertaining to Second Units/Accessory Dwelling Units, and related regulations, for compliance with State law.

Councilmember Oddie inquired whether the motion includes staff and Vice Mayor Vella's amendments, to which Councilmember Ezzy Ashcraft responded in the affirmative.

Councilmember Oddie seconded the motion.

Under discussed, the Planning Services Manager read the amendment proposed by Vice Mayor Vella into the record to clarify that the aggregate lot coverage applies to attached ADUs; stated the change would be to page 7, Subsection C Development Standards, #3 Attached Accessory Dwelling Units to add a new Subsection C Aggregate Lot Coverage as follows: "The aggregate lot coverage of all building footprints in non-permeable surfaces on the lot, shall not exceed 60%."

Councilmember Matarrese proposed an amendment to the motion to have a lower threshold in which design review and neighborhood notification would be triggered.

Councilmember Ezzy Ashcraft stated that she respectfully declines the amendment to

the motion; the design review requirement adds to the cost for potential applicants; she is confident that the Planning Board and staff have put together guidelines to ensure standards would be met.

Councilmember Matarrese inquired whether there is a cost incurred for having the public notification.

The Planning Services Manager responded the design review application cost is \$600 plus \$1,000 deposit, which covers staff time and public notification.

Councilmember Matarrese inquired whether the deposit is refundable.

The Planning Services Manager responded the deposit can be refundable, but the \$1,600 fee pretty accurately reflects the cost.

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

\*\*\*

Mayor Spencer called a recess at 9:19 p.m. and reconvened the meeting at 9:30 p.m.

\*\*\*

(17-391) Public Hearing to Consider Resolution No. 15280, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones.” Adopted.

Councilmember recused himself and left the dais.

The Acting Public Works Coordinator gave a brief presentation.

Councilmember Oddie moved adoption of the resolution.

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

(17-392) Public Hearing to Consider Resolution No. 15281, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove).” Adopted.

The Acting Public Works Coordinator gave a brief presentation.

Councilmember Ezzy Ashcraft moved adoption of the resolution approving the Engineer's Report, confirming diagram and assessment, and ordering the levy of assessments, Maintenance Assessment District Marina Cove.



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

(17-393) Public Hearing to Consider Resolution No. 15282, “Establishing Integrated Waste Collection Ceiling Rates and Service Fees for Alameda County Industries, Inc. for Rate Period 16 (July 2017 to June 2018).” Adopted.

The Interim Public Works Director gave a Power Point presentation.

Mayor Spencer inquired whether the percentage rate was previously discussed and will be for a projected number of years.

The Interim Public Works Director responded the rate projected out what impacts would be for Alameda; stated the projected impacts were correct and have been incorporated in the last couple of adjustments.

Mayor Spencer stated the rates are the same as previously discussed.

Councilmember Ezzy Ashcraft inquired whether the reason the revenue is going up is due to incorporating the recycling program.

The Interim Public Works Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether that means Alamedan’s are recycling more materials.

The Interim Public Works Director responded yes and no; stated the dollar amount fluctuates; the revenue depends on the year and how the market is doing.

Councilmember Matarrese moved adoption of the resolution.

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

(17-394) Public Hearing to Consider Collection of Delinquent Business License Taxes and Fees and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills.

The Finance Director gave a brief presentation.

Urged more stringent measures against 873 Laurel Street; outlined other issues with the property, including hoarding and drug dealing; suggested taking the issue to small claims court: Jeanne Witherspoon, Alameda.

Provided information about 873 Laurel Street from Police reports; urged the Council to collect all fees due to the City: Lynn Lassalle-Klein, Alameda.

Mayor Spencer inquired what options the City has; suggested 873 Laurel Street be separated from the rest and be pursued.

The City Attorney responded the matter is a legal issue and she would prefer it not be discussed in open session.

Mayor Spencer inquired whether the property could be addressed separately.

The City Attorney responded there is a legal strategy for the property; she does not want to publicly discuss the plan.

Mayor Spencer moved approval of both lists, excluding 873 Lauren Street.

The motion FAILED for a lack of second.

Councilmember Matarrese moved approval of the collection of delinquent business license taxes and fees and delinquent integrated waste management accounts via the property tax bills.

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

(17-395) Public Hearing to Consider Resolution No. 15283, “Amending Master Fee Resolution No. 12191 to Add and Revise Fees.” Adopted.

The Finance Director gave a brief presentation.

In response to Mayor Spencer’s inquiry about the passport photograph fee, the City Clerk stated the printing costs were more expensive than anticipated; the revenue goes back into the General Fund towards the City Clerk budget.

Mayor Spencer inquired whether the increase is to offset the actual cost, to which the City Clerk responded in the affirmative.

Mayor Spencer inquired what happens to the additional cost for the tow fee.

The Finance Director responded when a car is parked illegally and towed, the owner has to pay the fee to have the car returned; the fees are collected by the Police Department.

Mayor Spencer inquired whether there are costs than the administrative fees when a car is towed.

The City Manager responded in the affirmative; stated there is an administrative tow fee

and the fee for the tow company.

Mayor Spencer inquired how much is the tow company fee.

The City Manager responded the amount depends on the company.

Mayor Spencer stated increasing the administrative fee would make Alameda higher than other cities by not including the cost of the towing company; the owner of the car has to pay both fees.

The City Manager responded having to pay both fees is typical in other cities.

Mayor Spencer stated data is missing; inquired whether the combined total of the tow company fee and the administrative fee is more than other cities.

The City Manager responded if the Council requests the data, staff will return with the data; stated the intention is to cover the City's administrative costs, not to compete with other cities; the cars are only towed when they are parked illegally.

Mayor Spencer stated there is no analysis of the increased cost; the only rational in the presentation is that other cities were surveyed.

The Finance Director stated if more detail is needed, staff could return with the necessary data.

Mayor Spencer stated that she will not support the tow fee because the total cost is not known; the cost for towing is very significant.

Vice Mayor Vella inquired whether the administrative tow fee is increased each day.

The City Manager responded in the negative; stated the tow company charges additional costs each day for storage of a vehicle that was not picked up.

Vice Mayor Vella inquired whether the administrative tow fee is a flat, one-time fee to cover internal costs and is increasing by \$25.

The City Manager responded in the affirmative.

Councilmember Matarrese inquired whether the increase is part of the budget approval.

The City Manager responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether the City has control over what the impound lot charges.

The City Manager responded in the negative.

Councilmember Matarrese stated the City has a contract with the tow company, so there is some control.

The City Manager responded during the contract award, the City selects the company.

Councilmember Ezzy Ashcraft stated that she does not find the request unreasonable.

Councilmember Matarrese moved approval of the fees [adoption of the resolution].

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

(17-396) Public Hearing to Establish the Proposition 4 (Appropriations) Limit for Fiscal Year (FY) 2017-18 and to Consider Resolution No. 15284, “Establishing the Appropriations Limit for FY 2017-18.” Adopted.

The Finance Director gave a brief presentation.

Councilmember Oddie moved adoption of the resolution.

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

#### CITY MANAGER COMMUNICATIONS

(17-397) The City Manager informed Council that the Federal Aviation Administration (FAA) Noise Consortium will be providing a presentation at the July 5<sup>th</sup> Council meeting regarding maintenance at the Oakland airport; East Bay Municipal Utility District (EBMUD) is increasing water rates by 9.25% next year and 9% the subsequent year and increasing sewer rates by 5% for both years.

Mayor Spencer inquired what day the public had to address any concerns.

The City Manager responded the end of the month; customers should have received the information.

Mayor Spencer inquired whether staff would discuss the concerns for the green initiative.

The City Manager responded the matter will be discussed when the referral for the Straws on Request item is heard.

Vice Mayor Vella noted the EBMUD public hearing will be at 1:00 p.m. on July 11<sup>th</sup>, at 375 11<sup>th</sup> Street, Oakland; if approved, the rate increases go into effect the next day, July

12<sup>th</sup>.

#### ORAL COMMUNICATIONS, NON-AGENDA

(17-398) Alan Teague, Alameda, urged the Council to direct staff to participate in the Mills Act, which pertains to preservation and enhancement of historic buildings.

(17-399) Andrew Huntoon, Alameda, urged the Mayor be treated with respect when chairing meetings.

#### COUNCIL REFERRALS

(17-400) Consider Directing Staff to Create a “Straws on Request” Ordinance and Review Ordinance No. 2977 to Address that “To Go” Food Ware, Including Straws, be Compostable or Recyclable. (Mayor Spencer)

Mayor Spencer made brief comments regarding the referral.

Stated that he does not use straws unless driving in his car: Andrew Huntoon, Alameda.

Stated the School District banned straws; urged the City to interpret the City’s existing ordinance as preventing straws since they are required to be recyclable; outlined Clean Water Funds de-packaging program: Ruth Abbe, Community Action for a Sustainable Alameda.

Stated she is passionate about the ordinance; she is making art pieces with the enormous amount of straws discarded at the beach: Pat Lamborn, Alameda.

Councilmember Oddie named off a number of options for the ban on straws; requested staff to return with a goal to reduce all disposable food ware.

Vice Mayor Vella stating adding the intent to include all other disposable food ware into the existing ordinance would be helpful; education is key; she would like the City to work with the local fast food restaurants on the issue and also be mindful of people who need to use straws due to a disability; people should be educated on other straw material options.

Councilmember Ezzy Ashcraft stated public education is important.

\*\*\*

(17-401) Mayor Spencer stated a motion is needed to consider the remaining items after 10:30 p.m.: the cannabis referral [paragraph no. 17- ] and the League delegate [paragraph no. 17- ].

Councilmember Matarrese moved approval of considering the remaining items.

Vice Mayor Vella seconded the motion, which requires four 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 Ezzy Ashcraft stated that she wants to hear what staff proposes regarding the straws on request ordinance.

Councilmember Matarrese stated the referral is important because of the local action plan; staff should to create a straws on request ordinance broader than just straws, including disposable food ware and highlighting straws, taking into account the Council comments.

Mayor Spencer inquired whether staff's comments would be regarding the straws on request referral, to which the City Manager responded in the affirmative.

The Deputy Public Works Director stated staff is in support of the referral; there will be outreach and education to 80 or more local businesses to rethink packaging; he will return to Council in December with a climate action plan for Council to choose which policies to move forward with.

Mayor Spencer stated she does not want to wait until December; she would like to direct staff to interpret the current ordinance to include straws.

The Deputy Public Works Director inquired what timeline Mayor Spencer is requesting.

Mayor Spencer responded September; stated that she would like staff to separate the climate action plan and move forward with a straws on request ordinance sooner.

The Deputy Public Works Director stated the Santa Cruz ordinance is not a straws on request ordinance, it addresses using a different material.

Vice Mayor Vella inquired whether staff can reinterpret the existing ordinance or if new language has to be done; stated if the language has to be changed, inquired what the time frame is for changing the language.

The Deputy Public Works Director stated Santa Cruz has a polystyrene ordinance similar to the City of Alameda ordinance; they Santa Cruz's Public Works Department issued a rule that was approved by its County Board of Supervisors, making a clarification of the language within their ordinance; in Alameda, all of the business associations have not replied to say express whether or not they are in support of the ordinance.

Mayor Spencer stated the referral is to direct staff to review the matter; there will be another agenda item to allow the public to comment.

The City Manager clarified staff is currently starting outreach to the businesses and education to the public.

Mayor Spencer stated doing so is not the referral process; staff should determine whether the current ordinance needs additional language or can be interpreted and enforced with the local businesses.

Councilmember Matarrese moved approval of directing staff to create a straws on request ordinance with the appropriate additions, including the question of composting, straws for people who need them, and reviewing the current ordinance to see if it covers the intent.

Vice Mayor Vella inquired whether the motion includes other disposables or just straws.

Councilmember Matarrese stated the motion includes plastic to go wares, as written in the body of the referral.

Councilmember Oddie seconded the motion with a friendly amendment to not have to wait to start outreach.

Councilmember Matarrese concurred; stated that he heard the City Manager and the Interim Public Works Director state that the outreach is starting now regardless; he accepts the amendment.

Under discussion, Councilmember Ezzy Ashcraft inquired what is the timeframe.

Councilmember Matarrese stated that he would like a determination on which way staff is going to go before Council is out for recess in August; a new ordinance would take two meetings.

The City Manager responded staff would only have one week to make the July 18<sup>th</sup> meeting.

Councilmember Matarrese agrees the earliest practical meeting would be September.

Mayor Spencer stated that she had requested September.

Councilmember Ezzy Ashcraft inquired whether Council is referring to a new ordinance or making amendments.

Councilmember Matarrese stated he put that as an “or” in his motion; staff would return with the suggestion on which option is recommended.

Councilmember Ezzy Ashcraft inquired whether the decision is up to staff.

Councilmember Matarrese responded in the negative; stated staff would provide

Council with the options and the recommendation, Council would make the decision.

Vice Mayor Vella clarified the Council is requesting staff to return with whether or not the current ordinance should be amended or if a separate ordinance should be created or if there could be a rule process.

Mayor Spencer stated the easiest possible option.

Vice Mayor Vella stated Council would make a determination and go through the necessary steps of a first or second reading, if needed.

Mayor Spencer stated the proposed change should be in place as quickly as possible.

Councilmember Matarrese stated the most effective option in a timely manner.

The City Manager stated that she hears that Council would like an ordinance regardless; Stop Waste has informed the City that the most effective way to start the process is through education; inquired whether Council is directing staff to recommend one of two ordinances.

Councilmember Matarrese stated his motion is recognizing that staff is already starting with the education; he wants an ordinance; if it is not written down, it does not count; his motion is to have an ordinance, there was a second with the conditions.

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

(17-402) Consider Directing Staff to Propose Regulations to Authorize Convenient and Safe Cannabis Businesses in Alameda. (Mayor Spencer) Not heard.

### COUNCIL COMMUNICATIONS

(17-403) Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference. Not heard.

(17-404) Consideration of Mayor's Nominations for Appointment to the Commission on Disability Issues (CDI), Golf Commission, Historical Advisory Board (HAB), Library Board, Planning Board, Public Art Commission (PAC) and Transportation Commission (TC).

Mayor Spencer nominated Anto Aghapekian, Jennifer Barrett and Lisa Hall to the CDI; Ron Taylor and Joseph Van Winkle to the Golf Commission; Amber Bales, Cynthia Silva and Travis Wilson to the Library Board; and Laura Palmer to the TC.

(17-405) Councilmember Oddie requested the Council meeting be adjourned in memory



of Ruth Belikove, former Library Board Member.

Councilmember Matarrese noted Ms. Belikove played a major role in getting the new library funded.

(17-406) Vice Mayor Vella requested the Council meeting also be adjourned in the memory of Michael Dunsmore, an activist at Independence Plaza.

(17-407) Councilmember Ezzy Ashcraft requested the movie on climate change, Time for Change, be shown at the Alameda Theater.

(17-408) Vice Mayor Vella announced that she attended the Best of Alameda event.

(17-409) Mayor Spencer stated the Council meeting would also be adjourned in memory of Lorraine Talsh, a breast cancer warrior; announced the Relay for Life event would be at Encinal High School, at 10:00 a.m. Saturday; encouraged the community to come out and walk for cancer.

#### ADJOURNMENT

(17-410) There being no further business, Mayor Spencer adjourned the meeting at 10:50 p.m. in a moment of silence for the above mentioned individuals.

Respectfully submitted,

Lara Weisiger  
City Clerk

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