

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 1, 2018- -5:00 P.M.

Mayor Spencer convened the meeting at 5:04 p.m.

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

Absent: None.

Public Comment

Urged Councilmembers Vella and Oddie recuse themselves from any decisions regarding the City Manager, which does not mean they are guilty of anything: Heinrich Albert, Alameda.

Expressed his displeasure with the conflict; suggested following a conflict resolution model: Ken Peterson, Alameda.

Stated the matters related to the City Manager should be rescheduled to a later date after the report is released; urged Councilmembers Vella and Oddie recuse themselves: Jim Sweeney, Alameda.

Stated shifting the focus to the taping completely ignores the core issue; urged the Council to uphold due process and resolve the matter in an above board fashion: Gretchen Lipow, Alameda.

Mayor Spencer suggested the City Attorney explain whether Vice Mayor Vella and Councilmember Oddie have to recuse themselves from the closed session items.

The City Attorney responded Councilmembers Oddie and Vella do not have a financial conflict of interest; stated the entire City Council hires and appoints the City Manager, City Attorney and City Clerk; any kind of performance evaluation or decision on continuing employment of any one of the three is within the purview of all five Councilmembers.

Discussed a potential wrongful termination lawsuit; urged a settlement be reached: Paul Foreman, Alameda.

Stated the record shows Ms. Keimach was strongly and relentlessly pressured to hire a Fire Chief who was supported by the Firefighters union, Domenick Weaver; Ms. Keimach received 16 letters from elected, appointed and union officials in a one month period urging her to hire Mr. Weaver; Mr. Oddie said that he was concerned because somebody said to him Jeff DelBono doesn't run this City, Jill does; Councilmember Oddie told people that he had two other votes to fire Ms. Keimach; Ms. Keimach was told, by more than one person, that she had reason to fear not just her job, but her

safety; there were subtle and not so subtle hints before and after the August 16th meeting with Councilmembers Oddie and Vella about the good things that would happen to her if Ms. Keimach hired Mr. Weaver and the bad things that would happen to her if she did not; Mr. DelBono is denying that he tried to get Ms. Keimach fired; Councilmembers Oddie and Vella should recuse themselves; he cannot think of any judge that would preside over a matter in which their own conduct was at issue and in which they were being accused of engaging in criminal conduct; mediation is a path; people should be allowed time to digest the report; they [Ms. Keimach and her attorneys] would like to release the tape; there was interference by Councilmembers; the Council should step back and take a deep breath: Karl Olsen, Attorney for Jill Keimach.

Stated they have been ensured the purpose of the meeting tonight is not to make a final decision to terminate Jill Keimach as City Manager and that there will be a further process before such a decision is made; applauded the Council's more thoughtful approach to such an important issue; stated efforts to achieve a resolution through mediation have now been resumed; they were disappointed that mediation was ceased; they continue to hope the outcome will be the reinstatement of Ms. Keimach; Ms. Keimach wants to finish the job she started; if not possible, Ms. Keimach will consider other fair and reasonable paths to resolution; a troubling narrative in the press has been the conflict of interest of Vice Mayor Vella and Councilmember Oddie; Mr. Oddie made it clear that he had three votes to fire Ms. Keimach before he met with her and it is common knowledge that he passed that to the Police Chief before he and Ms. Vella met with Ms. Keimach; that is a direct threat to her employment and her job; to have him in a room considering whether Ms. Keimach should have continued employment or participating with the City Council on these issues should not happen; the outcome two weeks ago was to refer the tape recording to the District Attorney (DA); the tape should be evaluated for two reasons; she believes Jill Keimach acted in a perfectly legal way, which she believes the DA will ultimately conclude; she also believes the tape recording demonstrates the crime of bribery; bribery is where someone offers something of value, such as the cooperation of the union, in exchange for other favors; it should be evaluated; Councilmembers Vella and Oddie should step aside for the rest of the meeting; they offered something of value, the cooperation of the union, in the event of future budget cuts and implied the right for Ms. Keimach to keep her job: Therese Cannata, Attorney for Jill Keimach.

Stated there needs to be an impartial, complete, adequate and thorough investigation into the questionable, if not illegal, action taken by two members of the Council; not releasing the report to the public causes suspicion; Councilmembers Oddie and Vella voted on parameters of the investigation and the status of Ms. Keimach; both received campaign funding from the Firefighters union and demanded their choice for Fire Chief; the Council has a duty to entire community, not immediate supporters and donors: Burney Matthews, Alameda.

Mayor Spencer inquired when the report will be released, to which the City Attorney responded tomorrow in the late afternoon.

Stated that she understands Jill Keimach has requested a public session; Jill has not received the 24 notice of specific complaints; questioned the process: Wendy Scheck, Moraga.

In response to Mayor Spencer, the City Attorney stated people are jumping to conclusions; the Council is going through a legal process; the City is noticing closed sessions, which cannot be discussed; process is being followed.

Expressed concern over the City Council taking acting in closed session; urged any earlier versions of the report be released, as well as a District Attorney report, if the City ever received one; expressed concern with limiting conflict of interests to financial; stated two Councilmembers should want the tape released if they are proud of what was said: Rock Harmon, Alameda.

Stated only the un-redacted, full report and recording will suffice; releasing less will not put out the whole truth; speculation and distrust will continue; the recording could be legal; focus should be on Councilmember Oddie's and Vella's conduct; a performance review has not been done; suggested letting Ms. Keimach return to work; stated if the DA finds the recording was illegal, Ms. Keimach could be fired for cause; stated Councilmembers Oddie, Vella and the City Attorney should not be in the room for the discussion: Karen Miller, Alameda.

Stated the Council has created a mess and should clean it up; discussed beginning the recall process; requested Ms. Keimach be reinstated; stated Ms. Keimach could be reprimanded or not be given a pay raise, in exchange, the recall would be dropped: Stephen Slauson, Alameda.

Discussed recusals and leaks from City Hall: Cameron Bateman, Alameda.

Urged Councilmembers Oddie and Vella to step down from the City Council: Zach Kaplan, Alameda.

Outlined her experience working with Jill Keimach: Barbara Silva, Moraga.

Urged reconciling with Ms. Keimach: Paul Medved, Alameda.

Asked the Council to give the people of Alameda the truth: Joe LoParo, Alameda.

Stated that she is saddened at the state of local government; discussed integrity; expressed concern over corruption; urged Councilmembers Vella, Oddie and the City Attorney to step aside: Catherine Bierwith, Alameda.

Outlined her experience working with Jill Keimach: Tara Bhuthimethee.

Expressed concern over public comments against people the City elected without knowing the facts; expressed support for Councilmembers Oddie and Vella; stated a City Manager should know personnel matters are confidential and cannot be discussed; stated the same tactics were used to bully, smear and remove the Friends of the Alameda Animal Shelter Director: Catherine Pauling, Alameda.

Discussed the 2016 election; stated that he finds Jill Keimach's integrity intact; Councilmember Oddie's and Vella's integrity is being questioned; challenged them to convince Alameda residents that they can be trusted in the future: Dan Tuazon, Alameda.

Outlined her experience with Jill Keimach: Michelle Fidelli.

The meeting was adjourned to Closed Session to consider:

(18-243) Conference with Legal Counsel – Anticipate Litigation; Significant exposure to litigation pursuant to subdivisions (d)(2) and (e); (1) of Government Code Section 54956.9; Number of cases: One (As Defendant - City Exposure to Legal Action). Not heard.

(18-244) Conference with Real Property Negotiators (Government Code section 54956.8); Property: Assessor Parcel Numbers (APNs): 070-0196-027-2 and 070-0196-042 (generally known as part of Tilden Way) and APNs: 074-0906-031-3, -031-6, -034 & -035 and 074-0906-033 (generally known as the area along the southern border of Jean Sweeney Park); City Negotiators: Elizabeth Warmerdam, Acting City Manager, Jennifer Ott, Acting Assistant City Manager, Amy Wooldridge, Recreation and Parks Director; Potential Seller: Union Pacific Railroad Company; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment

(18-245) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivisions (d)(2) and e(2) of California Government Code Section 54956.9 relating to the allegations made in City Manager Jill Keimach's October 2, 2017 letter; Number of cases: Three (As Defendant - City Exposure to Legal Action)

(18-246) Public Employee Performance Evaluation; Public Employee Dismissal/Release; Pursuant to California Government Code Section 54957; Employee/Position: Jill Keimach, City Manager

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Real Property, direction was given to staff on two properties with unanimous votes.

Mayor Spencer called a recess at 7:00 p.m. and reconvened the meeting at 9:24 p.m.

Following returning into Closed Session, the meeting was reconvened and regarding Litigation, no action was taken, and regarding Performance Evaluation, direction was given to staff by the following voice vote: Ayes: Councilmembers Oddie, Vella and Mayor Spencer – 3. Noes: Councilmembers Ezzy Ashcraft and Matarrese – 2.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 11:00 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- -MAY 1, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:08 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

(18-247) Proclamation Declaring Thursday, May 10, 2018 as Alameda Bike to Work and School Day.

Mayor Spencer read the proclamation and presented it to Denyse Trepanier and Brian McGuire, Bike Walk Alameda.

Ms. Trepanier and Mr. McGuire made brief comments.

(18-248) Proclamation Declaring May 2018 as Asian Pacific American Heritage Month.

Mayor Spencer read the proclamation and presented it to Young Chen, Mas Takano, Buddhist Temple of Alameda, Karen Fong, Sister City Association, Gala King, Buena Vista United Methodist Church, Yung Chen, representing Poet Yum Suen Chan, and Michael Moon, Organization of Chinese Americans.

Ms. Chen read her father's poem.

Mr. Takano, Ms. King, Ms. Fong and Mr. Moon made brief comments.

(18-249) Proclamation Declaring May 10th through the 20th, 2018 as the 22nd Annual Affordable Housing Week.

Mayor Spencer read the proclamation and presented it to Denielle Thoe, Alameda Housing Authority.

Ms. Thoe made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(18-250) Gregory Hartman, Alameda, inquired whether short term rental ordinances are being discussed; expressed concern over issues with a property next door to his house being used as a Vacation Rental By Owner (VRBO)/Airbnb; outlined issues, such as

trash and cars blocking driveways; outlined regulations in other jurisdictions.

In response to Mayor Spencer, the Acting City Manager stated the issue is on the workplan and will come to Council in the fall.

(18-251) Robert Todd, Alameda, expressed concern over issues being raised regarding naming of public streets and buildings.

CONSENT CALENDAR

Mayor Spencer announced that the Gig Car Share [paragraph no. 18-254] and City Attorney contract [paragraph no. 18-255] were removed from the Consent Calendar for discussion.

Councilmember Oddie moved approval of the reminder of the Consent Calendar.

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

(*18-252) Minutes of the Special City Council Meetings Held on April 3, 2018. Approved.

(*18-253) Ratified bills in the amount of \$8,508,748.75.

(18-254) Recommendation to Authorize the Acting City Manager to Execute a Service Agreement with Gig Car Share for a One Year Point-to-Point Carshare Pilot Program at No Cost to the City.

Mayor Spencer stated LimeBikes did not come to the Council and she thought it should have; requested staff explain the proposal.

The Transportation Coordinator made brief comments; inquired whether Council would like to hear the presentation.

Mayor Spencer inquired whether the 50 cars would be in designated parking spaces.

The Transportation Coordinator showed a slide from the presentation and outlined the pilot program.

Mayor Spencer inquired where the cars would be parked, to which the Transportation Coordinator responded on the street.

In response to Mayor Spencer's inquiry, the Transportation Coordinator stated the pilot is piggy backing on an existing pilot in Oakland and Berkeley, but differs since Alameda is not recommending ending trips at parking meters or the parking structure; the policy

approved by the Transportation Commission supports parking at meters and the structure; however, staff is trying to be more cautious and is recommending not having a transactional circumstance with Gig Car Share for the parking meters or structure.

Councilmember Ezzy Ashcraft suggested staff provide a brief overview of Gig Car Share.

The Transportation Coordinator gave part of the Power Point presentation outlining the City's current and proposed car share programs.

In response to Mayor Spencer's inquiry, the Transportation Coordinator stated the minimum age is 18 years old; continued the presentation.

In response to Councilmember Oddie's inquiry, Sloane Morgan, Gig Car Share, stated insurance comes with the Gig Car Share.

Councilmember Oddie suggested the cars be allowed on Bay Farm Island, especially to get to commute parking and the ferry station.

The Transportation Coordinator noted the pilot program allows Gig Car Share to operate on Bay Farm if it makes financial sense.

Mayor Spencer inquired how many vehicles are under the current program, to which the Transportation Coordinator responded Get Around indicated there are over 900 members in Alameda; 100 trips per month are taken using the four dedicated vehicles.

Mayor Spencer stated Gig Car Share does not have dedicated spots, so vehicles could be parked in front of a house for up to 72 hours; inquired when Gig Car Share makes sure cars are moved.

The Transportation Coordinator responded Gig Car Share wants to keep the cars moving; stated cars in Berkeley are in one spot for two hours and seven hours in Oakland; Gig Car Share tracks each vehicle.

In response to Mayor Spencer's inquiry, the Transportation Coordinator stated the agreement requires the cars move before 72 hours passes.

Mayor Spencer inquired whether Gig Car Share would move the car if parked 72 hours or if the Police would have to be notified, to which the Transportation Coordinator responded Gig Car Share would move the car.

Dermot Hikisch, Gig Car Share, stated Gig Car Share has a full time fleet management team dedicate to operating the existing 500 car fleet across Albany, Oakland and Berkeley; alerts go out if vehicles are parked in street sweeping spots or if cars are parked away from a clusters of customers; at 54 hours, the team is alerted to move the car to a location with higher use; additional vehicles will not be added for Alameda;

there is demand and opportunity in Alameda within the existing customer base.

Vice Mayor Vella stated people are already using Gig cars in Alameda; inquired what happens if someone parks blocking a driveway and who should be called.

Mr. Hikisch responded Gig Car Share has a 24/7 dedicated member care center, which is built into AAA's call center; stated there is a very strict member agreement to follow rules of the road; Gig Car Share should be called and the vehicle will be moved; if the vehicle is towed, Gig Car Share pays the bill and engages with the member to determine what went wrong; if a member is being negligent, they are not allowed to continue being a member.

Vice Mayor Vella inquired if the number is on the vehicle or, if not, how people would find it, to which Mr. Hikisch responded the number is currently not on the vehicle.

In response to Vice Mayor Vella's further inquiry, Mr. Hikish stated looking on line would be the fastest way for people to find the number; the vehicles are black Prius hybrids; the current program in Berkeley and Oakland has not had many instances of parking in front of driveways.

Mayor Spencer inquired whether there have been reports of parking vehicles wrong, to which Mr. Hikish responded in the affirmative.

Mayor Spencer inquired why the phone number is not on the vehicle.

Mr. Hikish responded there is a balance of managing branding and how the vehicle looks; stated members want to be happy driving the vehicle.

Mayor Spencer inquired whether cities with Gig Car Share have received complaints, to which Mr. Hikish responded they have received complaints; stated that he could provide contacts from other cities.

In response to Mayor Spencer's inquiry regarding the number of complaints, Mr. Hikish stated that he does not recall receiving any complaints in the month of April.

Mayor Spencer inquired about the insurance coverage.

Mr. Hikish responded the coverage is comprehensive with a minimum deductible to the member, which is \$250 for AAA members and \$750 for non-members.

In response to Mayor Spencer's inquiry regarding limits, Ms. Morgan stated that she could provide the limits.

Provided information from a study on car shares; expressed support for the car share program: Pat Potter, Community Action for a Sustainable Alameda.

Stated the Transportation Commission unanimously supported the program and changing the recommendation to include Bay Farm Island; the program is exactly what the City should be supporting as part of the Transportation Choices Plan; Bike Walk Alameda wholeheartedly supports the program: Brian McGuire, Bike Walk Alameda.

Mayor Spencer stated Gig Car Share predicts almost \$200,000 in revenue from May 3, 2018 to April 30, 2019; inquired how the City makes money from the program.

The Transportation Coordinator stated Gig Car Share will have to pay taxes.

Mayor Spencer stated other shared transportation programs requires \$1 per ride go to the City; inquired whether the program would require such a payment, to which the Transportation Coordinator responded in the negative.

In response to Mayor Spencer's inquiry why the payment is not required, the Transportation Coordinator stated that she has not heard of such a model.

Mayor Spencer inquired whether any other public benefits would be negotiated, to which the Transportation Coordinator responded in the negative.

Councilmember Oddie stated if the City posts Frequently Asked Questions on the website, the questions asked should be answered; Bay Farm Island should be considered, especially the two commute parking lots.

Mayor Spencer inquired why a Request for Proposals (RFP) is not being done.

The Transportation Coordinator responded staff is recommending piggy backing on the pilot program already happening in the East Bay; stated members need a place to go; the program is one of the first multijurisdictional programs in the country; having more jurisdictions involved makes it more successful; one-third of morning trips go to other East Bay communities; Gig Car Share is the only multijurisdictional program and the only one that has approached the City.

Councilmember Ezzy Ashcraft stated that she has AAA and heard about the program; she appreciates AAA focusing on reducing the impact of traffic, pollution and wear and tear on infrastructure; the program is a step in the right direction.

Councilmember Ezzy Ashcraft moved approval of authorizing the Acting City Manager to execute a Service Agreement with Gig Car Share for a one year point-to-point car share pilot program at no cost to the City; noted the agreement has possibility for extension.

In response to Vice Mayor Vella's inquiry regarding revenue projections, Ms. Morgan stated she prepared an estimate of \$189,000, which was submitted for the City's business license application.

The Acting Assistant City Manager noted the amount is the company's revenue.

Mayor Spencer stated that she would like to know how much money the City would make.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated the benefits should be the focus; the agreement should include a measurement of the benefits and complaints; having fewer vehicles on the City streets would make the program worth it; just adding 50 more vehicles is not worth it because a company would be making money using City streets; measurement needs to show the program reduces the number of vehicles using streets.

Mayor Spencer requested a friendly amendment to the motion to shorten the time to six months or less than a year.

Councilmember Ezzy Ashcraft inquired how long the company would want to do the pilot to have statistically relevant data; stated at the end of the one year, Gig Car Share would probably want to renew, which could be dependent on certain performance metrics.

The Transportation Coordinator noted in early 2019, Gig Car Share members will be surveyed to quantify benefits; stated the matter would return to the Transportation Commission and Council in the spring of next year, which is timed with the other East Bay pilots.

Councilmember Matarrese stated that he wants to ensure the City knows the starting with baseline and the change from allowing the cars on the street after seven months.

In response to Mayor Spencer's inquiry regarding an estimate of how long cars will be parked in front of someone's house, Ms. Morgan stated the company's goal is to maximize use of the cars; the fleet team very carefully monitors the resource; areas with more use will be watched to meet demand with supply.

Councilmember Oddie noted the City gets money from Vehicle License Fees (VLF); stated the 50 cars will not be registered in Alameda; the City will not get VLF or sales tax revenue and is allowing resources to be used for the benefit of a private company without any type of fee recovery; said questions need to be answered.

The Acting City Manager stated the City would get a business license fee and tax based on gross income.

Ms. Morgan stated in response to the Mayor's previous inquiry, the insurance coverage is bodily injury covered up to \$100,000 per person and \$300,000 per accident and property damage liability up to \$50,000; there is also uninsured and under insured motorists coverage of bodily injury up to \$15,000 per person and \$30,000 per accident;

Gig Car Share also has a certificate of insurance for the City itself.

Vice Mayor Vella stated that she is inclined to support the program to see how it does; a lot of the benefits probably will not be realized in one year; there will be marketing; changing behavior takes longer than a year; people will want to see if the service is dependable; she is concerned with not having service on Bay Farm Island; enforcement will be difficult; she is interested in feedback on whether people are parking illegally, the number of calls and response time; the numbers not looking good would be cause for concern in a year; she is not opposed to allowing the vehicles park in the garage, unless it is for several days; longer periods of time is the bigger concern.

The Acting Assistant City Manager noted people can park in metered spaces and garage, but must pay and comply like other cars; ends of trips cannot be in the garage or at meters.

Vice Mayor Vella stated that she hopes any issues which come up are resolved in an expeditious manner; the use of car shares is a good thing; other car and ride share programs are already operating in Alameda; the proposed program is a different twist since there are not defined end points; concurred with the Mayor's concern; stated the matter should come back to Council; other vendors were not engaged; since other ride shares are not currently operating, she is willing to support the matter tonight.

Mayor Spencer stated the current ride share is only four cars; inquired whether the City has anything of the proposed size.

The Transportation Coordinator responded the program is a different kind of ride share; stated the existing car share has four dedicated parking spaces and four cars.

Mayor Spencer stated San Francisco charges \$0.20 to \$1 per ride in add on fees; other cities such as Seattle and Chicago are adding fees to car sharing, like Uber and Lyft, and are getting money per ride, which is something the City should be reviewing.

The Transportation Coordinator stated the issue can be evaluated during the pilot; Gig Car Share does not operate in San Francisco; the fees are for Uber and Lyft, which is a different type of model.

Mayor Spencer stated Alameda is considering requesting bonds and taxes, yet other cities are being more creative about a way to generate revenue per ride, which Alameda is not negotiating.

The Acting City Manager stated the agreement currently states the extension can be approved administratively, which should be changed to require Council approval.

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

(18-255) Recommendation to Approve City Attorney Employment Agreement.

Councilmember Matarrese stated that he pulled the item because he wanted to voice his opposition to the terms of the agreement.

The Acting City Manager stated the Human Resources Director can provide a report.

Councilmember Matarrese stated the matter was previously addressed in closed session.

Councilmember Ezzy Ashcraft noted the closed session vote was three to two.

Mayor Spencer moved approval of the staff recommendation.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated that her no vote does not in any way reflect her dissatisfaction with the hardworking City Attorney; it is simply her concern that the Council had not built in time to actually do an evaluation process; for that reason, she is voting no.

Mayor Spencer stated that she fully supports the work of the City Attorney and the agreement.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Oddie, Vella and Mayor Spencer – 3. Noes: Councilmembers Ezzy Ashcraft and Matarrese – 2.

(*18-256) Resolution No. 15374, “Amending the Executive Management Employees (EXME) Salary Schedule to Reflect the Increase in Compensation to \$188,609 for the City Clerk Position.” Adopted.

(*18-257) Ordinance No. 3212, “Approving a Lease and Authorizing the Acting City Manager to Execute Documents Necessary to Implement the Terms of the Lease with Play House, LLC for Ten Years with One Five-Year Renewal Option in the Historic Alameda Theatre, Located at 2319 Central Avenue.” Finally passed.

(*18-258) Ordinance No. 3213, “Approving a Lease and Authorizing the Acting City Manager to Execute Documents Necessary to Implement the Terms of a Forty-Eight Month Lease for 44,000 Square Feet with Shimmick/CEC Joint Venture, for a Portion of Building 170, Located at 1770 Viking Street at Alameda Point.” Finally passed.

REGULAR AGENDA ITEMS

(18-259) Resolution No. 15375, “Confirming the Park Street Business Improvement

Area (BIA) Annual Assessment Report for Fiscal Year 2018-19 and Levying an Annual Assessment on the Park Street BIA.” Adopted.

The Development Manager gave a brief presentation.

Councilmember Matarrese moved adoption of the resolution.

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

(18-260) Resolution No. 15376, “Confirming the Webster Street Business Improvement Area (BIA) Assessment Report for Fiscal Year 2018-19 and Levying an Annual Assessment on the Webster Street BIA.” Adopted.

The Development Manager gave a brief presentation.

Councilmember Oddie moved adoption of the resolution.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Spencer thanked the district on behalf of the Council.

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

(18-261) SUMMARY: Land Transfers Among Various Parties Relating to North Housing Site Generally Bounded by Main Street, Singleton Avenue, Mosley Avenue and Bette Street

Introduction of Ordinance Authorizing the Acting City Manager to: (I) Grant an Approximately .67-Acre Easement to CP VI Admirals Cove, LLC, a Delaware Limited Liability Company (“Carmel”) for Softscape Improvements Within an Approximately 5.3-Acre Roadway Dedication in the North Housing Site (Generally Bounded by Main Street, Singleton Avenue, Mosley Avenue and Bette Street) in Exchange for Fee Title to Approximately .29-Acre Parcel from Carmel Needed to Complete the Singleton Avenue Extension; and (II) Execute Any and All Ancillary Documents and to Perform Any and All Acts Necessary or Desirable to Consummate the Transaction. Introduced;

(18-261A) Introduction of Ordinance Authorizing the Acting City Manager to: (I) Accept at No Cost an Approximately 5.3 Acre Roadway Dedication from the U.S. Navy; (II) Accept at No Cost an Approximately 12-Acre Site from the U.S. Navy and Transfer by Quitclaim Deed a Portion Thereof at No Cost to the Housing Authority of the City of Alameda in the North Housing Site (Generally Bounded by Main Street, Singleton Avenue, Mosley Avenue and Bette Street), and (III) Execute Any and All Ancillary Documents and to Perform Any and All Acts Necessary or Desirable to Consummate the Transaction. Introduced; and

(18-261B) Introduction of Ordinance Authorizing the Acting City Manager to: (I)

Quitclaim a .26-Acre of Real Property to CP VI Admirals Cove, LLC, a Delaware Limited Liability Company ("Carmel") as Consideration for Demolition of the Existing Improvements on the Future Singleton Avenue Extension; and (II) Execute Any and All Ancillary Documents and to Perform Any and All Acts Necessary or Desirable to Consummate the Transaction. Introduced.

Councilmember Ezzy Ashcraft moved introduction of the ordinances.

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

(18-262) Recommendation to Approve the Continuation of the Dockless Bike Share Program with Refinements and with a Single Bike Share Company; and

(18-262A) Resolution No. 15377, "Authorizing the Acting City Manager to Approve in Substantial Form and Release a Request for Proposals for Dockless Bike Share and Negotiate and Enter into an Agreement and All Necessary Documents with the Successful Vendor." Adopted.

Stated that she is in favor of continuing beyond the pilot and moving forward with the RFP and hopefully LimeBike; the majority of the feedback was around bike parking; discussed the City's lack of secure bike parking; stated the regulation which allows business owners to say bike racks cannot be installed should be reviewed; Denyse Trepanier, Bike Walk Alameda.

The Senior Transportation Coordinator gave a Power Point presentation.

Mayor Spencer stated when complaints are received, it takes City time; inquired whether the City bills LimeBike.

The Senior Transportation Coordinator responded in the negative; noted the City is not paying LimeBike.

Mayor Spencer inquired how the issue would be addressed.

The Senior Transportation Coordinator responded the City will be charging some contractual fees in order to monitor the program going forward to cover some of said costs; stated the City will be able to directly bill the operator as well.

Mayor Spencer inquired why a fee study has not been done, but is done with other businesses, such as cannabis and rent.

The Acting City Manager responded LimeBike is providing the residents with a benefit.

The Acting Assistant City Manager stated there were administrative costs and staff is suggesting the costs be recovered through the program as part of the RFP.

Mayor Spencer stated a complete fee study would look at the time of everybody involved, which is something to keep in mind when looking at an RFP.

The Senior Transportation Coordinator continued the presentation.

Councilmember Ezzy Ashcraft inquired how riders are educated.

The Senior Transportation Coordinator responded there are several methods; stated LimeBike has prepared flyers which have been distributed and has attended events, such as farmers markets, to discuss the program; the mobile application has information as well; information has been put out on social media, including a Facebook video.

Councilmember Ezzy Ashcraft inquired whether LimeBike is participating in bike to work and school day.

The Senior Transportation Coordinator responded that she does not know.

Councilmember Ezzy Ashcraft stated concerns were raised regarding young riders; going to schools might be helpful.

The Senior Transportation Coordinator noted LimeBike has done events at Encinal High School.

Vice Mayor Vella stated that she received a communication from other vendors, which has been one of her concerns; inquired how the City arrived at doing a pilot with LimeBike; stated that she does not recall the matter coming to the City Council.

The Senior Transportation Coordinator responded staff was approached by several different vendors; the one that was most engaged in the process was LimeBike; there was no cost to the City so the agreement did not go to Council for approval.

Vice Mayor Vella inquired whether LimeBike made money over the course of the pilot, to which the Senior Transportation Coordinator responded staff has not done an audit or asked LimeBike about finances.

Albert Lin, LimeBike, stated that he could look into passing on the information.

Councilmember Oddie questioned the process; stated the Gig Car Share program was brought to Council; questioned the transparency.

The Acting City Manager stated the program did not cost money and was a pilot; staff brought Gig Car Share to Council tonight because the Council wanted to layout parameters; apologized for not bringing LimeBike; stated LimeBike did a fantastic job; the community has been overwhelmingly supportive.

Mayor Spencer stated that she brought a referral; she thought the City Manager

exceeded her authority by entering into the contract; the matter impacts the community; people are disappointed when so many children ride the bikes without helmets; a report about shared bikes indicated the program would start at Alameda Point and have docked bicycles; the Council and community should have weighed in before the City entered into the contract.

Vice Mayor Vella stated the amount of staff time needs to be considered in terms of cost; that she is incredibly supportive of bike share in Alameda; her concern is that there was not an RFP process to allow competition and get the best bike share program; expressed her concern over the lack of a RFP process.

Councilmember Oddie stated Council should have made the policy decision; bike lanes have been controversial in Alameda; the City is trying to put together a cross Alameda trail and continuing bike paths on Clement and Central Avenues; the City Council was selected by the people of Alameda to make important decisions; the ball was dropped and the process was done incorrectly; elected officials were elected to make significant policy decisions.

Mayor Spencer stated LimeBike should not have a benefit moving forward; there should be an equal playing field for all companies to respond to the RFP; noted she spoke to LimeBike representatives at the Mayor's Conference and suggested the application ask users under 18 years old to confirm they are wearing a helmet; stated other companies charge more upfront and give a refund if the bike is parked in geo-fencing or an appropriate place; she asked LimeBike back in December and the issues have not been addressed.

Vice Mayor Vella stated a general bicycle parking strategy is included in the RFP; inquired whether Council comments discussed under the referral are going to be reflected through the process.

The Acting Assistant City Manager responded in the affirmative; stated staff has detailed ideas, including geo-fencing; all the companies have to submit a parking strategy; as a minimum requirement, geo-fencing would have to be created; addressing the parking and helmet issue will be a primary selection basis.

Mayor Spencer noted that she and Vice Mayor Vella did the referral jointly.

Councilmember Matarrese outlined the things he would like to see in the RFP; stated LimeBike is making money off selling information, not renting bikes; people were on bikes and not in cars for the 41,585 total trips, which is a huge benefit; expressed support for continuing the program; stated the agreement should include financial penalties for parking complaints; helmets are the responsibility of LimeBike and the child's parents; the City should lay the onus on LimeBike; Police Officers should issue citations; he wants the City indemnified and insured in the event a child is injured riding a LimeBike; there should be a clause that the company cannot bring electric scooters or bikes to the City; the restriction should be included with the ordinance prohibiting

companies from using electric vehicles on sidewalks; outlined problems with electric scooters in San Francisco; stated the matter has shifted to important and urgent; getting financials is a good idea.

Councilmember Ezzy Ashcraft stated that she is very supportive of the program; she is fine with the way it came about; discussed the overwhelmingly positive survey results; stated the resources are convenient; concurred with Councilmember Matarrese about the City not wanting electric scooters; she would only like one bike share vendor in the City; inquired why LimeBike will not provide information to the Police in the event of a crime.

The Senior Transportation Coordinator responded the terms of service only allow information to be released if there is a subpoena because the data is private.

Vice Mayor Vella suggested striking the RFP language about electric assist bikes and scooters; stated the RFP should be clear electric assist is not being contemplated and would be a separate RFP.

Councilmember Matarrese, Ezzy Ashcraft and Mayor Spencer concurred.

Vice Mayor Vella expressed support for reviewing financial plans, which is included in the RFP; stated it should be noted that other vendors should not be discouraged from competing in spite of LimeBike being selected for the pilot.

Councilmember Oddie concurred with the electric scooter ban; stated that he would be a little more amenable to electric bicycles; he likes that the bikes are dockless; reviewed the statistics that are helping the City meet transit and environmental goals; expressed support for the program.

Mayor Spencer stated that she supports bike share, but does not support unsafe bike share; expressed concerns over children wearing helmets and bikes parking in pathways; stated the issues will go to the Commission on Disabilities next time; the City does not have sufficient Police to issue bike tickets; bikes are parked in racks, which other bicyclists needs expressed concern over LimeBike's educational video; stated that she plans to support the recommendation; hopefully, the company selected will help pay for more bike racks.

Councilmember Matarrese moved adoption of the resolution authorizing the Acting City Manager release a Request for Proposals for dockless bike share and to negotiate and enter into an agreement considering the refinements that have been discussed and gathered by staff in evaluating the pilot program.

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

CITY MANAGER COMMUNICATIONS

(18-263) The Acting City Manager announced that the City received a California Health Care Research and Prevention Tobacco Tax Act/Department of Justice grant of about \$200,000 with the help of Serena Chen and staff.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(18-264) Update on Tracking of Council Direction through the Referral Process.

COUNCIL COMMUNICATIONS

(18-265) Councilmember Oddie recognized the City Attorney made an announcement about it being the Assistant City Attorney's last meeting.

The Assistant City Attorney made brief comments.

Mayor Spencer made brief comments.

(18-266) Councilmember Matarrese stated the City's Legislative Agenda includes income disparity and tax relief for rent paid for people of a certain income level; his referral on the matter included having Association of Bay Area Governments (ABAG) take up the issue; he would do so at the upcoming ABAG meeting.

(18-267) Vice Mayor Vella announced that she attended the Lead Abatement Joint Powers Authority meeting; stated fees have not changed in years; the County Board of Supervisors is contemplating looking at the fees and program needs in 2020 or after; the Oakland Get the Lead Out Coalition has been pushing for stronger local legislation and State legislation in regards to lead levels and blood lead testing access for parents and students.

(18-268) Councilmember Ezzy Ashcraft announced that she attended the League of California Cities (LCC) Legislative Action Day; stated the League is pushing funding for housing, especially affordable housing, and preserving transportation money; announced the vast majority of the Council served as judges at the Bay Farm School science fair; announced that she attended the LCC East Bay Division annual fundraiser.

ADJOURNMENT

(18-269) There being no further business, Mayor Spencer adjourned the meeting at 9:19 p.m. in memory of Norma Arnerich.

Respectfully submitted,

Lara Weisiger
City Clerk

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