

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 17, 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.

Public Comment

Ruth Dixon-Mueller, League of Women Voters of Alameda, read from a letter submitted by the League; stated the League urges the City Council to support an independent review to provide a fair and open report to the public on the Fire Chief selection process.

Paul Foreman, Alameda Citizens Task Force (ACT), read from a letter submitted by ACT; stated ACT objects to the Council proceeding with the City Manager's evaluation; until the City Manager's allegations are fully investigated and any necessary actions are taken, the evaluation should be delayed or at least limited to participation by the Councilmembers who are not accused of misconduct; urged the Council to listen to the City Attorney.

Ken Peterson, Alameda, stated that he agrees with the League of Women Voters and ACT; the City Manager and City Attorney evaluations should be put off until the situation is clear; after the situation is resolved, the Councilmembers involved in the action should recuse themselves.

David Mitchell, Alameda, stated the memo written by the City Manager to the City Council was unfortunate, contains a lot of unsubstantiated accusations, and, along with the editorial piece, tarnishes the names of Councilmembers and the Fire Department; the City should exercise extreme restraint going forward and have an internal process that uses discretion; in the event of future instances of misconduct, the matter should be investigated before information is released; he works with everyone on the Council and all members try to do the right thing; expressed concern about the information impacting the upcoming election.

Gray Harris, Alameda, urged Council to go forward with the City Manager's review, which has been agendized since April; stated false accusations should not derail Council's work; the investigation is a bad management ploy to divert attention from the City Manager, who is not doing a good job, and is a waste of time and money; she has heard complaints in the community about the City Manager's performance; there was a huge delay with the Friends of the Alameda Animal Shelter and deliberate voter confusion over the rent control measures; the City Manager left town during the water crisis and mismanaged the Fire Chief hiring process; candidate Domenick Weaver

expressed concern over the process before the investigation was launched; she represents teachers in Moraga where the City Manager failed as a City Manager; it is clear to her that the City Manager thought she was going to get fired and is deflecting onto the City Council, which did nothing wrong; before investigating Councilmembers, the claims should be investigated and if there is no basis found, the City Manager should be investigated for misuse of the process.

Nick Portoles, Portman Enterprises, stated that he has worked with the City Council over the last six months; he is concerned over recent news casting a negative light on Councilmember Oddie and Vice Mayor Vella; he feels both are honest and trustworthy and he hopes they remain on the Council.

John Stead-Mendez, El Cerrito, stated that he does substantial business in Alameda; he has known Vice Mayor Vella and Councilmember Oddie for four years; Vice Mayor Vella is a professor of ethics at Mills College, which makes the recent article even more egregious; Councilmember Oddie is forthright and trustworthy; the slander that has come out is egregious; for the same four years he has known the Councilmembers, the Bay Area News Group and Daniel Borenstein have been anti-worker, anti-working class and anti-pension; anti-worker troops are being rallied to attack advocates of working people; he worked with Vice Mayor Vella trying to bring labor peace at BART and in Hayward; labor peace matters a lot to Vice Mayor Vella; Councilmember Oddie and Vice Mayor Vella have been great advocates of working people and resolving issues with local government; holding the City Manager accountable is the City Council's job; hiring and labor peace are the City Manager's job; investigation of allegations is a waste of time and money; urged moving forward with the evaluation.

Wei-Ling, Unite Here Local 2850, stated that she is speaking to vouch for the character of Vice Mayor Vella and Councilmember Oddie; Vice Mayor Vella is an advocate for workers and immigrant workers and has been a tireless champion for rent control and immigrant rights; Vice Mayor Vella cares deeply about workers having a voice; unions are supposed to express workers' voices; Vice Mayor Vella and Councilmember Oddie listen to the voices of workers; Councilmember Oddie has always listened to workers with concerns; even if they disagree, Councilmember Oddie has been honest and straightforward about his position; urged going forward with the City Manager's evaluation.

Assemblymember Rob Bonta stated that he appreciates the service and commitment of Vice Mayor Vella and Councilmember Oddie, who serve the City with distinction, stand up for people who often do not have people speaking for them and provide for people who are oppressed and suffering and try to make their lives better; both stand up for renters, people who need strong public safety services, and workers and working families, ensuring people have a living wage, health care and retirement security; critical City decisions should be made with as much information as possible, based on evidence, history and experience; sometimes the information is not all within the decision maker; others with a longer arc of history can provide input and insight for the

decision maker; he lived through something that feels similar; focus should be on the will of the people, not on political witch hunts or self-serving political attacks.

Yvonne Williams, Alameda Labor Council/ATU 192, stated whenever two champions are attacked unnecessarily, she feels it is her duty to come stand for their character and commitment to the community; Vice Mayor Vella and Councilmember Oddie have exemplified a commitment to the community; sometimes people are persecuted for choosing to stand up; applauded both for their courage and ethics.

Mark Williams stated that he works for AC Transit; he is speaking for Vice Mayor Vella and Councilmember Oddie; he has had great dealings with them and knows them to be forthright; they have the City's best interest at heart and have always been fair, honest and compassionate; urged their history and background be considered.

Joe VanWinkle, Alameda, stated the actions described in the press recently speak poorly of Alameda and gives rise to a whole new level of interference with the City Manager and her staff; the Council sets policy, not operations; threatening the City Manager's job for not appointing a union crony is outrageous and violates the City Charter; given the investigations that must ensue, the Councilmembers are in no position to evaluate the City Manager or City Attorney; potential conflicts of interest and lawsuits could come upon the City; the Council must postpone the evaluation; if the evaluations proceed, the two Councilmembers must recuse themselves.

Janet Gibson, Alameda, stated people representing labor or groups in need do not effect what is being discussed tonight; what is important is looking at how Councilmembers handle themselves and run campaigns; many actions being taken are leading up to the political campaigns next November; Councilmembers should commit to campaigning coming from election fairness; since 2010 things have changed dramatically in Alameda; the people elected have often been elected because of heavy donations with self-interest; labor unions have been involved; in the last election almost \$50,000 went from the fire unions into Vice Mayor Vella and Councilmember Ezzy Ashcraft's campaigns; Councilmembers should commit to not taking money from groups of which it will have to make salary and pension decisions; Vice Mayor Vella refused to be fair with her; read a note she wrote to Vice Mayor Vella requesting a meeting.

In response to Ms. Gibson, Councilmember Ezzy Ashcraft stated that she told Councilmember Matarrese she wished the matter would not get personal.

Ms. Gibson stated the community is asking Councilmembers not to be pushed or drawn by outside forces as has been in the past, including negative campaigning against Tony Daysog.

August Zajonc, Alameda, stated the accusations are unproven; the full story is not known; more work needs to be done to determine whether or not something occurred; there can be an assessment of whether the Charter rule was followed; if the evaluation occurs, the folks involved should recuse themselves; that he recommends waiting,

which is the City Attorney's recommendation; having an open process allowing everyone to apply and be considered is good; there should be time to allow the investigation to occur.

The meeting was adjourned to Closed Session to consider:

(17-603) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (d) of Section 54956.9 of the Government Code; Number of cases: One (As Defendant - City Exposure to Legal Action)

(17-604) 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 the City Clerk announced that regarding Litigation relating to allegations made in City Manager Jill Keimach's October 2, 2017 letter to the City Council, which did not identify the Mayor or any individual City Councilmembers as being accused of potential wrong doing, the City Council unanimously voted to follow the City Attorney's advice to cause an independent investigation of allegations arising out of the October 2nd letter from the City Manager; and regarding Performance Evaluation, the City Council voted unanimously to follow the City Attorney's advice to postpone all three performance evaluations and that at the next convening of the closed session, agendize assistance that may be needed to continue the evaluations.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:52 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- -OCTOBER 17, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:04 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(17-605) The City Manager announced that the City of Alameda has sent first responders to the fires in the North Bay; community members have also made efforts to assist the residents of the North Bay.

(17-606) Proclamation Declaring October 15, 2017 as White Cane Safety Day and October 2017 as Disability Awareness Month.

Mayor Spencer read the proclamation and presented it to Beth Kenny, Commission on Disability Issues, and Patty Mash, Alameda resident.

Ms. Mash and Ms. Kenny made brief comments.

Councilmember Oddie expressed his appreciation for recognizing white cane day.

(17-607) Proclamation Declaring October 15 through 21, 2017 at Friends of the Alameda Free Library Appreciation Week.

Mayor Spencer read the proclamation and presented it to Karen Manuel, Friends of the Alameda Free Library.

Ms. Manuel made brief comments.

Councilmember Ezzy Ashcraft expressed her appreciation for the Friends of the Alameda Free Library.

Councilmember Matarrese stated the campaign to build the library would not have passed by 78% without the Friends of the Alameda Free Library.

(17-608) Proclamation Declaring October 22 through 28, 2017 as Childhood Lead Poisoning Prevention Week.

Mayor Spencer read the proclamation and presented it to Larry Brooks, Alameda County Healthy Homes Department.

ORAL COMMUNICATIONS, NON-AGENDA

(17-609) Paul Foreman, Alameda, discussed the investigation that the Council authorized in Closed Session; stated questions should be answered publically; expressed concern over candidates receiving funds from specific groups.

(17-610) Doug Biggs, Alameda Point Collaborative (APC), stated the first APC resident was hired by the Friends of the Alameda Animal Shelter (FAAS); APC is working with Operation Dignity to house more people and is working on building a homeless center.

(17-611) Josie Camacho, Alameda Labor Council, spoke in high regard of Councilmember Oddie and Vice Mayor Vella.

(17-612) Tony Kuttner, Greater Alameda Business Association, urged Council to make the Alameda free shuttle a priority for a transportation solution.

(17-613) Janet Stevnezer, Alameda, expressed concern over Karlos Power possibly locating in Alameda because it deals with nuclear power.

(17-614) Mari Perez, Alameda Renters Coalition, submitted and read a letter expressing support for Councilmembers Vella and Oddie.

CONSENT CALENDAR

Mayor Spencer announced the Art in City Hall pilot program [paragraph no. 17-619], Estuary Park turf agreement [paragraph no. 17-621], and the Jean Sweeney Park contract [paragraph no. 17-622] were removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

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

(*17-615) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular City Council Meeting Held on September 19, 2017. Approved.

(*17-616) Ratified bills in the amount of \$422,250.62.

(*17-617) Recommendation to Authorize the City Manager to Negotiate and Execute an

Agreement for the Purchase of One Pierce Fire Engine in an Amount Not to Exceed \$921,050. Accepted.

(*17-618) Recommendation to Authorize the Purchase of a Replacement VacCon Combination Jet/Vacuum Sewer Cleaner through the National Joint Powers Alliance Contract 022014-AMI in the Amount of \$397,643. Accepted.

(17-619) Recommendation to Approve the 2017-2018 Pilot Program, “Art in City Hall.”

Mayor Spencer stated that she worked with staff to start the program, which is a great idea; requested the Public Information Officer to provide clarification on the program.

The Public Information Officer stated a question will be added to the application to ask if the applicant is an Alameda resident; staff would also like to require a minimum and maximum of the amount of artwork that will be installed.

Mayor Spencer inquired whether the requirement to participate is that the applicant resides in Alameda, to which the Public Information Officer responded in the affirmative.

Councilmember Matarrese moved approval of the staff recommendation with the Public Information Officer’s changes.

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

(*17-620) Recommendation to Approve a License Agreement with the Alameda Soccer Club for the Use and Management of the Hornet Soccer Field for a Total of Five Years. Accepted.

(17-621) Recommendation to Authorize the City Manager to Execute an Eight Year Agreement with a Total Compensation of \$16,000 with Field Turf and an Eight Year Agreement with a Total Compensation of \$44,000 with Valley Precision Grading for Biannual Maintenance of Synthetic Turf Fields at Estuary Park.

Mayor Spencer requested clarification on the type of field turf being utilized at Estuary Park.

The Recreation and Parks Director responded the synthetic turf installed at Estuary Park is not crumb rubber; the synthetic turf is a virgin polymer that is considered to be safe.

Councilmember Matarrese noted the contract is for maintenance; moved approval of the staff recommendation.

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

(*17-622) Recommendation to Authorize the City Manager to Execute Amendment to the Agreement with SLR International Corporation (SLR) to Provide Groundwater Investigation and Monitoring Services for the Jean Sweeney Open Space Park for an Amount Not To Exceed \$163,900 for a Total Contract Amount of \$518,060. Accepted.

(17-623) Recommendation to Award a Contract in the Amount of \$4,124,520, Including an 8% Contingency, to Suarez and Munoz Construction, Inc. for Jean Sweeney Open Space Park Phase A Project, No. P.W. 05-16-09; and

(17-623A) Resolution No. 15316, "Appropriating \$1,000,000 to the Capital Projects Fund Sweeney Park Project (91309) from the General Fund, \$13,000 from the Historical Advisory Board Fund and \$25,000 of Kiwanis and \$25,000 of Alameda Community Fund Donations for a total of \$1,063,000 to the Project." Adopted.

Mayor Spencer stated she would like to publicly share that without donations the project could not have been completed.

The Recreation and Parks Director stated Alameda Kiwanis and Alameda Community Foundation donated money towards a playground component and Alameda Rotary donated money that will fund the picnic pavilion.

Expressed support for the recommendation; thanked the Recreation and Parks Director; urged moving forward: Jim Sweeney, Jean Sweeney Open Space Park Fund.

Urged approval of the project: Dorothy Freeman, Jean Sweeney Open Space Park Fund.

Stated Bike Walk Alameda is excited about the progress on the trail; noted funds have been borrowed from other areas of the Cross Alameda Trail: Brian McGuire, Bike Walk Alameda.

The City Manager expressed her appreciation for the Recreation and Parks Director's work.

Councilmember Oddie moved approval of the item.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer expressed her appreciation for Mr. Sweeney and Ms. Freeman.

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

(*17-624) Recommendation to Authorize the City Manager, or Her Designee, to Negotiate and Execute Purchase Agreements not to Exceed \$308,000 for the Replacement of Seven Police Department Vehicles and One Police Motorcycle.

Accepted; and

(*17-624A) Resolution No. 15317, "Amending the Equipment Replacement Fund Budget for Fiscal Year 2017-18." Adopted.

(*17-625) Recommendation to Award a Contract in the Amount of \$1,122,055, including a 15% Contingency, to Carlson, Barbee & Gibson, Inc. for Civil Engineering Services to Replace Backbone Infrastructure in Alameda Point's Reuse Area to East Bay Municipal Utility District (EBMUD) Standards. Accepted; and

(*17-625A) Resolution No. 15318, "Amending the Base Reuse Fund and Alameda Point Capital Projects Fund Budget for Fiscal Year 2017-18. Adopted.

(*17-626) Ordinance No. 3194, "Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease Agreement with Auctions By The Bay, Inc., a California Corporation, for a Sixty Four Month Lease for Building 525 Located at 2751 Todd Street at Alameda Point. [In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt under the CEQA Guidelines Section 15301(c) - Existing Facilities.] Finally passed.

REGULAR AGENDA ITEMS

(17-627) Proclamation Declaring October 2017 as Domestic Violence Awareness Month.

Mayor Spencer read the proclamation and presented it to Lorie Curtis, Building Futures.

Ms. Curtis submitted information and made brief comments.

(17-628) Proclamation Declaring November 1, 2017 as Extra Mile Day.

Mayor Spencer read the proclamation and presented it to the Community Development Administrative Specialist.

(17-629) Adoption of Resolution Appointing Penny Cozad as a Member of the Planning Board. Not adopted.

Expressed concern over there being requirements to become a Planning Board member: Ken Peterson, Alameda.

Stated Renewed Hope and Alameda Home Team did not have time to interview Ms. Cozad; stated her study of discriminatory housing revealed it stemmed from Measure A; Ms. Cozad's support of Measure A should set off alarms; the appointment should be studied: Laura Thomas, Alameda.

Stated the Council has been taking a strict look at the appointment, which is warranted due to the City's housing issues; expressed support for having a renter on the Board;

urged Council to send back the nomination: Brian McGuire, Alameda.

Mayor Spencer outlined Ms. Cozad's qualifications.

Councilmember Matarrese stated Ms. Cozad understands the need to deliver affordable housing; he supports appointing Ms. Cozad.

Councilmember Ezzy Ashcraft stated affordable housing is an important issue for Alameda; she would like a balance of different perspectives represented on the Planning Board, for that reason she will not support appointing Ms. Cozad.

Councilmember Oddie stated the nominee needs to be someone more focused on the housing crisis.

Councilmember Matarrese moved adoption of the resolution.

Mayor Spencer seconded the motion, which failed by following voice vote: Ayes: Councilmembers Matarrese and Mayor Spencer – 2. Noes: Councilmembers Ezzy Ashcraft and Oddie – 2. Abstention: Vice Mayor Vella – 1.

(17-630) Public Hearing to Consider Introduction of Ordinance Authorizing the City Manager to Execute a Ground Lease Agreement between Eden Housing, Inc., and the City of Alameda for a 70-Unit Family Affordable Housing Project on Block 8, within Site A at Alameda Point. Introduced; and

(17-630 A) Introduction of Ordinance Authorizing the City Manager to Execute a Ground Lease Agreement between Eden Housing, Inc., and the City of Alameda for a 60-Unit Senior Affordable Housing Project on Block 8 within Site A at Alameda Point. Introduced.

The Base Reuse Director gave a brief presentation.

In response to the Base Reuse Directors comment regarding the wording change to the ordinance, Councilmember Ezzy Ashcraft inquired which ordinance she was referring to changing, to which the Base Reuse Director responded both ordinances.

Councilmember Matarrese inquired who funds the contingency program and what the benefit or detriment is to the developer holding the project.

The Base Reuse Director responded Eden is on the hook to finance the project if Alameda Point Partners defaults.

Councilmember Matarrese inquired what impact, positive, negative or neutral, does the project have on Alameda Point Partners.

The Base Reuse Director responded that the impact will be positive.

Vice Mayor Vella inquired how staff will ensure people have the utilities and infrastructure they need while the affordable housing is being built and whether the work can be done in phases.

The Base Reuse Director responded the project will undergo a rigorous improvement plan process that will need to be approved by all the utility plan providers.

Councilmember Oddie inquired what areas of funding are still outstanding.

The Base Reuse Director responded low income housing tax credits are still outstanding but there are various types of funding sources.

Councilmember Ezzy Ashcraft inquired what happens if Alameda Point Partners does not come through with the senior housing funds.

The Base Reuse Director responded staff would review other State funding sources.

Vice Mayor Vella inquired if Alameda Point Partners does not close, is there an impact to future development projects at Alameda Point.

The Base Reuse Director responded there is less risk for market rate development due to the requirement for affordable housing.

Vice Mayor Vella inquired if Alameda Point Partners does not close, will the City still be able to collect money from the developer on future projects; expressed concern over the City covering the cost and letting the developer off the hook for paying for the inclusionary housing.

The Base Reuse Director responded the funding is negotiable.

Vice Mayor Vella expressed concerns that the City will be paying off the affordable housing costs.

The Base Reuse Director responded that Alameda Point Partners obligations will stay the same; any future transactions are the discretion of the Council to require any future developer to meet the obligation or pay their fair share on the affordable housing.

Councilmember Ezzy Ashcraft moved introduction of the ordinances authorizing the City Manager to execute a ground lease agreement between Eden Housing, Inc., and the City of Alameda for a 70-unit family affordable housing project on Block 8, within Site A at Alameda Point, and authorizing the City Manager to execute a ground lease agreement between Eden Housing, Inc., and the City of Alameda for a 60-unit senior affordable housing project on Block 8 within Site A at Alameda Point.

Councilmember Matarrese seconded the motion, which carried by unanimous voice

vote – 5.

(17-631) Recommendation to Accept the Certificate of Sufficiency for a Proposed City of Alameda Charter Amendment Making the “City Alameda Rent Review, Rent Stabilization and Limitations on Evictions Ordinance” a Part of the Alameda City Charter; and

(17-631A) Select One of the Following: 1) Adoption of Resolution Calling an Election to be Consolidated with the Statewide Primary on June 5, 2018 and Submitting to the Voters at That Election a Measure that Proposes to Amend the City Charter by Incorporating into the Charter Ordinance 3148, with Certain Modifications. Not adopted; or 2) Resolution No. 15319, “Calling an Election to be Consolidated with the General Municipal Election and Statewide General Election on November 6, 2018 and Submitting to the Voters at That Election a Measure that Proposes to Amend the City Charter by Incorporating into the Charter Ordinance 3148, with Certain Modifications.” Adopted.

The City Clerk gave a brief presentation.

In response to Mayor Spencer’s question, the City Clerk outlined the financial impact of the two election dates.

Mayor Spencer inquired when the taxing for cannabis issue will come to Council.

The City Manager responded that the cannabis workshop is Saturday; the tax on cannabis issue could be on the June or November election.

Mayor Spencer inquired whether there are any other tax measures that the City is contemplating putting on the June ballot.

The City Manager responded that staff is currently talking to the community about what they want.

The City Clerk clarified that the City has until March to place items on the June ballot; noted Council would need to make any amendments to the 75-word ballot question tonight.

The City Manager noted the November election will be crowded.

Expressed disappointment with the Charter amendment: Eric Strimling, Alameda Renters Coalition.

Urged Council to place the measure on the November ballot due to the cost and the higher turn-out: Brian McGuire, Alameda.

Urged the language on the ballot be clear: Beth Kenny, Alameda.

The Deputy City Attorney gave a brief description of the ballot question.

Councilmember Ezzy Ashcraft inquired whether the changes eliminates the sunset date.

The Deputy City Attorney responded in the affirmative; stated the Charter amendment would require changes to go to the voters.

Vice Mayor Vella inquired whether Council is prohibited from amending the “just cause” language.

The Deputy City Attorney responded if the initiative passes, language would be required to be put to the voters.

Vice Mayor Vella stated language needs to be included in the ballot question; she has received several questions regarding the vague language; inquired whether the process for review of residential rent increases above 5% has to actually be challenged.

The Deputy City Attorney responded the initiative does not change the process.

Vice Mayor Vella inquired whether there are different processes regarding rent increases above 5% depending on whether it is a multi-family or single family, to which the Deputy City Attorney responded in the affirmative.

Councilmember Ezzy Ashcraft stated there will be frequently asked questions and public education for the ballot question to ensure voters understand.

Vice Mayor Vella expressed concern with the ballot question language being clear so that voters do not need to read through the entire ordinance; stated the language should read: any changes to certain provisions would have to be put to a vote of the people; said language is more clear.

The Deputy City Attorney stated the question could be framed in the way Vice Mayor Vella is requesting.

Mayor Spencer suggested changing around the order of the words to make it clearer.

Councilmember Oddie concurred with Vice Mayor Vella on the ballot question language.

Councilmember Matarrese inquired whether the ballot question has to be approved today, to which the Deputy City Attorney responded the practice has always been to approve the ballot question at the next regular meeting, which would be today.

The City Clerk stated the Elections Code specifically requires that the Certificate of Sufficiency be presented to Council at the next regular meeting; technically, the ballot question has been presented.

Councilmember Matarrese stated Council should recess and amend the wording based on the comments made, or accept the Certificate of Sufficiency and bring the wording back.

The Deputy City Attorney stated the common understanding in the elections law arena is that the ballot question is generally done in the same meeting as the Certificate of Sufficiency.

The City Attorney stated the resolution could be adopted then the ballot question language could be amended later.

Councilmember Matarrese inquired whether it is required by law to do the Certificate of Sufficiency and the ballot question at the same time, to which the City Attorney responded outside elections counsel recommends it be done at the same time.

Councilmember Matarrese inquired whether it can be done.

The City Attorney responded the Elections Code does not say the language cannot be amended at a later time.

Councilmember Ezzy Ashcraft suggested possible changes to the ballot question language to have the most significant language first.

The City Attorney inquired whether Vice Mayor Vella's request is to amend the language to read that the voters, not the City Council, would be required to approve amendments, to which Mayor Spencer responded in the affirmative.

Mayor Spencer moved approval of following the City Attorney's suggestion: accepting the Certificate of Sufficiency and return to allow Councilmembers time to submit different language options to amend the ballot question.

Councilmember Matarrese friendly amendment to motion [to adopt the resolution] to call the election in November.

Mayor Spencer stated the outcome impacts landlords and renters; the extra cost of a June election might be worth it to the community.

Councilmember Matarrese stated the November election will have a higher turnout and will allow for more time to explain the matter to voters; he can think of better ways to spend the extra money in the community than running a June small turnout election.

Councilmember Ezzy Ashcraft stated the issue is very important for Alameda; many Alamedans are out of town in June.

Councilmember Oddie concurred with Councilmember's Ezzy Ashcraft and

Councilmember Matarrese; stated he is still hoping landlords and tenants can work out a deal.

Mayor Spencer inquired whether it is possible for landlords and tenants to resolve the issue and not place the matter on the ballot.

The City Attorney responded that the matter is an initiative Charter amendment and must go on the ballot.

Councilmember Oddie stated the parties can come to a deal and decide to support another ballot initiative.

Vice Mayor Vella stated that she supports the November ballot due to the cost.

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

Mayor Spencer called a recess at 9:21 p.m. and reconvened the meeting at 9:31 p.m.

(17-632) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code (AMC) to Add Section 30-18, Universal Residential Design. Introduced.

The Assistant Community Development Director gave a brief presentation.

Councilmember Ezzy Ashcraft inquired how the ordinance addresses the concern from the Building Industry Association (BIA).

The Assistant Community Development Director responded the BIA's concern is will the ordinance dramatically increase costs or change the kinds of housing that can be built in Alameda; stated the City believes the ordinance is structured not to dramatically increase the cost of housing or the kinds of housing that can be built; there will be an annual report to see how the ordinance is working.

Councilmember Ezzy Ashcraft inquired whether projects already in the pipeline are exempt from the universal design ordinance.

The Assistant Community Development Director responded the universal design components are approved at the design review stage; stated if the project has already gone through the design review stage, then it will not be held to the universal design ordinance; staff has been discussing universal design with every project for five years.

Vice Mayor Vella inquired whether universal design would be subject to a call for review, to which the Assistant Community Development Director responded in the affirmative.

Vice Mayor Vella inquired whether the waiver allows for a huge exemption and if the waiver undermines the standard the City is trying to set.

The Assistant Community Development Director responded in the negative.

Councilmember Matarrese inquired whether staff can make disclosing profits mandatory if a developer is citing cost as the reason for requesting the waiver.

The Assistant Community Development Director responded in the affirmative.

Urged Council to support the ordinance: Beth Kenny, Alameda.

Urged Council to build more universal design housing in Alameda: Audrey Lord-Hausman, Alameda.

Stated other cities fit universal design into smaller footprints; universal design is crucial for aging in place residents: Jennifer Barrett, Commission on Disability Issues.

Urged Council to support the ordinance; stated Alameda needs more universal design housing: Arnold Brillenger, Alameda.

Expressed concern about the waiver process; stated that he supports the annual reporting to allow for changes and modifications: Bob Glover, BIA Bay Area.

Expressed support for the ordinance: John Knox White, Alameda.

Councilmember Matarrese stated the City might be subsidizing profits by granting the waiver; tracking the data and having the ability to modify the ordinance based on new information is critical.

Councilmember Ezzy Ashcraft stated that she supports the ordinance.

Councilmember Oddie concurred with Councilmember Matarrese regarding the waiver; stated that he supports the ordinance.

Vice Mayor Vella expressed concern over the waiver; stated that she likes that Council can make modifications if something is not working; she would like to ensure Alameda has housing with universal design.

Mayor Spencer concurred with the fellow Councilmembers.

Councilmember Ezzy Ashcraft moved introduction of ordinance amending the Alameda Municipal Code to add Section 30-18, Universal Residential Design.

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

(17-633) Introduction of Ordinance Amending the Alameda Municipal Code (AMC) by Amending Section 2-19 to Change the Name of the Commission on Disability Issues to the Commission on Disability. Introduced.

Councilmember Matarrese moved introduction of the ordinance.

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

(17-634) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter 30 (Zoning Ordinance) to Update and Improve the Regulations Governing the Public Art Ordinance. [The proposed amendment is categorically exempt from further environmental review pursuant to State CEQA Guidelines 15305 Minor Alterations to Land Use Limitations]. Introduced.

The Community Development Management Analyst gave a Power Point presentation.

Urged Council to adopt the amendments in the ordinance: Carolyn West, Alameda.

Expressed how important art is to the City of Alameda; urged Council to support the ordinance: Tina Blaine, Rhythmix Cultural Works.

(17-635) Mayor Spencer stated a motion is needed to consider the remaining items: Call for Review ordinance [paragraph no. 17-636] and the Sister City guidelines [paragraph no. 17-638].

Councilmember Matarrese moved approval of considering the remaining items.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Oddie inquired how many speakers are remaining.

Mayor Spencer responded there is one speaker on the Call for Review ordinance and two speakers on the Sister City guidelines.

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

Urged Council to move forward with the ordinance: Wesley Warren, Alameda Artist Group.

Urged Council to remove the cap from the Alameda art fund; expressed how important art is for children: Jessica Warren, Studio 23/Alameda Artists.

Stated public art is important for the community; urged Council to remove the cap:

Justin Herbst, Red Door on Encinal.

Stated Alameda benefits from public art: Adam Gillitt, Public Art Commission (PAC).

Expressed how public art can benefit a community; urged Council to remove the cap: Rachel Campos de Ivanor, Alameda.

Councilmember Oddie stated that he is in favor of keeping the historical maritime; he would like a report to ensure the administrative costs are not exorbitant; he would like to preserve the cultural arts so others can enjoy them.

Vice Mayor Vella stated communities really flourish when the arts are subsidized in a meaningful way.

Councilmember Ezzy Ashcraft stated public art unifies people and the community.

Councilmember Matarrese stated the PAC and Council should monitor the ordinance to ensure adjustments are made where needed.

Mayor Spencer stated that she supports the cap being removed and hopes the percentage is revisited; inquired whether artists may ask for donations if the work is being offered for free, to which the Community Development Management Analyst responded in the affirmative.

Councilmember Oddie moved introduction of the ordinance.

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

(17-636) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Section 30-25 Appeals or Calls for Review. Introduced.

The Assistant Community Development Director gave a brief presentation.

Councilmember Oddie expressed concern that staff would be facilitating a serial meeting by sending out an email when one Councilmembers calls an item for review; stated that he does not see the difference in a Councilmember sending out an email to other Councilmembers.

The Assistant City Attorney responded said example does not rise to the level of a Brown Act violation; stated staff is not communicating about a Councilmember's particular viewpoint on a matter, only that there is sufficient interest, which is no different than a referral; Brown Act violations refer to communication of ideas and positions from one Councilmember to another outside of a public venue.

Councilmember Oddie inquired whether one Councilmember can call a colleague during the initial period to see if there is support.

The Assistant City Attorney responded that such an act might be a Brown Act violation.

Councilmember Oddie inquired whether he can call only one of his fellow Councilmembers after submitting a call for review.

The Assistant City Attorney responded in the affirmative; stated the amendment is set up to eliminate the need to make that call; all Councilmembers will be simultaneously be notified that there is potential call for review.

Councilmember Oddie inquired what if he had already called a fellow Councilmember before the email is sent out.

Vice Mayor Vella inquired whether there could be two Councilmembers calling an item for review on separate grounds.

(17-637) Mayor Spencer stated a motion is needed to continue the meeting past 11:00 p.m.

Councilmember Matarrese moved approval of continuing the meeting.

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

The Assistant Community Development Director responded if Council believes there will be Brown Act violations with the amendments, then Council could choose another option.

Vice Mayor Vella inquired whether staff will share the basis of the call for review when notifying other Councilmembers.

The Assistant Community Development Director responded with an example of how the process would occur.

Vice Mayor Vella inquired whether the Councilmember's email is forwarded from the City Clerk, to which the Assistant Community Development Director responded in the affirmative.

Mayor Spencer inquired why the process changed to require listing a reason for the appeal.

The Assistant Community Development Director responded that the process has not changed.

Mayor Spencer stated that she was informed differently.

The Assistant City Attorney responded both processes are correct; stated although staff asks for a reason to be listed for the call for review, it is the Councilperson's prerogative whether or not to state the reason.

Mayor Spencer stated not listing a reason was recommended to her by staff.

The Assistant City Attorney stated Council should not prejudge an issue that is coming to them de novo.

Mayor Spencer inquired how staff will handle two different Councilmembers bringing the same item for review on different issues.

The Assistant City Attorney responded staff is requesting that two Councilmembers call an item for review, regardless of the reason; if there are two Councilmembers, the standard is met.

Mayor Spencer stated in the past staff has notified Council when an item is appealable; inquired whether staff is planning to continue to do so.

The Assistant Community Development Director responded Council could direct staff to continue said process.

Councilmember Ezzy Ashcraft stated a reason should be listed to give notice to the appellant to prepare for the appeal.

The Assistant Community Development Director responded when a Councilmember calls an item for review they should not list their position, only the reason for calling the item for review.

Councilmember Oddie requested clarification on the Brown Act language referring to the call for review process.

The Assistant City Attorney responded that the proposed policy does not involve the interactive role that would be a Brown Act violation; the Councilmember would contact the City Clerk who would then contact other Councilmembers without relaying any information.

The City Attorney added that the call for review is not a decision or determination on the merits of what is being appealed, only whether the matter is going to come before the Council on appeal; stated the process is like a scheduling.

Vice Mayor Vella stated the process would be asking for an additional vote ahead of an agenda meeting.

The City Attorney clarified that the process would not involve talking about the

substance.

Vice Mayor Vella inquired whether the process is soliciting a second vote.

The Assistant City Attorney responded there is no violation of the Brown Act because it is only two Councilmembers, less than a quorum.

Vice Mayor Vella inquired how the process is different from a Councilmember emailing other Councilmembers.

The Assistant City Attorney stated the difference is whether or not the other Councilmember is in support of calling the item for review; the Councilmembers should not be having a discussion on the merits or what position the Councilmember calling the item for review wants to take.

The City Clerk suggested if once one Councilmember responds she can send out an email stating the item is being called for review and to have no one else respond.

Vice Mayor Vella inquired why a Councilmember cannot send out the email to other Councilmembers and why does the City Clerk have to send the email.

The Assistant City Attorney responded that staff would send out a form.

Councilmember Matarrese stated that he would like to hear from the member of the public; expressed concern with the clarifying questions drifting into discussion.

Mayor Spencer stressed the importance of Council being able to ask clarifying questions.

Councilmember Matarrese moved to have the speaker talk and have clarifying questions after the speakers, which FAILED due to a lack of second.

Councilmember Ezzy Ashcraft suggested not naming the Councilmember calling the item for review; inquired how the form would work.

The Assistant City Attorney clarified how the proposed call for review process would work.

Councilmember Ezzy Ashcraft inquired whether the purpose of the proposed changes is to have more of a balance.

The Assistant City Attorney responded the purpose is to raise the standard to ensure the process is worth the time.

Mayor Spencer inquired how other cities handle the call for review process.

The Assistant Community Development Director responded other cities schedule the call for review and there is a costly delay for the property owner.

Vice Mayor Vella inquired whether the Planning Department could send a report after Planning Board meetings.

The Assistant Community Development Director responded an action agenda is not an untenable task.

Stated the Alameda Chamber of Commerce supports the amendment to the ordinance:
Kari Thompson, Chamber of Commerce.

Councilmember Matarrese that he does not support the Planning Board's suggestion because it adds five additional days; stated the process should be simple, if there are not two Councilmembers that want the call for review within the ten days, there is no call for review.

Vice Mayor Vella stated Council should receive an action agenda from staff which will inform Council how much time they have to call an item for review; Council should pay attention to Planning Board decisions; if there is a concern, the Councilmember should call an item for review based on the individual Councilmember's concern.

Councilmember Oddie suggested going forward with the original staff recommendation with the ten day limit.

Councilmember Ezzy Ashcraft stated she concurs with Councilmember Oddie and Vice Mayor Vella.

Mayor Spencer stated that she would like the language added that the reasons can be different for calling the item for review; inquired if only Planning Board decisions are appealable.

The Assistant Community Development Director responded the process in the zoning ordinance list Planning Board, Historical Advisory Board (HAB) and the PAC; stated the Transportation Commission is not a part of the zoning code but has a call for review process.

Mayor Spencer inquired whether the action agenda should be a part of the ordinance, to which the Assistant Community Development Director responded in the negative; stated the action agenda can be direction to staff.

The City Manager inquired whether Council would do an appeal for every PAC decision; stated the PAC involves a lot of decisions.

Councilmember Ezzy Ashcraft inquired how the PAC was included.

The City Manager responded Council requested the PAC be added.

The Assistant Community Development Director stated the PAC is covered in the call for review process; the direction can be to provide Council with an action agenda any time one of the three boards meets stating what action was taken and whether the action is appealable.

Councilmember Ezzy Ashcraft stated that she does not understand why the PAC is being included.

The Assistant Community Development Director responded that PAC decisions include the review and approval of a developer's public art proposal, which is allowed to have a call for review.

Councilmember Ezzy Ashcraft suggested leaving PAC out of the process.

Vice Mayor Vella stated there have been public art issues in other cities; she would like to reserve the right to call certain decisions for review.

Mayor Spencer inquired whether Council is giving direction to have staff provide an action agenda for the PAC.

The Assistant Community Development Director responded that all three are included: Planning Board, HAB and PAC.

Mayor Spencer clarified there are four Councilmembers giving direction for staff to provide an action agenda.

Councilmember Oddie moved introduction of the ordinance with the amendments.

The Assistant Community Development Director stated the two amendments to the ordinance are: 1) "now requires two Councilmembers;" and 2) "okay for different reasons."

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

(17-368) Resolution No. 15320, "Approving Guidelines for the Sister Cities Program." Adopted.

The Community Development Management Analyst gave a Power Point presentation.

Mayor Spencer inquired whether staff evaluates and recommends potential sister cities or is that only done by Alameda Sister City Association (ASCA).

The Community Development Management Analyst responded that staff forwards

ASCA's recommendation to City Council for approval.

Mayor Spencer inquired whether staff weighs in at all, to which the Community Development Management Analyst responded in the negative.

Mayor Spencer stated that she would like to ensure staff has reviewed the itineraries and what ASCA is recommending.

The Community Development Management Analyst stated staff is proposing that ASCA take the lead on all planning and execution of the visits; staff will still have a role in communicating with ASCA to ensure Councilmembers have all needed information.

The City Manager stated staff will continue to be involved as they have been; staff does not have the time or resources to put more into the process unless the number of visits is limited.

Mayor Spencer stated a sample itinerary of the trip should be added; expressed concerns from previous trips with not providing enough time to prepare for public events.

Vice Mayor Vella stated staff should work with ASCA to ensure they know Council's commitments and when delegates come to visit, that it should be calendared on the Council's schedule.

The Community Development Management Analyst responded staff will work with ASCA under the guidelines.

Vice Mayor Vella inquired whether the guidelines cut back staff time due to the number of cities Alameda will be partnering with; expressed concern with changes in staff's response time to ASCA's questions.

The City Manager responded staff scheduling and coordinating with ASCA.

The Community Development Management Analyst stated staff will continue to support Council, the visits and review the itinerary; staff is requesting the first draft and redrafting of the itinerary be done by ASCA.

Mayor Spencer stated staff has the connections for the delegates; ASCA needs support to come up with the itineraries.

The Community Development Management Analyst stated staff will continue to support ASCA, contact companies and put together tours; staff is asking for support from ASCA.

Mayor Spencer stated on the slide about ASCA's responsibilities, it states: "plan and execute all events, delegations and visits, program activities, and fundraising activities;" it is not appropriate for ASCA to do all the listed tasks.

Councilmember Ezzy Ashcraft stated the question is how many sister city relations the City of Alameda can afford to have due to limited staff and resources; inquired what the measurable results are of the sister city visits and how they relate to Alameda; suggested involving the Alameda Chamber of Commerce; stated that she would be conservative with the amount of staff time on the sister city program.

Stated ASCA is very pleased with the guidelines and the support receive from staff; outlined different groups that support the sister city program: Michael Robles-Wong, Alameda Sister City Association (ASCA).

Discussed the importance of having sister cities; stated sister cities promote peace through respect, understanding and cooperation: Cynthia Bonta, ASCA.

Councilmember Matarrese stated the guidelines have been needed for some time; the resolution will help sustain sister city relationships; that he strongly supports the resolution and reporting back on the progress.

Councilmember Oddie stated the City of Alameda needs to be able to show delegates the same courtesy and attention as they show Alameda representatives on visits; that he supports the resolution and is excited about the next sister city visit.

Vice Mayor Vella stated that she is ready to support the resolution.

Mayor Spencer expressed concern with staff time and the lack of support from Council with scheduling conflicts; stated Council should be willing to accommodate the Mayor and other Councilmembers who are attending the trips to sister cities; discussed the importance of showing respect to other cities and reciprocating the work the sister cities do to welcome elected officials to their city; all flights are paid for by Councilmembers; she will support the resolution with the hopes that Council supports visits in the future; suggested at least one staff member accompany and support the elected officials on the trips; stated staff should conduct outreach to the Alameda Chamber of Commerce to have more businesses involved.

Councilmember Matarrese moved adoption of the resolution.

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

CITY MANAGER COMMUNICATIONS

(17-639) The City Manager expressed excitement over the passage of Regional Measure 3 (RM3) and a slew of housing bills in which the Governor signed; stated the Governor also vetoed Senate Bill (SB649); gave a brief description of the SB649; discussed the lime bike launch; there are 300 bikes and will be 500 bikes in 5 weeks; the community give the bikes high remarks, with only a couple of concerns, such as dust particles making the bike's solar panels less efficient; announced a Black Panther

event; stated in response to requests and concerns about air quality, the air matters app gives minute by minute air quality at airnow.gov.

(17-640) Update on Tracking of Council Direction through the Referral Process.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(17-641) Councilmember Matarrese stated the Governor issued a state of emergency over an outbreak of Hepatitis A in San Diego from people living on the street.

(17-642) Vice Mayor Vella inquired how lime bikes driven far of the Island will be retrieved; made an announcement regarding the upcoming Airport Noise Forum and AC Transit Inter-Agency Liaison Committee meeting.

(17-643) Mayor Spencer expressed concern over lime bikes blocking sidewalks and traffic lanes; suggested staff put out information about where the bikes should be parked; announced the cannabis workshop will be held Saturday at 9:00 a.m.; noted a movie was screened at City Hall this past Saturday; outlined movies that have been shown.

(17-644) Consideration of Mayor's Nomination to the Planning Board. Not heard.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:45 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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