

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 20, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:06 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-081) Proclamation Declaring February 2018 as Teen Dating Violence Prevention and Awareness Month.

Mayor Spencer read the proclamation and presented it to Linda Ahmad, Valerie Nicolas and Kale Jenks, Daniel Rader, Elizabeth Dodge, and April McCarver, Alameda Family Services.

Ms. McCarver, Ms. Dodge and Mr. Raider made brief comments.

(18-082) Proclamation Declaring February 19, 2018 as Day of Remembrance.

Mayor Spencer read the proclamation and presented it to Mas Takano, Kent Taketa, Judy Furuichi, John Towata, and Ken Narahara.

A gentleman introduced those accepting and made brief comments.

Mr. Towata made brief comments.

(18-083) Mayor Spencer did the daily reading for the Season for Nonviolence on communication.

ORAL COMMUNICATIONS, NON-AGENDA

(18-084) Nancy Schegel, Alameda, stated Centre Court has ongoing trouble with green waste pickup; expressed concern with parking in red zones outside the Centre Court gate near at Earhart School; suggested pylons be installed.

(18-085) Mitch Dunn, Alameda Maker Farm, outlined activities to come into compliance with the City's regulations; discussed information that was not correct in a recent news report; inquired about a drone policy.

(18-086) Paul Foreman, Alameda, discussed Mixed Use (MX) zoning; urged Council to amend the ordinance to provide an enforceable, objective standard.

(18-087) Gaby Dolphin, Alameda, announced the Alameda League of Women Voters is holding a meeting tomorrow on campaign finance; discussed the Friends of Wadi Foquin event at the Library called “Home Away from Home: Little Palestine by the Bay.”

CONSENT CALENDAR

Mayor Spencer announced that the Legislative Agenda [paragraph no. 18-091] was removed from the Consent Calendar for discussion.

Councilmember Matarrese recused himself from the resolution for Landscaping and Lighting District 84-2 [paragraph no. 18-094].

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

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

(*18-088) Minutes of the Regular City Council Meeting Held on January 16, 2018 and the Special Meeting Held on January 30, 2018. Approved.

(*18-089) Ratified bills in the amount of \$4,389,460.03.

(*18-090) Recommendation to Authorize the City Manager to Execute a Second Amendment to an Agreement with Macks Craic Inc. (dba Mack5) to Add the Amount of \$40,000 for a Total Agreement Amount of \$146,470 for Construction Management Services for Cross Alameda Trail – Jean Sweeney Open Space Park. Accepted.

(18-091) Recommendation to Approve the 2018 Legislative Agenda for the City of Alameda.

Councilmember Matarrese stated that he would like to consider adding the following: 1) addressing income disparity under affordable housing as a way to assist with the high cost of housing in Alameda; currently, there is Council direction on raising the minimum wage, which aligns with his request to initiate action with lobbyists, the Association of Bay Area Governments (ABAG) and the League of California Cities (LCC) for tax deductions for rent paid by people under a certain income level; 2) cannabis use under public safety; there is a misplacement of cannabis being on Schedule 1 along with substances like LSD and a glaring lack of scientific study; he would like to request the National Institute on Health (NIH) conduct studies to characterize the substance, as well as its potential uses and side effects; the results should be listed on the City’s legislative

plan and passed on to ABAG and the LCC through to the City's representative.

Councilmember Ezzy Ashcraft stated the renter's credit has been doubled.

Councilmember Oddie stated Senator Glazer introduced a new bill to have the renter's credit doubled.

Councilmember Ezzy Ashcraft stated that she is happy to raise the issue with the LCC at Council's discretion.

Mayor Spencer inquired if the ask is to modify and add specific language to the current 2018 Legislative Agenda.

Councilmember Matarrese responded in the affirmative; stated Alameda has lobbyists that know pros and cons; he would like an anecdote on cannabis incorporated into the 2018 Legislative Agenda.

Mayor Spencer stated Council supported her referral she brought regarding minimum wage; the referral is now with staff and is pending.

Councilmember Matarrese stated his request would help the issue.

The City Manager stated the minimum wage item is due to return to Council on April 17th.

Mayor Spencer inquired whether Councilmember Matarrese has specific language he would like to add under affordable housing for income disparity.

Councilmember Matarrese stated he would like to add, "...including but not limited to, getting tax deductions for rent paid below a certain income level."

The City Manager inquired whether "...and support legislation" should also be added, to which Councilmember Matarrese responded in the affirmative.

Mayor Spencer inquired whether Council would like any specific language added to the 2018 Legislative Agenda.

Councilmember Ezzy Ashcraft stated the matter can be reviewed.

Mayor Spencer inquired whether the item can be reviewed and staff can come back to Council with modifications.

The City Manager responded the item can be placed on Consent with a redline version.

Councilmember Oddie stated that he concurs with Councilmember Matarrese; he would

like the heading to read “health” instead of “public safety and homeland security.”

Councilmember Matarrese stated a new heading can be made.

Councilmember Oddie stated that he is concerned about the LCC sentencing laws.

Mayor Spencer inquired whether the concern is regarding the 2018 Legislative Agenda, to which Councilmember Oddie stated the item is the last bullet on the 2018 Legislative Agenda.

Mayor Spencer inquired whether Councilmember Oddie’s request is to strike the last bullet, to which Councilmember Oddie responded that he would like to review options; stated that he would like to add something to encourage others to be supportive of environmental legislation; inquired what would occur if some of the items conflict with each other.

The City Manager responded if there is a conflict, the matter would be brought to Council; stated Regional Measure 3 will also be brought to Council for public input.

Vice Mayor Vella stated Senate Bill (SB) 1182, the Glazer Bill, barely raises the tax deduction.

Councilmember Ezzy Ashcraft stated the tax deduction doubles but it was so low to begin with.

Vice Mayor Vella stated it is only a small step since the tax deduction being so low; she concurs with Councilmember Oddie on changing the heading to “health;” she would like something added regarding supporting legislation that will fund lead testing and lead poisoning testing.

The City Manager inquired whether Vice Mayor Vella would want her request added under the environment section, to which Vice Mayor Vella responded in the affirmative.

Mayor Spencer stated that she would like to add encouraging the State to come up with a solution to the banking involving cannabis and to consider advocating to remove cannabis as a Schedule 1 drug to protect Statewide legalization and decriminalization of cannabis.

Councilmember Matarrese stated that he would like the justifiable data to back up removing cannabis as a Schedule 1 drug.

Mayor Spencer concurred; stated the government should be conducting more research in regards to the health benefits of cannabis and reducing opioid use; stated increasing the minimum wage is more than affordable housing and maybe should be added to another area; as a U.S. Mayor, she is part of an effort to remove illegal guns from the streets and would like to add language to advocate for gun control.

The City Manager inquired whether Mayor Spencer's request is to work with legislation to prohibit assault rifles.

Councilmember Ezzy Ashcraft stated guns falling into the wrong hands needs to be addressed.

Mayor Spencer stated that she would review the language the U.S. Mayor's signed and get back to staff before the matter returns to Council.

(*18-092) Recommendation to Approve the First Amendment for Three Additional Years to Agreement with Brownstein Hyatt Farber Schreck LLP, in the Amount Not to Exceed \$270,000, to Pursue the City's State and Regional Advocacy Agenda. Accepted.

(*18-093) Recommendation to Award a Contract in the Amount of \$2,809,650, Including Contingency, to Ranger Pipeline, Inc. for Construction of Cyclic 14 Easement Sewer Rehabilitation Project, No. P.W. 10-17-44. Accepted.

(18-094) Resolution No. 15346, "Appointing an Engineer-of-Work and an Attorney-of-Record for Island City Landscaping and Lighting District 84-2." Adopted.

[Note: Councilmember Matarrese recused himself, so the resolution was adopted by the following vote: Ayes: Councilmembers Ezzy Ashcraft, Oddie, Vella and Mayor Spencer – 4. Absent: Councilmember Matarrese – 1.]

(*18-095) Resolution No. 15347, "Appointing an Engineer-of-Work and an Attorney-of-Record for Maintenance Assessment District 01-1 (Marina Cove)." Adopted.

(*18-096) Resolution No. 15348, "Approving a Third Amendment to a Sublease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Third Amendment to a Sublease with SBA 2012 TC Assets, a Delaware Limited Liability Company, to Include Two Additional Five-Year Terms With an Annual 3% Consumer Price Index (CPI) Increase for Use of a Portion of Building 624 Located at 625 West Ranger Avenue at Alameda Point." Adopted. [In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt under the CEQA Guidelines Section 15301(c) - Existing Facilities.]

(*18-097) Resolution No. 15349, "Authorizing the City Manager to Apply to the State of California Department of Parks and Recreation, Division of Boating and Waterways for a Grant to Renovate the Encinal Boat Launch Facility Under the Harbor and Watercraft Revolving Fund." Adopted.

REGULAR AGENDA ITEMS

(18-098) SUMMARY: Consideration of whether to put before the voters on the June 5, 2018 ballot a \$95 million General Obligation Bond measure, which would be assessed

at \$23 per \$100,000 of value on all properties in the City of Alameda.

Adoption of Resolution Determining that the Public Interest and Necessity Demand the Making of Infrastructure Improvements and Their Financing through the Issuance of General Obligation Bonds. Not adopted;

(18-098A) Adoption of Resolution Amending the General Fund Operating Budget for Fiscal Year 2017-18 for the Cost of Submitting the Measure to the Voters. Not adopted; and

(18-098B) Introduction of Ordinance Calling a Special Election and Ordering the Submission of a Proposition Incurring Bonded Debt for the Purpose of Financing Clean Water, Street Infrastructure and Disaster/Emergency Preparedness Improvements Throughout the Geographic Boundaries of the City to the Qualified Voters of the City of Alameda at the Special Municipal Election to be Held on June 5, 2018. Not introduced.

The City Manager made brief comments.

Mayor Spencer requested clarification on whether Council is being asked to vote yes on the matter tonight; inquired whether Council would come up with a list of eligible projects prior to putting the matter to the voters.

The City Manager responded the ordinance contains a general list of projects based on community input under Section 2; stated staff is asking Council to review the Section 2 list and either confirm, revise or say no to the list.

Mayor Spencer inquired whether the matter is a first reading and will return to Council at the next meeting for a second reading to meet the deadline for the June ballot.

The City Manager responded in the affirmative.

Mayor Spencer inquired whether changes would affect being able to have the first reading.

The City Manager responded tonight would be the night to make the necessary changes and still qualify as the first reading.

Mayor Spencer inquired whether only non-substantial changes can be made, to which the City Manager responded in the affirmative.

Mayor Spencer inquired whether Council deciding to go with three different items instead of the items on the list counts as a first reading.

The City Manager responded the first reading only applies if there are non-substantial changes.

The Public Works Director; Catherine Lew, Lew Edwards Group; Miranda Everitt,

Fairbank, Maslin, Maullin Metz & Associates; Craig Hill, NHA Advisors; gave a Power Point presentation.

Mayor Spencer inquired what the top three priorities are for Alamedans according to the engagement survey.

The Public Works Director responded the top three priorities are traffic, potholes/sidewalks and streets; the bottom three are historic buildings, affordable housing and trees.

Vice Mayor Vella inquired whether the reference to clean drinking water is specific to Alameda Point.

The Public Works Director responded in the affirmative.

Vice Mayor Vella inquired about the total cost of the project.

The Public Works Director responded \$21 million.

Vice Mayor Vella inquired whether the project violates the Fiscal Neutrality Policy.

The Assistant City Attorney responded in the negative; stated the Fiscal Neutrality Policy is intended to protect the General Fund; the funds do not comingle with the General Fund; stated staff has other examples of Grant funding being used without violating the Fiscal Neutrality Policy.

Vice Mayor Vella inquired whether Bond funding has ever been used.

The Assistant City Attorney responded in the negative.

Vice Mayor Vella inquired whether there are other examples where challenges have been made regarding the issue.

The Assistant City Attorney responded that he is unaware of the Fiscal Neutrality Policies of other cities; the measure is the first time Alameda would be bonding for indebtedness.

Vice Mayor Vella inquired whether staff has researched other cities that have had Fiscal Neutrality Policies and whether they were able to use bond monies in said areas.

The Assistant City Attorney responded in the negative; stated Alameda's Fiscal Neutrality Policy is unique to Alameda.

Vice Mayor Vella inquired whether the money will be part of a 5% rent increase relative to the rent ordinance.

Councilmember Ezzy Ashcraft stated she does not understand the question.

Vice Mayor Vella clarified would the bond money assessment be transferable towards the 5% rent increase to the tenant.

The Assistant City Attorney responded the property owners will be required to pay the fee.

The Community Development Director stated the maximum rent increase is set at 5%; if rent is raised above 5%, there is a mandatory hearing in front of the Rent Review Advisory Committee (RRAC); the cost of the bond measure assessment can be passed through to tenants; the RRAC would determine the validity of the reason behind the increase if it is above 5%.

Vice Mayor Vella inquired how much has been spent to date on the consultants, scientific polls and mailers.

The Assistant City Manager responded under \$50,000.

Vice Mayor Vella inquired whether the total is for everything.

The Assistant City Manager responded that she would have to research the cost; stated a poll was done in 2017 and again recently.

Vice Mayor Vella inquired how many mailers were sent out.

The Public Information Officer responded two mailers were sent out at \$7,000 per mailer.

Vice Mayor Vella inquired what the constraints are on spending the money after the bond is issued.

The Public Works Director responded things change with time; stated staff will ensure that City Council has the flexibility to select projects that are consistent with the original purposes of the bond.

Vice Mayor Vella inquired whether the Bond Oversight Committee is subject to the same conflict of interest regulations that govern any other board or commission.

The Assistant City Attorney responded the Committee would be subject to the Form 700 conflict of interest laws.

Councilmember Oddie inquired whether the \$293 million is an all-encompassing list of all the infrastructure needs, to which the Public Works Director responded in the affirmative.

Councilmember Oddie inquired whether the entire \$293 million is unmet or are other funds available.

The Public Works Director responded the list is above and beyond current and projected funding sources.

Councilmember Oddie inquired whether there is a difference between the June and November elections.

Ms. Lew responded the threshold is the same for the June and November elections; stated her firm's recommendation is to sequence the proposals.

Councilmember Oddie inquired whether today is the last possible day to make the decision, to which the Assistant City Attorney responded in the affirmative.

Councilmember Oddie inquired how much of the \$293 million is included in existing funding sources and existing plans, and whether the amount is above and beyond everything that is planned.

The Public Works Director responded the cost is above and beyond.

Councilmember Oddie inquired whether the \$14.4 million for water system replacement costs, which were discussed at a previous meeting, are included in the \$21 million that Vice Mayor Vella referenced during her clarifying questions.

The Base Reuse Director responded costs have been updated based on a recent engineering estimate; stated the cost is \$21 million.

Councilmember Oddie inquired whether the funds can be mixed with Base Reuse funds.

The Public Works Director responded projects can have different funding sources.

Councilmember Oddie inquired whether there will be reimbursements as developers build out.

The Public Works Director responded as currently written, the ordinance would permit reimbursements; stated the reimbursements could happen from Alameda Point or from other grants.

Councilmember Oddie inquired whether defining the projects after the election is a legal requirement or a best practice; stated some projects should be listed in the voting guide.

The Public Works Director requested clarification on the question.

Councilmember Oddie inquired whether voters will know what they are voting on.

The Public Works Director responded there are several opportunities to inform voters what they are voting on: the Council vote on project selection, the infrastructure needs list containing the words of the ballot measure and the ordinance.

Councilmember Oddie inquired whether the list can be specific.

The Assistant City Attorney responded Council can set the parameters; stated the ordinance is set up to allow flexibility.

Councilmember Oddie stated that he would prefer to set priorities now instead of after going to the ballot.

Ms. Lew stated the specificity would require going back to the voters in future years to make an adjustment and would require a 2/3 vote.

Councilmember Oddie inquired who will pay for the campaign.

Ms. Lew stated it would not be appropriate for staff to address advocacy matters.

Councilmember Oddie inquired how the \$93 million for the bonding capacity was reached.

The Public Works Director responded staff is responding to the citizen's requests.

Councilmember Oddie inquired whether the request for the ballot arguments to not include titles is a legal consideration or a political decision.

Ms. Lew responded her advice is to allow the community viewpoints to be the prevailing voices on the issue; stated the request is only a suggestion.

Councilmember Ezzy Ashcraft inquired whether there is a way to adopt project guidelines before going to the voters; and whether language can be written with more specificity and with the flexibility for small deviations.

The Public Works Director responded the guidelines can be adopted before the vote; stated having the guidelines could possibly sway the vote.

The Assistant City Manager stated the guidelines are outlined in the staff report.

Councilmember Ezzy Ashcraft inquired whether the consultant has had the community submit a ballot argument before.

Ms. Lew responded with her prior clients, the board signs unanimously or allows the community to submit a ballot argument; stated with the amount of community involvement, she felt it best to recommend the community submit the ballot argument.

Councilmember Ezzy Ashcraft inquired when the language in the resolution refers to the project, is it referring to the list of areas that were polled.

The Public Works Director responded in the affirmative; stated the language refers to the \$95 million of projects listed in the expenditure list.

Councilmember Ezzy Ashcraft inquired how the finding can be made that \$95 million will pay for the cost of the project when the expenditure plan lists \$293 million of unmet infrastructure needs.

The Public Works Director responded the cost of the project is \$95 million of infrastructure needs that will be addressed through the infrastructure bond.

The City Manager stated the first sentence in the section states: "you have to determine that the estimated cost of the project will require an expenditure greater than the amount allowed by the annual levy."

Councilmember Ezzy Ashcraft stated that she is concerned with the last sentence regarding the \$95 million.

Brian Quint, Bond Counsel, stated the resolution is the initial requirement to place the bonds on the ballot; the specificity is set forth in the ordinance.

Councilmember Ezzy Ashcraft stated project guidelines will not be established until after the measure is passed.

Mr. Quint stated based on community input, the focus will be on the four priorities, but allow for flexibility.

In response to Councilmember Ezzy Ashcraft's inquiry, the City Clerk stated every election that is a general municipal is in November of even numbered years; any other election is called a special election, even if it is consolidated with other elections like the June primary.

Councilmember Ezzy Ashcraft inquired how the maximum interest rate of 12% per annum was figured.

Mr. Quint responded the rate is the statutory maximum.

Vice Mayor Vella inquired why the item is being placed on the June ballot and not the November ballot.

Ms. Lew responded existing State law indicates that in order to take advantage of the simple majority threshold for general purpose measures, the measures must be during a regularly scheduled municipal election.

Vice Mayor Vella inquired whether there is still a consideration of placing another revenue generating measure on the November ballot.

The City Manager responded that would be a Council decision.

Vice Mayor Vella inquired whether there is a plan to place something before the Council to decide on a sales tax measure within the year, to which the City Manager responded in the affirmative.

Councilmember Matarrese inquired whether there will be an explanation of the range, and whether the average of \$23 per \$100,000 would be listed in the 75 word ballot summary.

Mr. Hill responded in the affirmative; stated voters will receive supplemental documentation.

Councilmember Matarrese inquired whether the supplemental information for voters will include guidelines for spending the \$95 million.

Mr. Hill responded in the affirmative.

Councilmember Matarrese inquired whether a project has to be in the Capital Improvement Project (CIP) fund, to which the Assistant City Attorney responded in the affirmative.

Councilmember Oddie inquired whether there is a cap and a floor for each category, to which the Assistant City Attorney inquired whether the question is regarding the tax rights statement.

Councilmember Oddie responded his question refers to the staff report.

Councilmember Matarrese stated that he read from the ordinance not the staff report.

Mayor Spencer inquired whether the bonds will be repaid in 36 years based on the statement regarding the \$6 million annually generated to repay the bonds.

Mr. Quint responded based on the current interest rates and expected increases in assessed value over time, the estimate is the bonds will be paid off in 36 years.

Mayor Spencer inquired whether a survey question addressed repaying the bonds in 36 years.

Ms. Everitt responded the opinion poll included the cost for each homeowner per year for 36 years.

Mayor Spencer stated the opinion poll mentioned homeowner; inquired whether the cost is to all property owners; to which the City Manager responded in the affirmative.

Mayor Spencer stated the cost will not be to strictly homeowners.

Ms. Everitt noted the poll only included registered voters.

Mayor Spencer inquired what percentage of homeowners approved the language.

Ms. Everitt responded 28% found the language a very convincing reason to say no.

In response to Mayor Spencer's inquiry regarding the percentages, Ms. Everitt stated the hypothetical ballot question tested and presented to Council meets the current statutory guidelines for setting forth the cost to taxpayers.

In response to Mayor Spencer's further inquiry, Ms. Everitt stated the full 75 word ballot question was read, which included the duration of 36 years and the cost of \$23 per \$100,000 of assessed valuation, which received a response of 70%.

Mayor Spencer inquired whether a question informed the taxpayer they will be paying over 36 years.

The City Manager responded a new State law has requirements regarding what the ballot question has to include.

Mr. Quint stated the new State law requires listing how much will be collected annually and how long repayment will take; the problem is there is a maximum of 75 words for the ballot question.

Mayor Spencer inquired whether a specific question addressed paying for police and fire facilities.

Ms. Lew responded on the basis of the community feedback, her firm advised that emergency disaster preparedness be included in the measure.

Mayor Spencer inquired whether disaster preparedness in the presentation pertains to flooding, not police and fire.

Ms. Lew responded in 2015, police and fire needs ranked the fourth highest testing element in an open ended question.

Mayor Spencer stated that she is looking for specific questions that state the bond money would be spent on specific items.

Ms. Lew stated the body of research over time was utilized to craft a measure that effectively captures the priorities of the public.

Mayor Spencer inquired whether the recent poll included such questions.

Ms. Lew responded disaster preparedness is one of the top four categories that her firm is recommending be included in the bond funds.

Ms. Everitt stated 2/3 percent stated upgrading public facilities to address earthquake safety is important.

Mayor Spencer inquired whether specific questions asked the people polled whether they would pay bond money for specific projects.

Ms. Everitt responded there were 25 different priorities; stated the top ones are listed in the presentation.

Mayor Spencer inquired whether the poll connected paying the bond money with the subject, to which Ms. Everitt responded in the affirmative.

Mayor Spencer inquired whether the poll explained that the ballot measure means voters would have to pay money, to which Ms. Everitt responded in the affirmative.

Mayor Spencer inquired whether the questions in the poll correspond with the numbers in the exhibits regarding costs.

The Public Works Director responded the numbers are different due to an engineering firm updating the storm drain master plan estimates and incorporating some of the sea level rise analysis within the estimate.

Mayor Spencer inquired whether the language in Section 2 of the ordinance refers to replacing or repairing Fire Stations 2 and 5.

The Fire Chief responded the language refers to replacing Fire Stations 2 and 5.

Mayor Spencer inquired whether it is to replace or update the stations.

The Fire Chief responded the infrastructure needs to be replaced.

Mayor Spencer inquired where is the language about Fire Stations 2 and 5 replacement and cost.

The Fire Chief responded the cost is approximately \$12.5 million per facility.

The City Manager stated the exhibit lists \$15 million.

Councilmember Ezzy Ashcraft inquired whether Council will be allowed to vote on project guidelines.

The City Manager responded Council will be allowed to vote when the need arises.

Mayor Spencer inquired whether the word replace can be added in front of Fire Stations 2 and 5.

The City Manager responded if an analysis is done and the stations do not need to be replaced, the matter would need to return to voters.

Mayor Spencer inquired whether the language can state to repair and/or replace.

The City Manager responded Council can make the change if desired.

(18-099) Vice Mayor Vella stated a vote needs to be taken on whether other items later in the agenda will be heard so that the public can be aware.

Councilmember Ezzy Ashcraft stated if the current meeting continues past 11:00 p.m., additional regular meetings would have to be added.

Mayor Spencer stated a vote is needed to consider the Golf Course item [paragraph no. 18-101], the Cannabis item [paragraph no. 18-102] and the referrals [paragraph no. 18-103].

Mayor Spencer moved approval of hearing the Golf Course and Cannabis items.

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

Vice Mayor Vella moved approval of only hearing the Golf Course item.

Councilmember Oddie stated hearing the Golf Course item will make the meeting go past 11:00 p.m.

Councilmember Ezzy Ashcraft stated that she will agree to the motion with the caveat that the meeting does not go past 11:00 p.m. and shortening the speaker time to less than 3 minutes.

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

Mayor Spencer calls a recess at 9:49 p.m. and reconvened the meeting at 9:56 p.m.

Mayor Spencer inquired if a decision is made tonight, who gets to sign the ballot argument.

The City Clerk responded if Council is interested in signing the ballot argument, the decision has to be made tonight; stated if Council is not interested in signing the ballot argument, nothing needs to be done tonight.

Mayor Spencer inquired where the resolution language states the requirement.

The City Clerk responded the ordinance allows for the direct arguments and the rebuttal.

Mayor Spencer inquired whether the language states the community members and not Council.

The City Clerk responded if Council wants to write the ballot argument rather than the community members, a decision would need to be made tonight.

Councilmember Oddie inquired if there are multiple ballot arguments submitted is there a random drawing.

The City Clerk responded there is an order in the Elections Code that gives priority to elected officials.

Councilmember Oddie inquired whether signing without a title means they are signing as community members.

The City Clerk responded in the affirmative; stated a bonafide organization would qualify above not using the Councilmember title.

Mayor Spencer inquired where the ordinance states Councilmembers would be able to submit the ballot question not using titles.

The City Manager responded Section 19 of the ordinance.

Mayor Spencer inquired where the language is regarding having community members submit the ballot argument.

The Assistant City Attorney responded Section 19.

Mayor Spencer stated the language does not say community members.

The Assistant City Manager stated language can be added.

Mayor Spencer stated there was a high level of community interest on the rent issue; inquired why staff did not recommend that Councilmembers not participate in that ballot question; inquired why staff came up with the current recommendation.

The City Manager responded the recommendation is from Ms. Lew's firm.

Mayor Spencer inquired why the recommendation is being supported by staff and why the rent issue is different.

The City Manager responded staff concurred with the recommendation.

Mayor Spencer stated the rent issue involved 1½ years of community input.

The City Manager stated the support from the community on the current issue is 70 to 88%; staff is agreeing with the advice that the community should be offered the chance, as well as Councilmembers.

Mayor Spencer inquired whether staff has ever come to Council and requested they not use their titles.

The City Clerk responded that she would need to research the matter.

Mayor Spencer inquired whether Councilmembers were allowed to use their titles for the ballot question on the rent issue, to which the City Clerk responded in the affirmative.

The City Auditor and City Treasurer made brief comments.

Expressed concerns with interest rates going up; stated the City needs new infrastructure and safe water at Alameda Point: Michael McDonough, Chamber of Commerce.

Expressed support for the bond measure, which will not pay for all infrastructure needs: Pat Potter, BikeWalk Alameda.

Stated that he would not support a measure that does not have a list of projects; questioned why East Bay Municipal Utility District is not paying for water: Jim Streylow, Alameda.

Expressed support for the measure; stated the resolution is in the best interest of all Alamedans: Damien Mason, Alameda Backyard Growers and Community Action for a Sustainable Alameda (CASA).

Urged Council to place the measure on the ballot; discussed water problems at Alameda Point: Doug Biggs, Alameda Point Collaborative and Alameda resident.

Discussed infrastructure needs of the disabled and the importance of improving accessibility: Beth Kenny, Commission on Disability.

Stated it is important for Alamedans to vote on the item; infrastructure upgrades are important to the City: Deb Knowles, Downtown Alameda Business Association (DABA).

Stated fixing the storm water and pumping system is critical to Alameda; urged Council to support the item: Ruth Abbie, CASA.

Suggesting wedding the term climate change to infrastructure in the budget: Gaby Dolphin, Alameda.

Stated that he is in full support of the measure, which is an opportunity for citizens to invest in the place they live; urged proceeding tonight: Jonah Hendrickson, Alameda Point Redevelopers.

Expressed concern over the vagueness and Alameda Point fiscal neutrality: John Knox White, Alameda.

Mayor Spencer expressed concerns with fiscal neutrality; stated the language has to be clear and transparent to the voters; the City's Climate Action Plan should be added to the body of the language; the word repair and/or replace should be added to the Fire Station section; the categories need to be prioritized and include the percentages; the voters should know where the money is going; she does not support the 75 words as written; the body should address the water at Alameda Point, sea level rise and flooding as part of the City's Climate Action Plan; requested more specificity regarding what the voters will be voting for.

Vice Mayor Vella stated people currently purchasing homes in Alameda are way above the averages listed; expressed concerns with costs being passed on to renters, both commercial and residential; stated it is misleading to say the water crisis at Alameda Point was due to infrastructure and not a valve not being turned off; she is concerned with the fiscal neutrality policy; the language should be clear about what the funds are going towards; she does not agree with not allowing Councilmembers to use titles; she supports percentages for each category.

Mayor Spencer concurred with Vice Mayor Vella regarding Councilmembers using titles.

Councilmember Oddie stated that he agrees with the request for infrastructure needs; he feels rushed on the issue; he is concerned with how the priorities will be chosen; the taxpayers should not have to pay for infrastructure needs at Alameda Point; the bond will also end up being paid for by the tenants; he concurs with statements made regarding Councilmembers using titles.

Councilmember Ezzy Ashcraft stated it does not matter if her name is on the ballot argument; the infrastructure needs in Alameda are critical; she would like to see the

funds paid back by developers, not at the expense of residents; urged Council to allow voters to vote on the issue; stated that she would like specificity for the categories; putting off the infrastructure needs is delaying a crisis.

The City Manager stated fiscal neutrality language can be added to the ordinance; language about the Climate Action Plan can be added to Section 2; the definition of infrastructure and capital project and the percentages of the categories can also be added; repair and/or replace can be added for Fire Stations 2 and 5, as well as language identifying the waterlines at Alameda Point and the Police substation on the West End.

Councilmember Matarrese noted that he is willing to go past 11:00 p.m.

Councilmember Ezzy Ashcraft stated the City Clerk clarified one more meeting can be added.

Councilmember Matarrese stated the 75 word ballot question is fine; suggested removing the qualifier that states: "The forgoing improvements are referred to herein as the "Project" and include, but are not limited to projects identified in City's capital plans;" "but not limited to" should be stricken because the funds should only go towards infrastructure and capital plans listed in currently approved City projects; the Climate Action Plan and the Transportation Plan being only capital improvements associated with the plans should be in large letters; the Assistant City Attorney's analysis regarding fiscal neutrality is correct.

(18-100) Councilmember Matarrese moved approval of continuing the meeting past 11:00 p.m.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer stated that she does not support the motion, but would consider a time certain and adding one more meeting.

The City Clerk stated the Sunshine Ordinance states more regular meetings have to be added; currently, there are 22 regular meetings per year, the number would need to be increased.

Councilmember Oddie inquired whether it would be one meeting every month.

The City Clerk responded the Sunshine Ordinance does not state every month; stated it states Council has to increase the regular meetings; the vote has never been taken before.

Mayor Spencer inquired whether the current meeting can be suspended.

The Assistant City Attorney responded the meeting can be continued to a date certain and still have the meeting count as a regular meeting and the ordinance count as a first reading.

Councilmember Oddie stated the vote was not finished.

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

Mayor Spencer moved approval of continuing the meeting until 11:30 p.m.

Councilmember Oddie stated the motion still violates the Sunshine Ordinance; he would like the matter returned to Council with more language.

Councilmember Oddie moved approval of continuing the meeting to a date certain.

Councilmember Matarrese seconded the motion.

Under discussion, the City Clerk stated the date certain needs to be specified.

Councilmember Oddie stated the City Clerk will give Council a date certain.

The City Clerk stated that Council needs to specify the date certain tonight.

Councilmember Oddie stated he can meet tomorrow.

Councilmember Ezzy Ashcraft stated she cannot meet tomorrow.

Mayor Spencer stated there is not an agreement on the date certain.

The City Clerk inquired about several dates, but Council did not agree on a date.

Mayor Spencer noted the time was past 11:00 p.m. and the meeting was adjourned.

(18-101) Introduction of Ordinance Approving a 15-Year Lease Amendment with an Option for a 10-Year Extension Between the City of Alameda and Greenway Golf Associates, Inc., for Premises Located at the Chuck Corica Golf Complex. Not heard.

(18-102) Adoption of Resolution Adopting Regulations Governing a Request for Proposals Process for Allocating Limited Privilege to Apply for a Cannabis Business Permit; and Recommendation to Approve the Request for Proposals. Not heard.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(18-103) Update on Tracking of Council Direction through the Referral Process.

(18-104) Consider Directing Staff to Provide Information on the Citywide Dockless Bike Sharing Program and Return to Council with Additional Safety Requirements. Not heard. (Mayor Spencer and Vice Mayor Vella) [Not heard on December 19, 2017; January 2 or 16, 2018, February 6, 2018 or February 20, 2018.]

(18-105) Consider Banning Motorized Commercial Vehicles, Including Robotic Commercial Vehicles, from Sidewalks and Commercial Drone Aircraft Used for Deliveries. Not heard. (Councilmember Matarrese) [Not heard on January 2 or 16, 2018, February 6, 2018 or February 20, 2018.]

COUNCIL COMMUNICATIONS

Consideration of Mayor's Nomination for Appointment to the Public Art Commission. Not heard

ADJOURNMENT

There being no motion to continue the meeting past 11:00 p.m., Mayor Spencer adjourned the meeting at 11:01 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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