

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 3, 2017- -5:00 P.M.

Mayor Spencer convened the meeting at 5:01 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:

(17-567) Conference with Conference with Legal Counsel – Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9 of the Government Code; Number of Cases: One (As Defended – City Exposure to Legal Action).

(17-568) Conference with Conference with Legal Counsel – Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9 of the Government Code; Number of Cases: One (As Responded (Amicus Curiae – City Exposure to Legal Action).

(17-569) Conference with Conference with Legal Counsel – Anticipated Litigation; Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 of the Government Code; Number of Cases: One (As Plaintiff – City Initiating Legal Action).

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced that regarding City Exposure to Legal Action, a status report was provided and direction was given to staff; regarding Amicus Curiae, that she is a member of Mayor's Against Lesbian Gay Bisexual and Transgender (LGBT) Discrimination which sent out a request to mayors to participate in litigation that is anticipated regarding Masterpiece Cakeshop versus Colorado Civil Rights Commission; Council authorized the Mayor and City Council to sign onto the U.S. Supreme Court friend of the Court brief being submitted in support of the rights of the Colorado Civil Rights Commission and a same sex couple who was refused service by a commercial bakery; the commercial bakery argued that it should be exempt from a law prohibiting discrimination against LGBTQ people based on its owners asserted religious opposition to same sex marriage; the Amicus brief, which is being drafted by attorneys from the Santa Clara County Counsel's Office and the Los Angeles City Attorney's Office will focus on: 1) the importance of ensuring the continued enforcement of non-discrimination laws highlighting the range of local support for non-discrimination laws and policies, and 2) the wide range in harms that granting the bakery's request would do to the enforcement of local laws; the case is entitled Masterpiece Cakeshop versus Colorado Civil Rights Commission; thanked the group Mayor's Against LGBT Discrimination for offering the opportunity to local governments; thanked City Council for deciding to support the brief; and regarding City Initiating Legal Action, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:27 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 3, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:03 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

(17-570) The City Manager made an announcement about the hiring of the new Fire Chief.

(17-571) Proclamation Declaring October 4, 2017 as Walk and Roll to School Day.

Meghan Thornton, Safe Routes to School Parent Champion for Henry Haight Elementary School, made brief comments.

Mayor Spencer read the proclamation and presented it to Ms. Thornton.

(17-572) Proclamation Declaring October 6, 2017 at USS Kennebec Day. Not heard.

(17-573) Proclamation Declaring October 2017 as Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ) History Month.

Mayor Spencer read the proclamation and presented it to Mark Sorensen, Cheryl Saxton, Denise Gasti, and Ken Werner, who all made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(17-574) Chris Lencioni, Alameda, discussed his vehicle being stolen and getting a ticket; suggested license plate readers be installed on vehicles which issue tickets.

CONSENT CALENDAR

Mayor Spencer announced the salary schedule resolution [paragraph no. 17-580] and food service ware ordinance [paragraph no. 17-585] were removed from the Consent Calendar for discussion.

Councilmember Ezzy Ashcraft moved approval of the remainder of the Consent

Calendar.

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

(*17-575) Minutes of the Special City Council Meetings Held on September 5, 2017. Approved.

(*17-576) Ratified bills in the amount of \$3,802,220.90.

(*17-577) Recommendation to Authorize the City Manager to Execute a First Amendment to an Agreement with NexLevel Information Technology, Inc., to Add the Amount of \$55,500 for Procurement and Software Selection Services for the City's New Enterprise Resource Planning System and \$17,000 to support the Corporation for Education Network Initiatives in California (CENIC) Pilot Project. Accepted.

(*17-578) Recommendation to Authorize the City Manager to Execute a Fourth Amendment to the Emergency Medical Services First Responder Advanced Life Support and Ambulance Transport Service Agreement with the County of Alameda to Extend the Agreement to June 30, 2018. Accepted.

(*17-579) Resolution No. 15312, "Amending the Transportation Demand Management Plan for Alameda Point (TDM Plan)." Adopted.

(17-580) Resolution No. 15313, "Amending the Management and Confidential Employees Association (MCEA) Salary Schedule Establishing the Classification of Senior Transportation Coordinator, Allocating Two Senior Transportation Coordinator Positions, and Eliminating One Transportation Coordinator Position Effective October 3, 2017 and One Part-time Staff for a Total Increase in Staffing of 0.5 Positions." Adopted.

In response to Vice Mayor Vella's inquiry, the Human Resources Director stated staff is still reviewing the positions.

Expressed support for the positions; stated the extra staffing is important to fulfil the commitment to climate sustainability: Ruth Abbe, Community Action for a Sustainable Alameda (CASA).

Councilmember Matarrese moved adoption of the resolution.

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

(*17-581) Resolution No. 15314, "Authorizing Execution of the State Standard Agreement for the Housing Related Parks Grant from the State Department of Housing and Community Development for Playground Improvements in the Amount of

\$124,310.” Adopted.

(*17-582) Ordinance No. 3190, “Approving an Amended and Restated Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of an Amended and Restated Lease Agreement with Mr. Hi Chi Chen and Mrs. Lena Muy Chiv, a Married Couple, DBA Hometown Donuts, for 1930 Main Street.” Finally passed.

(*17-583) Ordinance No. 3191, “Approving a Grant of Non-Exclusive Easement and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of Grant of Non-Exclusive Easement to Alameda Boys & Girls Club and Alameda Unified School District for Access and Maintenance.” Finally passed.

(*17-584) Ordinance No. 3192, “Approving a Purchase and Sale Agreement of Building 40, Located at 800 West Tower Avenue at Alameda Point, with Bladium, Inc, a California Corporation.” Finally passed.

(17-585) Ordinance No. 3193, “Amending the Alameda Municipal Code Section 4-4 (Disposable Food Service Ware) to Prohibit Certain Single-Use Plastics such as Straws and Clarifying Compostable Food Service Ware Requirements.” Finally passed.

Mayor Spencer stated that she left the last meeting on Council business before the ordinance was introduced; thanked Council for supporting the ordinance.

Expressed support for the ordinance; stated CASA will work with the restaurant community to transition to compostable take-out packaging: Ruth Abbe, CASA.

Mayor Spencer stated letters were received from Edison Elementary School students in support of the green efforts.

Councilmember Oddie thanked Mayor Spencer for bringing the referral forward; stated Thursday at 6:30 p.m. there will be a CASA workshop for updating the City's Local Action Plan for climate protection.

Mayor Spencer thanked staff for their work.

Councilmember Matarrese moved final passage of the ordinance.

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

REGULAR AGENDA ITEMS

(17-586) Presentation of Certificates of Appreciation to the Mayor's Fourth of July Parade Committee Members, Followed by the Committee Members Presenting a Check to the USS Hornet.

Barbara Price, Fourth of July Parade Chair, made brief comments.

Mayor Spencer presented certificates to Barbara Price, Jim Franz, Mark Sorensen, Blake Brydon, Betty Dittmer, Troy Hosmer, and Kari Thompson.

Ms. Price stated the USS Hornet representative could not be here tonight; \$1,000 is being donated from the Parade Committee to the USS Hornet.

(17-587) Proclamation Declaring October 1 through 7, 2017 as Public Power Week.

Mayor Spencer read the proclamation and presented it to Ann McCormick, Public Utilities Board President.

Ms. McCormick made brief comments.

(17-588) Receive an Update on Recent Water Quality Issue at Alameda Point.

The City Manager and Base Reuse Director gave a brief presentation.

Mayor Spencer inquired whether the grants or loans are only available to the City if it keeps a fiscally neutral position, to which the City Manager responded in the negative; stated the grants and loans are available to the City regardless of the City's position.

Vice Mayor Vella inquired whether the other funding is a tax measure or bond.

The City Manager responded the decision depends on what the community would like to do.

Vice Mayor Vella stated that she understood funding would be available through potential development; inquired whether the development is being expedited.

The City Manager responded the City leases to businesses that rely on the 70 year old infrastructure as the City waits for developers; stated the businesses in the area are at risk with the failing infrastructure.

Councilmember Oddie inquired what is the cost.

The Base Reuse Director responded the total cost for all the infrastructure at the entire base is \$650 million; stated the three adaptive reuse areas total approximately \$45 million, which includes all utilities and surface improvements; the area contains tenants that are purchasing buildings.

Councilmember Oddie inquired whether the proposal includes Site A and spirits alley.

The Base Reuse Director responded in the affirmative; stated there are several ways

the project can be done; staff has targeted the project with an incremental, phased approach; the Council will be involved throughout the phases; the contract has to be started to figure out the engineering and different possibilities.

Councilmember Oddie inquired how many buildings have sold, to which the Base Reuse Director responded only one.

Councilmember Oddie inquired whether Bladium has sold, to which the Base Reuse Director responded in the negative; stated two other buildings should sell and bring in an additional \$13 million.

Councilmember Oddie inquired whether all the proceeds from the building sale will be used for infrastructure.

The Base Reuse Director responded the City always uses the proceeds from Alameda Point for Alameda Point infrastructure; stated the question is should other sources be leveraged to complete work faster.

Councilmember Oddie inquired whether a loan could be generated between funds and the funds could be regenerated through the sales, to which the Base Reuse Director responded in the affirmative.

Councilmember Oddie inquired whether doing so is still being neutral, to which the City Manager responded in the affirmative.

The Base Reuse Director stated staff can explore other options that Council chooses.

Councilmember Oddie inquired when is the earliest time residents and businesses could connect to a new trench.

The Base Reuse Director responded the date depends on the location; a new water would take 3 to 4 years if the process is started now for the entire design and construction.

Councilmember Oddie inquired if the City digs a new trench could we connect with the Veteran's Administration (VA), to which the Base Reuse Director responded in the affirmative; stated doing so would depend on the timing of the VA project.

Councilmember Oddie inquired when would East Bay Municipal Utility District (EBMUD) take ownership.

The Base Reuse Director responded any time new water infrastructure is put in, it must go through EBMUD's design process; stated once approved, it will then be EBMUD's infrastructure.

Vice Mayor Vella inquired what was the previous plan.

The Base Reuse Director responded the previous plan was to have developers pay for the infrastructure as they came in to build the development; stated in the adaptive reuse area, the idea is to take the proceeds from the building sales and keep it there until there are sufficient funds to design, engineer and construct major capital improvements.

Vice Mayor Vella inquired whether the plan is the take funds from other City projects, meaning deferred maintenance or deferred projects.

The City Manager responded in the negative; stated staff is looking at different revenue.

Vice Mayor Vella inquired whether one of the options is a bond, to which the City Manager responded in the affirmative; stated there are a number of other revenue sources to review.

Vice Mayor Vella inquired whether the focus is to put all the money into Alameda Point.

The City Manager responded a portion of the money would go to Alameda Point.

Vice Mayor Vella inquired where money would be borrowed from.

The City Manager responded if the Council borrows from the General Fund, once a building sells, the money would be returned to the General Fund.

Vice Mayor Vella inquired if there is a timeline for when the buildings could sell.

The Base Reuse Director responded staff can make projections, but the funds are not available until the building closes.

Vice Mayor Vella inquired whether there is a plan in place with no funding.

The Base Reuse Director responded staff would like Council's input to explore other options; stated there is no new plan in place.

Councilmember Oddie inquired whether the City has to wait until properties sell to receive any cash, to which the Base Reuse Director responded in the affirmative.

Mayor Spencer inquired whether the entire City would be responsible for any repayment, not just a portion of the City.

The City Manager responded Council could give direction on said policy question.

Mayor Spencer inquired whether the City is the legally responsible party.

The Base Reuse Director responded there is a way to structure the financing; stated staff would work with the City Attorney's office.

Doug Linney and David Briggs, EBMUD, made brief comments.

Mayor Spencer inquired what Mr. Briggs meant when referring to “that night.”

Mr. Briggs responded September 12, 2017 is when EBMUD confirmed there was non-EBMUD water in the system.

Mayor Spencer inquired whether a specific list of the calls has been given to the City.

Mr. Briggs responded general information has been relayed to staff; he can provide specific information, if needed.

Stephan Cahina, State Water Board, outlined what the State Water Board did to assist with the water incident; stated the State Water Board will need an incident report to try and avoid the same kind of episode in the future.

Stated the problems with the water and sewer lines at Alameda Point happen on almost a weekly basis; urged Council to put in a new water system for the residents and businesses that live in substandard conditions: Doug Biggs, Alameda Point Collaborative.

Urged Council to repair the infrastructure at Alameda Point: Kelly Kearney, Pacific Fine Foods.

Vice Mayor Vella inquired whether the problem is an infrastructure problem or if the problem was contamination from a cross valve.

The Public Works Coordinator responded the incident was caused by a cross connection, which is an indication that the system is not built to EBMUD standards.

Vice Mayor Vella inquired whether EBMUD has other cross connections within their systems.

The Public Works Coordinator responded there is a potential for cross connection in any drinkable water system.

Mayor Spencer inquired whether the incident could have happened anywhere on the Island, to which the Public Works Coordinator responded in the affirmative.

In response to Mayor Spencer's inquiry, the City Manager stated the incident is one in a series of issues at Alameda Point.

Mayor Spencer inquired whether staff will return with specific information related to the incident and what the City is doing to fix the issues long term.

The Base Reuse Director responded there are a number of different issues at Alameda Point and staff would like discuss reviewing alternative financing sources.

Mayor Spencer inquired whether staff is asking for further direction before the contract comes to Council.

The Base Reuse Director responded the contract is a separate item; stated staff is inquiring whether Council would like the old plan, which was focused on development, to be updated and to focus on inter-loan transfers and funding.

Mayor Spencer stated that she would like a more comprehensive report before direction is given.

Councilmember Ezzy Ashcraft stated the Council needs to look at the issue long term and be proactive; the residents and businesses at Alameda Point are not second class citizens and deserve working infrastructure.

Vice Mayor Vella inquired if there is a report that captures the anecdotal evidence that has been presented.

The Base Reuse Director inquired whether Vice Mayor Vella is referring to the incident report.

Vice Mayor Vella responded that she is referring to a report on the other issues to justify why Council is being asked to change the funding.

The Base Reuse Director responded there is no report; stated the master infrastructure plan documents the condition of all the different utilities and the issues that have occurred at Alameda Point; a report can be done at a later date.

Vice Mayor Vella inquired whether the specific issue with the water is related to the design and not the infrastructure.

The Base Reuse Director responded the infrastructure is safe, but the condition and mapping are not like other parts of the City.

Vice Mayor Vella inquired whether the mapping that occurred over the summer was comprehensive.

The Base Reuse Director responded the mapping was focused on the water lines.

Vice Mayor Vella inquired whether there is a comprehensive map of the existing water lines at Alameda Point.

The Public Works Coordinator responded staff does not have the results of the work yet.

Vice Mayor Vella inquired if the City had the results of the work, would it have helped identify the problem.

The Public Works Coordinator responded in the negative; stated the project did not involve identifying irrigation lines.

Vice Mayor Vella inquired whether the work to map the water lines was contracted out, to which the Public Works Coordinator responded in the affirmative.

Vice Mayor Vella inquired whether there is only one well at Alameda Point, to which the Public Works Coordinator responded in the affirmative.

Vice Mayor Vella inquired what the cost was for the contracting service.

In response to Vice Mayor Vella's inquiry, the Public Works Coordinator stated the cost was approximately \$150,000.

Councilmember Matarrese inquired if mapping the water lines would have shown the connections.

The Public Works Coordinator responded the mapping is done above ground and would not have identified a cross connection underground.

Councilmember Matarrese inquired if the mapping project was not comprehensive because it was not done underground.

The Public Works Coordinator responded there is adequate mapping.

Councilmember Oddie inquired if the funding is different than the Site A developer contribution.

The Base Reuse Director responded the Site A infrastructure is different.

Councilmember Oddie inquired what is the difference between Site A infrastructure and the trench being evaluated.

The Base Reuse Director responded the City has to go utility by utility; stated there are a lot of different ways the project can be done.

Councilmember Oddie stated that he does not want the City to spend money that other people should be spending.

The Base Reuse Director stated staff is being very careful and will inform Council why projects are being recommended before they happen.

Mayor Spencer inquired what are the next steps and if staff is requesting direction from Council on the additional financing sources.

The City Manager inquired whether Mayor Spencer is referring to the long term or intermediate steps in the staff report.

Mayor Spencer responded the next long term steps.

The City Manager responded staff is asking Council for direction on whether the infrastructure at Alameda Point should be expedited by reviewing alternative funding options.

Mayor Spencer inquired whether staff would return to Council for a decision at a later date, to which the City Manager responded in the affirmative; stated staff is looking for policy level direction.

Mayor Spencer inquired if the long term steps can be bifurcated from the other direction.

Vice Mayor Vella inquired when the matter will return to Council, what will specifically be looked into and what information will be provided.

The City Manager responded staff can provide a report on the history of living and working at Alameda Point as it relates to infrastructure; stated she would like Council to assume the infrastructure is 70 years old and needs to be replaced; inquired if Council would like to review ways to rectify the infrastructure.

Councilmember Matarrese stated there is enough evidence that the infrastructure needs to be replaced; he would like to see a report that has an exact description of the failure, which calls first came in, what is the trend and root cause and why, what preventative action is being taken immediately and the corrective action which needs to be monitored to ensure its effectiveness; he concurs with Councilmember Oddie that the City should not be spending money now that a developer is slated to spend; residents at Alameda Point are using the water and the infrastructure needs to be fixed now.

Councilmember Ezzy Ashcraft concurred with Councilmember Matarrese; stated the work needs to be done now.

Councilmember Oddie also concurred with Councilmember Matarrese; stated that he would like a report from the Disaster Council on the plan; the outages should be tracked; he would like to see pictures and maps and evaluate the cost.

Vice Mayor Vella stated there needs to be a record of the instances that have happened; there have been a number of different utility failures; Council needs to understand why utilities are failing; she would like to understand the design flaws to be able to address the needs and have a long term solution; questioned how will the phases would be funded and what is the impact if one of the phases does not go

through; is there a Plan B.

Mayor Spencer stated that she heard complaints about EBMUD not immediately responding and not immediately communicating with the City; she would like to know what calls came in and when, what response was taken and how notice was given to residents; she also received complaints that people did not know the meeting with the Police Chief was going to take place; having the public know about meetings with the Disaster Council is important; there are claim forms on the City of Alameda website for residents to submit a claim for damages; she would like to know when Councilmembers were notified and the response taken; many residents were disappointed in the response; Nixle is one way people can be notified; she would like to know how the project will be funded and which issues will be addressed first; inquired when Council will receive a report on what specifically happened; requested review of the incident and the long term solution be addressed separately.

The Assistant City Attorney stated the City Attorney's Office is conducting an independent investigation of the incident and working with EBMUD and the State Water Board to complete a report required by the State; the report should be ready in two to three months.

Mayor Spencer inquired whether residence and business owners can provide their feedback by contacting the City Attorney's Office, to which the Assistant City Attorney responded in the affirmative.

Mayor Spencer inquired whether the contact information can be added to the Frequently Asked Questions (FAQ's) section on the City website, to which the Assistant City Attorney responded in the affirmative.

Mayor Spencer inquired when staff anticipates returning to Council with the long term plan.

The City Manager responded staff will have to review the whole infrastructure plan; stated a contract will be presented to Council on October 17, which will take approximately six months.

The Base Reuse Director stated staff has documentation of the existing conditions and can lay out the different ways to finance the infrastructure; the project will happen in phases; a report on the current issues can be done at the same time as the financing options.

Vice Mayor Vella requested a breakdown of the \$650 million; inquired whether the focus can be on the pressing needs.

The Base Reuse Director responded in the affirmative; stated there are a lot of different ways to structure the improvements.

Vice Mayor Vella inquired whether all of the items included in the \$650 million need to be considered in Council's determination.

The Base Reuse Director responded \$45 million for utilities and surface improvements relates to the three loops.

Mayor Spencer called a recess at 9:04 p.m. and reconvened the meeting at 9:15 p.m.

(17-589) Public Hearing to Consider Alteration of the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 13-1; and

(17-589A) Resolution No. 15315, "Calling Special Election Regarding Alteration of the Rate and Method of Apportionment of Special Taxes for Community Facilities District (CFD) No. 13-1 (Alameda Landing Public Improvements)." Adopted.

The Community Development Director gave a brief presentation.

Councilmember Ezzy Ashcraft inquired how many registered voters reside in the Community Facilities District.

The Community Development Director responded there are more than 12 voters, which triggers the requirement to conduct a special election; stated the City Clerk will not receive the information from the Registrar of Voters until after the paperwork is submitted.

Councilmember Ezzy Ashcraft inquired whether the residents are located in the TRI Pointe homes, to which the Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether the election would be by mail, to which the Community Development Director responded in the affirmative.

Councilmember Oddie moved adoption of the resolution calling special election regarding alteration of the rate and method of apportionment of special taxes for Community Facilities District 13-1, Alameda Landing Public Improvements.

Councilmember Matarrese seconded the motion.

Under discussion, Mayor Spencer inquired how the proposed amendment has no impact to the rate and method of apportionment of special taxes.

The Community Development Director responded there is already a maximum special tax levy, which would remain unchanged.

Mayor Spencer inquired whether the residents are currently not paying any monies.

The Community Development Director responded there is no assessment because the property is still publicly owned.

Mayor Spencer inquired whether there would be less monies received if the residents are exempt.

The Community Development Director responded there would be less money, but the bonds have been issued; stated Catellus committed to tying the debt services to new residential construction, so it will not impact the existing residents.

Mayor Spencer inquired whether Catellus votes at the election, to which the Community Development Director responded in the negative.

Mayor Spencer inquired whether anyone connected to the property votes, to which the Community Development Director responded in the negative; stated the voting is strictly limited to the registered voters in the CFD.

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

(17-590) Recommendation to Receive an Informational Report on the Public Access Pathways Associated with the Tidal Canal Project.

The Public Works Project Manager and Recreation and Parks Director gave a Power Point presentation.

Councilmember Oddie inquired if the survey was a scientific survey.

The Recreation and Parks responded in the negative; stated the survey was only to get a read of the residents in the neighborhood.

Mayor Spencer inquired whether the survey has been shared on the City's website, to which the Public Information Officer responded in the negative; stated staff wanted the survey targeted to the specific neighborhood.

Councilmember Ezzy Ashcraft stated if public money is being put into improving public access and paths, the survey should not be restricted to a certain neighborhood.

The Recreation and Parks Director stated once the feasibility study is done, the public input process will include the entire community, not just the one neighborhood.

Councilmember Ezzy Ashcraft stated that she thought the idea is to give more residents access to the water; inquired why the survey was not opened up community wide.

The Public Information Officer responded the survey was conducted to test the section

of residents to see what ideas they had going into the feasibility study.

Mayor Spencer inquired what is the purpose of the community survey or the community meetings; why would staff not have a consultant review the Police reports and provide an evidence based plan to provide security to the neighbors.

The Recreation and Parks Director responded that the purpose of the feasibility study is to receive a professional opinion on options and return to the community.

Mayor Spencer inquired why staff is not planning to return to Council with the professional opinion to allow public comment and make a decision.

The City Manager responded Council has asked for incremental input into the process, which staff is providing.

Mayor Spencer inquired whether the input is being used to prepare the feasibility report or will the consultant review everything, take it to the neighbors and receive feedback.

The Recreation and Parks Director responded it is important to know the neighbors' concerns and have the consultant provide a professional opinion of what is safe and feasible.

Councilmember Oddie inquired if another site is going to be discussed for a possible kayak launch.

The Recreation and Parks Director responded the new site for kayak launch is the East Shore Drive access point; continued the presentation.

Mayor Spencer inquired when the matter would return to Council.

The Recreation and Parks Director responded less than two months after the Recreation and Parks Commission which is in spring 2018.

Mayor Spencer inquired whether the matter will return before August 2018, to which the Recreation and Parks Director responded that is her goal.

Mayor Spencer inquired what spring means.

The Recreation and Parks Director responded April or May 2018.

Mayor Spencer inquired whether the matter could return in June 2018, to which the Recreation and Parks Director responded in the affirmative.

Mayor Spencer stressed the importance of the matter returning to Council before the August 2018 recess.

Urged Council to address the problems of trespassing, beach erosion, public safety and security issues; expressed concerns about the sea wall, security and blind spots backing out from garages: Donna Fisher, Alameda.

Expressed concerns with some of the short term solutions; discussed security concerns: Rob Barretts, Alameda.

Stated Council should not waste money on a study and consultants if it is not going to solve the issue; the survey should include the entire community: Serge Wilson, Alameda.

Expressed concerns with encroachment on Fernside Boulevard and Eastshore Drive by private property owners; urged Council to value public access to the space and not allow private property owners to use the access points for personal use: Jeff Wasserman, Alameda.

Expressed concerns with the safety and feasibility of the access points: Owen Flynn, Alameda.

Urged Council to go forward with the feasibility study: Lee Padway, Alameda.

Councilmember Ezzy Ashcraft stated that she supports a feasibility study and moving forward with the project, including community input.

Councilmember Oddie inquired whether \$250,000 would be deducted from the \$1.1 million available from the sale proceeds, to which the Recreation and Parks Director responded in the affirmative.

Councilmember Oddie inquired if \$250,000 is only for the paving and the fencing.

The Public Works Project Manager responded in the affirmative; stated \$250,000 is only an estimate.

Councilmember Oddie inquired what component of the cost is the paving and what is the fencing.

The Public Works Project Manager responded the paving is approximately \$150,000, \$30,000 is for a designer or civil engineer, and the final fence, which will be a wrought iron, would cost \$50,000.

Councilmember Oddie inquired whether there would be no cost if the fence is not replaced, to which the Public Works Project Manager responded the current fence is a temporary fence and will need to be replaced.

Councilmember Oddie inquired what the cost of the feasibility study is for all six access points.

The Recreation and Parks Director responded that she would not have a cost until she receives the proposals back; she estimates \$100,000 or less.

Councilmember Oddie inquired whether the speaker who stated the City would then need to hire an engineer is correct.

The Recreation and Parks Director responded in the affirmative; stated after the feasibility study, a Request for Proposals (RFP) will be done; design and construction documents will cost approximately \$150,000; she cannot estimate construction costs until designs are chosen.

Vice Mayor Vella inquired what is the height of the current fence as opposed to the proposed fence.

The Recreation and Parks Director responded the temporary fence is six feet; the proposed fence would be four feet.

In response to Vice Mayor Vella's inquiry regarding the purpose of a four foot fence, the Recreation and Parks Director stated to provide better visibility; the fence will not have a gate because of Council's concern about the liability of people stepping into the water.

Vice Mayor Vella inquired what is being done to prevent flooding and sea level rise.

The Interim Public Works Director responded the feasibility study will include sea level use projections over the next five to ten years, which might affect the use of the sites; stated on December 5th, Public Works will be present the Climate Action Plan scope to expanded what type of planning and adaptation measures the City needs to take.

Vice Mayor Vella inquired whether the study will encapsulate said issues, to which the Interim Public Works Director responded in the affirmative; stated the long term Climate Adaptation Plan will include said issues.

Mayor Spencer inquired if there is feedback from the Police Department regarding the calls during the last six months, to which the Recreation and Parks Director responded in the negative.

Mayor Spencer inquired what the City is doing to ensure the area is locked or to enforce closure at dusk.

The City Manager responded the feasibility study will review the security issues; stated staff will provide Council with the Police Department data.

Mayor Spencer inquired whether Council will consider addressing the issue of adding a gate to the pathway now instead of later.

The Assistant City Attorney responded a gate to close access to the pathways is not logistically and aesthetically possible; stated the issue can be reviewed as part of the feasibility study.

Mayor Spencer stated that she would like staff to look into the issue of a gate being added.

The Assistant City Attorney stated one of the pathways is used as a driveway and another is accessible as a pathway; arrangements would have to be made with the property owners.

Mayor Spencer stated the property owners would have to be allowed to open and close the gates; other parks have gates and people honor the closed gates.

The Assistant City Attorney stated staff can look into the addition of a gate.

Mayor Spencer inquired who enforces no trespassing rules.

The Assistant City Attorney responded as in all parks, the rules are posted and it is an honor system; stated some people obey the rules and some do not.

Mayor Spencer stated that she would like a comprehensive report detailing all the reports of Police activity and the phone calls received by the Police department; inquired whether the feasibility report will include engineering in addition to the architect study.

The Recreation and Parks Director responded in the negative; stated with regards to safety, lighting is more of a crime deterrent than a gate.

Mayor Spencer inquired whether the lights will be a part of the feasibility study and if staff is taking the security concerns seriously.

The Recreation and Parks Director responded staff is taking the security concerns seriously.

Mayor Spencer inquired whether the signage can include that people should not ride bikes down the driveway access points, to which the Recreation and Parks Director responded staff can put up signage to prohibit bikes, scooters or skateboards and indicate the pathways are pedestrian only pathways.

Councilmember Ezzy Ashcraft stated lighting is a great idea to deter crime.

Vice Mayor Vella stated signage that alerts people to the blind driveways is important; Monte Vista Avenue pedestrian problems are still an issue; requested staff to work with the neighbors to ensure the lighting provides security without illuminating the properties or shining a light on residences.

Mayor Spencer stated the signage should be erected sooner rather than later.

(17-591) Mayor Spencer stated a motion is needed to consider the remaining agenda items: Auctions by the Bay Lease [paragraph no. 17-592], direction tracking [paragraph no. 17-594] and ferry parking referral [paragraph no. 17-595].

Councilmember Matarrese moved approval of considering the remaining items.

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

Councilmember Matarrese stated there needs to be broader community input; he agrees with doing the feasibility study; the matter should go to the Recreation and Parks Commission with the Council comments; the funding stream should be presented to Council along with the Police data; the Police Department should patrol the area; signage should be posted now.

Councilmember Oddie stated safety is number one; he concurs with Councilmember Matarrese; he is eager to see how the feasibility study addresses the sea wall issue; expressed concerns with the budget; stated that he would like see if Council will entertain not replacing the fence.

Mayor Spencer inquired whether the fence being six feet addresses a safety issue; expressed concern over the fence going from six feet to four feet if the purpose of the six foot height is due to a safety issue.

The Recreation and Parks Director responded that the fence is six feet because that is the standard size of a temporary construction fence.

Councilmember Ezzy Ashcraft inquired if a four foot fence is adequate for the purpose of safety.

The Recreation and Parks Director responded in the affirmative; stated people should not be in the area at night; people would see the fence and would have to climb up to get over the fence; Council can decide whether to put the money into a lower, more decorative fence or use the money elsewhere.

Vice Mayor Vella stated her main concern is the safety of the community; she agrees with waiting for the fence and utilizing the money elsewhere; urged staff to work with the homeowners; stated that she is hopeful the feasibility study will return with an actionable plan that is within the budget.

Councilmember Ezzy Ashcraft concurred with Vice Mayor Vella about waiting to replace the fence and using the money elsewhere.

Mayor Spencer concurred with waiting to replace the fence; stated the signage should be posted now to prohibit bicycling and skateboarding down the access points; she would like the report of the Police incidents on the path; people on the path after dusk should be cited by Police; she would like the information of the prior Council decisions made regarding the matter; requested the lighting be addressed now rather than later.

(17-592) Introduction of Ordinance 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.] Introduced.

The Assistant Community Development Director gave a brief presentation.

Vice Mayor Vella moved introduction of the ordinance.

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

CITY MANAGER COMMUNICATIONS

(17-593) The City Manager stated the Interim Fire Chief has received two proposals for an update to the Emergency Preparedness Plan, the cost of the one he chose is \$21,000; announced Lime Bikes would have an unlocking at Faction Brewery on Thursday.

Mayor Spencer noted there would be a CASA meeting on Thursday at 6:30 p.m.

(17-594) Update on Tracking of Council Direction through the Referral Process.

The City Manager stated the item would be updated after every meeting and included on every agenda to inform the public and Council.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(17-595) Consider Directing Staff to Conduct a Workshop Involving the City Council, Water Emergency Transportation Authority (WETA), San Francisco Bay Conservation and Development Commission (BCDC), AC Transit and Others Relevant Groups regarding Recently Implemented Harbor Bay Ferry Terminal Parking Solutions.

(Councilmember Oddie)

Councilmember Oddie made brief comments regarding the referral.

Mayor Spencer inquired when staff plans to report back.

The City Manager responded staff will discuss preliminary data at the WETA meeting; the matter will go to the Transportation Commission in November and return to Council in December.

Mayor Spencer inquired whether representatives from other agencies will be present, to which the City Manager responded WETA and AC Transit will be present.

Mayor Spencer inquired why Councilmember Oddie requested a workshop instead of a regular agenda item.

Councilmember Oddie responded that he requested a workshop to have a regular dialogue instead of having speakers only have 3 minutes to speak and Council not engage with the speakers.

The City Manager stated the workshop would be a special meeting.

Mayor Spencer inquired when the workshop would take place.

Councilmember Oddie responded that he has no preference.

The City Manager stated the workshop is scheduled for the first meeting in December.

Mayor Spencer inquired whether Councilmember Oddie would like the workshop to occur prior to the regular Council meeting, to which Councilmember Oddie responded a lot of people cannot make a 6:00 p.m. meeting.

Mayor Spencer inquired whether the regular City Council meeting could be recessed to allow the back and forth dialogue, then return to the regular meeting.

The City Clerk expressed concern with having to juggle the meetings with other agencies involved.

Mayor Spencer inquired whether the workshop could occur in between the regular City Council meeting, to which the City Clerk responded in the affirmative.

The City Attorney stated conducting the meeting in said manner would be messy.

Councilmember Matarrese stated the workshop should be a Saturday meeting; he would also like to address the rest of the north shore development issues with WETA and BCDC and the water taxis at the same meeting.

Councilmember Ezzy Ashcraft inquired if someone from City staff attends WETA board meetings, to which the City Manager responded in the affirmative.

Councilmember Ezzy Ashcraft stated that she concurs with the referral brought by Councilmember Oddie; suggested having the workshop at the Harbor Bay Community Center.

Vice Mayor Vella stated if the workshop is done at Harbor Bay Community Center she would also like a workshop held on the West End; suggested if a joint meeting is done, the workshop should be agendaized to inform people what time the item will be discussed.

Mayor Spencer clarified if there are two different sites there would be two different agendas; inquired when the workshop will be held.

The City Manager responded after mid-January.

Mayor Spencer inquired whether Council would like the workshop to occur in December before the matter returns to Council in mid-January.

The City Manager responded that the issue would be trying to get the other agency staff to attend.

Councilmember Ezzy Ashcraft inquired if WETA could poll ferry riders to see when they would want the meeting to be held.

Councilmember Oddie moved approval of directing staff to conduct a workshop and to expand the workshop, as Councilmember Matarrese suggested, to include more than just the Harbor Bay ferry.

Councilmember Matarrese seconded the motion, with the recognition that the direction is important but not urgent.

The City Manager inquired whether Council would like to conduct the survey to find the best time for residents, to which Council concurred.

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

COUNCIL COMMUNICATIONS

(17-596) Mayor Spencer nominated Penny Cozad for appointment to the Planning Board.

(17-597) Vice Mayor Vella stated there is a lead Renovation, Repair and Painting (RRP) training for the remediation and removal of lead paint on pre-1978 homes Saturday in

Emeryville; she hopes Alameda can sponsor another training.

(17-598) Councilmember Oddie stated that he enjoyed visiting the Sister City in Korea.

(17-599) Mayor Spencer thanked staff for their efforts in putting the Sister City visit together.

(17-600) Councilmember Ezzy Ashcraft stated that she volunteered at the Alameda Food Bank and attended the League of California Cities implicit bias training.

(17-601) Mayor Spencer stated tomorrow is coffee with a Police Officer from 10:00 am to noon at Starbucks.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 10:59 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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