

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MAY 15, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:13 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

(18-275) Mayor Spencer announced the Alameda Point Transpiration Demand Management item [paragraph no. 18-294] was withdrawn from the agenda and the Impact Fee Hearing [paragraph no. 18-296] was continued to June 19, 2018.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-276) The Acting City Manager invited the public to a West Alameda Business Association West End Community Forum, co-hosted by the City, on Thursday, May 24th.

(18-277) Proclamation Declaring May 2018 as Older American Month.

Mayor Spencer read the proclamation and presented it to Paul Hauser, Mastick Advisory Board, and the Recreation Manager.

Mr. Hauser and the Recreation Manager made brief comments.

(18-278) Proclamation Declaring May 2018 as Jewish American History Month.

Mayor Spencer read the proclamation and presented it to Rabbi Chester and Genevieve Pastor-Cohen, Temple Israel, and Rabbi Meir Schmotkin, Chabad of Alameda.

Rabbi Chester, Rabbi Schmotkin, and Ms. Pastor-Cohen made brief comments.

Expressed concern that people conflate Judaism, a religion, and Zionism, which is a political ideology: Howard Harawitz, Alameda.

Expressed support for the significant changes made to the original proclamation; stated the City should aspire to elevate freedom and human dignity to all in the community: Paula Rainey, Alameda.

(18-279) Proclamation Declaring May 15, 2018 as Kate Pryor and David Lee Day.

Mayor Spencer read the proclamation and presented it to Kate Pryor and David Lee.

Ms. Pryor and Mr. Lee made brief comments.

(18-280) Proclamation Declaring June 2018 as Alameda Water Sports Month.

Mayor Spencer read the proclamation and presented it to Fred Rutledge, Encinal Yacht Club, John Arndt and John Platt, Summer Sailstice, and Kamy Richards, Pineapple Sails.

Mr. Rutledge, Mr. Arndt, and Mr. Platt made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(18-281) Kathy Moehring, Alameda, stated that she is disheartened about citizens having bad behavior.

(18-282) Paul Foreman, Alameda Citizens Task Force, urged Council to petition the grand jury regarding Councilmembers Oddie and Vella.

(18-283) Andy Huntoon, Alameda, stated that he is disappointed about the waste of energy and funds; Council does not abide by transparency; suggested equipping the Chambers with a screen to project the faces of speakers; urged enhanced public input.

(18-284) Angie Watson-Hajjem, ECHO Housing, thanked Council and staff for their support and for recommending full funding for ECHO.

(18-285) Jenya Cassidy, Alameda, stated that she appreciates the Council; expressed gratitude to Vice Mayor Vella and Councilmember Oddie for their support on rent issues.

CONSENT CALENDAR

Councilmember Matarrese stated that he would recuse himself from the Island Landscaping and Lighting District 84-2 resolution [paragraph no. 18-292].

Councilmember Oddie moved approval of the Consent Calendar.

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

(*18-286) Minutes of the Special City Council Meeting Held on April 16, 2018; the Special City Council Meetings, the Joint City Council and Successor Agency to the Community Improvement Commission Meeting and Regular City Council Meeting Held on April 17, 2018. Approved.

(*18-287) Ratified bills in the amount of \$4,911,579.29.

(*18-288) Recommendation to Approve the Execution of a Reciprocal Tax Information Sharing Agreement between the City of Alameda and the Franchise Tax Board of the State of California. Accepted.

(*18-289) Recommendation to Set June 19, 2018 for a Public Hearing to Consider Collection of Delinquent Business License Taxes and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills. Accepted.

(*18-290) Recommendation to Accept the Work of MCK Services, Inc. for Repair and Resurfacing of Certain Streets, Phase 36, No. P.W. 04-17-24. Accepted.

(*18-291) Recommendation to Amend the Contract with MCK Services, Inc. to Extend the Term and Increase Compensation by \$5,300,000, Including Contingency, for a Total Cumulative Contract Amount of \$20,378,600.41 for Repair and Resurfacing of Certain Streets, Phase 37, No. P.W. 01-18-01. Accepted; and

(*18-291A) Resolution No. 15378, "Amending the Measure B and BB Fund Budgets for Fiscal Year 2017-2018 and Fiscal Year 2018-2019." Adopted.

(*18-292) Resolution No. 15379, "Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 19, 2018 - Island City Landscaping and Lighting District 84-2 (Various Locations)." Adopted.

[Note: Councilmember Matarrese recused himself. The matter carried by the following vote: Ayes: Councilmembers Ezzy Ashcraft, Oddie, Vella and Mayor Spencer – 4. Absent: Councilmember Matarrese – 1.]

(*18-293) Resolution No. 15380, "Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 19, 2018 - Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

(18-294) Summary Title: Approve Actions to Implement the Alameda Point Transportation Demand Management (TDM) Plan

Adoption of Resolution Authorizing the City of Alameda to Ratify the TDM Fee Amount for Existing Tenants in Alameda Point;

(18-294A) Recommendation to Allow a Pass Through of the TDM Fees from Existing Tenants in Alameda Point to the Alameda Transportation Management Association (TMA); and

(18-294B) Recommendation to Allow a Pass Through of the Special Taxes Generated

for Transportation Purposes from Property Owners within Community Facilities District 17-1 (CFD 17-1) at Alameda Point to the Alameda TMA. Not heard.

(*18-295) Resolution No. 15381, "Authorizing the Acting City Manager to Submit a Request to the Metropolitan Transportation Commission for the Allocation of \$80,000 in Fiscal Year 2018/2019 for the Cross Alameda Trail Project between Main Street and Constitution Way per Transportation Development Act Article 3 for Pedestrian/Bicycle Project Funding and to Execute All Necessary Documents." Adopted.

REGULAR AGENDA ITEMS

(18-296) Public Hearing to Consider a Recommendation to Approve Willdan Financial's City of Alameda Park and Recreation Facilities Impact Fee Update and Nexus Study; and Introduction of Ordinance Amending Alameda Municipal Code Chapter XXVII, Section 27-3 (Citywide Development Fees) to Re-Adopt Pre-Existing Park and Recreation Facilities Impact Fee. Not heard.

(18-297) Public Hearing to Consider Adoption of the Fiscal Year (FY) 2018-19 Community Development Block Grant (CDBG)/HOME Partnership Investment Program Action Plan and Authorize the Acting City Manager to Negotiate and Execute Related Documents, Agreements, and Modifications at Funding Levels Approved by Congress.

The CDBG Management Analyst gave a Power Point presentation.

Councilmember Ezzy Ashcraft inquired why the community needs assessment is still in draft form, to which the CDBG Management Analyst responded the needs assessment will be brought back to the Council in June for final approval.

In response to Councilmember Ezzy Ashcraft's inquiry regarding carry forward funds, the CDBG Management Analyst stated the Midway bathroom trailer is a larger project and will take about 15 weeks.

Councilmember Ezzy Ashcraft stated the Action Plan addresses the primary objective to create economic opportunities; inquired whether there are any metrics for affordable housing priority.

The CDBG Management Analyst responded there are clear metrics for social services, but affordable housing can be measured by what can be accomplished in a given year and relies on multiple organizations to leverage funds.

Thanked Council for continued funding for Medicare counseling at Mastick; stated the funding helps with legal services for elder abuse, health law, and can help expand eviction defense services for seniors: Dan Ashbrook, Legal Assistance for Seniors.

Urged support of the recommendations; stated the funding allows her organization to provide services for referrals, including restraining orders, etc.: Erin Scott, Family Violence Law Center.

Stated the 211 phone line connects people to critical health and human services and has been operating for 11 years; thanked the Council for its past support; stated live text and chat features will be implemented this summer; urged support be continued as the 211 line plays an important role in disaster preparedness and response: Alison DeJung, Eden I&R.

Thanked Council for continuing to supporting operating funds; stated the funds go toward the homeless intake center and the Midway bathroom trailer project; invited the Council and community to a fundraiser: Miriam Delagrange, Building Futures.

Vice Mayor Vella stated that she is on the Board for Alameda Family Services and would be recusing herself from voting on that portion of the Action Plan.

Mayor Spencer thanked the Social Services Human Relations Board (SSHRB); stated the SSHRB and other organizations are critical to the community and it is important that they continue to serve.

Councilmember Ezzy Ashcraft concurred with Mayor Spencer; stated there is a fine line between homelessness and having a roof over your head; the level of need in the community cannot be addressed without the help of all agencies.

Councilmember Ezzy Ashcraft moved approval of adopting the Fiscal Year 2018-19 Community Development Block Grant/HOME Partnership Investment Program Action Plan and authorizing the Acting City Manager to negotiate and execute related documents, agreements, and modifications at funding levels approved by Congress.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 5. [Note: Vice Mayor Vella recused herself from the Alameda Family Services portion of the plan.]

(18-298) Public Hearing to Consider Introduction of Ordinance Approving a Disposition and Development Agreement (DDA) (and Related Documents) between the City of Alameda and MidPen Housing Corporation, Alameda Point Collaborative, Building Futures with Women and Children, and Operation Dignity for the Rebuilding of the Existing Supportive Housing Development at Alameda Point. Introduced; and

(18-298A) Introduction of Ordinance Approving a Development Agreement (DA) between the City of Alameda and MidPen Housing Corporation, Alameda Point Collaborative, Building Futures with Women and Children, and Operation Dignity for the Rebuilding of the Existing Supportive Housing Development at Alameda Point. Introduced.

The Redevelopment Project Manager gave a Power Point presentation.

Thanked the Acting Assistant City Manager and the Redevelopment Project Manager for a collaborative effort with MidPen; stated approval of the agreement will help move forward to create the community that has been planned for five years: Keith McCoy, Alameda Point Collaborative.

Stated the agreement reflects the City's and collaborating partners' goals and intentions to create new, high quality affordable housing; it is a big win-win and she is thrilled to reach the milestone; she is ready and excited for the work ahead; urged support; stated that she looks forward to more progress: Abby Goldware, MidPen Housing.

Councilmember Ezzy Ashcraft stated the project is exciting and well-planned; she is proud of Alameda for using the former Naval Air Station (NAS) to accommodate formerly homeless; thanked City staff and other agencies; urged moving forward as fast as possible because the sooner the project gets going, the better.

Councilmember Oddie stated the community ultimately judges elected officials on how they treat the most vulnerable people; he is glad the Council and City is able to do something to take care of the people; the project is a tremendous opportunity; that he is proud to support the agreement and looks forward to getting it moving.

Councilmember Matarrese moved introduction of the ordinances approving the DA and DDA.

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Vella stated that she plans to support the agreement for the same reasons; it is the best and highest use of the Alameda Point property; she is happy to see it moving forward; thanked everyone for the hard work; stated the project is a tremendous step in right direction.

Mayor Spencer thanked Council for increasing the number of units and making it work; stated the increase was a good percentage.

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

(18-299) Recommendation to Approve a Two-Year Pilot Project to Invest in a Ultra-High-Speed Broadband Network to Attract and Foster High-Tech Research and Development Companies Initially Located at Alameda Point.

The Information Technology (IT) Director gave a Power Point presentation.

Councilmember Oddie stated the project should have been considered a strategic goal; inquired why a vendor was chosen without an RFP process.

The IT Director responded the answer will be addressed in other slides of her presentation.

In response to Councilmember Oddie's inquiry, the IT Director stated the pilot program is for businesses to connect to research and development (R&D) super computers and is not an internet service provider.

The IT Director continued the presentation.

Mayor Spencer inquired why the City has to pay for the service if it is so valuable to businesses, to which the IT Director responded traditionally, cities CENIC work with, an individual research businesses have not approached CENIC.

Mayor Spencer inquired what are the benefits to Alameda and whether another city is paying for for-profit businesses to use CENIC.

The IT Director responded some of the benefits to the City include fostering success of existing R&D businesses, attracting R&D businesses to the City, and providing educational access.

In response to Councilmember Oddie's inquiry regarding other businesses, such as Bladium not being able to connect to CENIC, the IT Director stated the program is a research network.

Vice Mayor Vella inquired whether there are any other funds besides the \$5,000 paid by each R&D to join and whether they are precluded from choosing a provider.

The IT Director responded CENIC created a point-to-point design; stated the cost is \$150,386 from the IT funding and \$65,700 split between the Base Reuse and Fleet Industrial Supply Center (FISC) funds; other funding sources will be obtained if the pilot program is successful.

Mayor Spencer inquired how many companies are interested in joining, to which the IT Director responded eight eligible companies expressed interest.

In response Mayor Spencer's inquiry regarding which businesses are willing to pay the one-time \$5,000, the IT Director stated the purpose of the pilot program is to determine the businesses that have an interest.

Vice Mayor Vella inquired how the City determines which businesses qualify as R&D, to which the IT Director responded CENIC decides which businesses qualify.

In response to Councilmember Ezzy Ashcraft's inquiry regarding Comcast, the IT Director stated AT&T is not interested in setting up a point-to-point network.

Councilmember Ezzy Ashcraft inquired whether CENIC competes with Comcast, to which the IT Director responded in the negative.

The Acting City Manager stated the pilot program is an economic development initiative to bring something unique and broaden opportunities at Alameda Point; the concept is not without risk, which is why a pilot program was proposed and a fee to join has been included; the educational and R&D components are compatible with Alameda Point.

Mayor Spencer stated that she is concerned the program is for for-profit businesses, which are not being asked to pay; non-profit businesses could benefit from the program, especially if the City is paying for it; inquired whether there would be any additional capital costs.

The IT Director responded staff would come back to Council if there are additional costs.

In response to Mayor Spencer's inquiry, the IT Director stated measuring the success of the program would include evaluating the increase in contracts, etc.

Mayor Spencer stated if business profits go up, the company should have to pay a percentage of the cost.

In response to Vice Mayor Vella's inquiry, the IT Director stated there will be no trenching during the pilot program; it will be a point-to-point network; the two-year pilot program is intended to help retain existing businesses.

The Acting City Manager stated the pilot program would also attract new businesses to Site B.

Vice Mayor Vella inquired how an above-ground connection at Alameda Point would work.

The IT Director responded the system would be a wireless access point at the Network Operations Center and is self-contained in design.

In response to Councilmember Oddie's inquiry, the Acting Assistant City Manager stated Alameda Point would be no worse off than it is now; the pilot program would help attract certain types of companies; marketing for other uses will not stop, but it is worth trying to help attract more R&D companies.

Councilmember Matarrese stated CENIC is a way to talk to other researchers and exchange ideas; replacing jobs at Alameda Point is important; the types of companies

that would benefit from CENIC are the ones that would help close the gap of income disparity; CENIC is an extraordinary opportunity for the type of businesses that the pilot program would attract, such as university related businesses which do not have access to research in biotech resource libraries; the pilot program is worth the gamble and makes Alameda unique; offering access to CENIC will attract R&D; he fully supports the recommendation.

Councilmember Ezzy Ashcraft stated professional, well-paid tech jobs depend on their funding stream; a lot of companies are funded by venture capital; CENIC is an exciting opportunity to make Alameda Point what it is intended to be; she loves the opportunities that would be available for Alameda Unified School District and College of Alameda students; the City spends money on a lot of different projects and this one is worth pursuing; she hopes the Council will support the program.

In response to Mayor Spencer's inquiry regarding free WiFi, the IT Director stated the project is not impacted by free WiFi, which staff will be researching.

Vice Mayor Vella stated there are definitely positives to the pilot program; it is not her intent for General Fund money to be used; she is concerned the door was closed to other groups and organizations because an RFP process was not done; in general, it is a policy decision; she is prepared to support the program, but with a caveat that people who benefit should cover costs in coming years.

Stated that she is retired from IT; urged Council to give very serious consideration to the project in light of the opportunities at Alameda Point: Karen Boutilier, Alameda.

Councilmember Oddie concurred with his colleagues on the ends, but his issue is with the means; expressed concern over an RFP process not being done; stated the program is limited to for-profit R&D companies; he understands the importance of the program, but finds it problematic there is another no-bid contract, similar to the Gig Car Share pilot program, which had no Council input; there should have been a transparent and fair bidding process.

Mayor Spencer concurred with Councilmember Oddie; stated it is important that such projects come to Council; she cannot help but think if CENIC is so important to the companies, they should have been able to come up with the funding instead of the City paying \$200,000; it is critical to think about whether the program is where money should be spent; it is not a priority and may result in having to cut services; she is not able to support the program.

Councilmember Matarrese moved approval of the recommendation to approve a two year pilot program.

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

Noes: Mayor Spencer – 1.

Mayor Spencer called a recess at 9:14 p.m. and reconvened the meeting at 9:24 p.m.

(18-300) Resolution No. 15382, “Rescinding Resolutions 12567, 13031, 13304, and 14656 which Established the Rules of Order Governing the Proceedings and Order of Business of City Council Meetings and Adopting New Rules of Order Governing City Council Meetings.” Adopted; and

(18-300A) Introduction of Ordinance Amending the Alameda Municipal Code by Deleting Section 2-91.13.f of the Sunshine Ordinance Pertaining to Meeting Adjournment. Introduced.

The City Clerk gave a brief presentation.

In response to Mayor Spencer’s inquiry, the City Clerk stated the Open Government Commission (OGC) left the speaker time to three minutes per agenda item, with no ceding time since the Council could vote to suspend the rules and reduce the time.

In response to Mayor Spencer’s inquiry, Councilmember Oddie stated in past meetings, there was confusion when an item was discussed in closed session, but speakers came to speak during the open session.

The City Clerk noted if there are multiple meetings on one night, a speaker can only speak once regarding an item.

In response to Mayor Spencer’s inquiry about the public comment time limits, Councilmember Oddie stated the proposed change is just one option.

Councilmember Ezzy Ashcraft stated the ultimate take-away is to try to increase transparency in government by making the meetings move along more expeditiously; stated rules can be suspended.

The City Clerk noted a supermajority is needed to suspend the rules.

In response to Mayor Spencer’s inquiry, the City Clerk stated every public speaker is allowed three minutes, unless there is a supermajority to override it; the Council subcommittee decided to reduce the speaker limit if there are more speakers.

Councilmember Oddie stated the Rules are ultimately the Council’s decision; limiting speakers is not an easy vote; having something trigger the limit automatically seems to be a better option.

Mayor Spencer stated the current Council has not gone down to one minute; inquired how the minority view would be addressed, such as if there are 48 speakers for one side, and only two on the other.

Councilmember Ezzy Ashcraft responded the reason for the speaker limits was primarily because meetings were going very late; the limits are not a method to weigh for or against, it is just to streamline the meetings.

Vice Mayor Vella stated that she is concerned about restricting the time; Council cannot detract from one person because other people want to talk on the topic; if the concern is about time management, suggested having an estimated start time for items instead of stating the amount of time for each item.

Mayor Spencer stated the problem with estimating a start time is the item cannot be heard ahead of that time because people may not come until the time stated.

Vice Mayor Vella stated the time spent on each item should be composite time; there should be feedback in terms of time check; names of speakers could be put in order on a screen so each speaker knows when their time is nearing and to avoid frustration for folks who have been waiting; having an overall time check could be really helpful.

The City Clerk continued the presentation.

Councilmember Ezzy Ashcraft stated the Council time limits would be a good exercise in discipline for Council.

Mayor Spencer stated it is also an exercise in reducing free speech and limiting public comment; it seems like the goal is to not have public meetings if the public is not allowed to express their comments or if they are limited to one minute.

Councilmember Oddie stated the time amounts for the public can be addressed when the discussion reaches that point; regarding the time limits for Council, other cities have limits and perhaps each member should be more concise with questions and comments.

In response to Mayor Spencer's inquiry, Councilmember Oddie stated the City of Oakland Council has a 10 minute limit which includes questions and comments; the limit can be flexible depending on the issue; for topics such as rent control, the limit does not have to be 10 minutes.

Mayor Spencer stated for a vote to reducing the time, asking for four votes instead of just three makes a difference.

Councilmember Matarrese stated requested the presentation be finished before Council addresses what is wanted.

The City Clerk continued presentation.

In response to Vice Mayor Vella's inquiry, the City Clerk stated the rules of order note that Alameda's Charter requires three votes to pass action because it departs from Rosenberg's Rules which allows for two votes; continued presentation.

Stated the OGC subcommittee took a step back to look at the rules of order for meetings from a public perspective and make it as easy as possible to understand; the focus was more on Council's conduct than on public conduct: Irene Dieter, Open Government Commission.

In response to Mayor Spencer's inquiry, Ms. Dieter stated the OGC proposal for Council to speak for three minutes, three times was to allow for deliberations; under the new format, a motion would be put forward right away to enable a back-and-forth dialogue from the get-go, stop long-winded commentary and move items along.

Mayor Spencer inquired whether clarifying questions were included in the three minutes, to which Ms. Dieter responded in the negative, stated the OGC subcommittee did not address clarifying questions and was just addressing once a motion is on the floor.

Councilmember Ezzy Ashcraft thanked the OGC subcommittee members.

Mayor Spencer thanked the OGC for doing a good job; stated that she does not support the Council subcommittees' changes, but would like to try OGC recommendation; she has a problem limiting public comment to one minute; she likes having flexibility.

Councilmember Ezzy Ashcraft stated that she appreciated the OGC looking at the matter from the public side; the Council subcommittee was looking at the matter from both sides; Vice Mayor Vella's suggestion to list speakers could streamline the speaker time.

Councilmember Matarrese stated that he wants to make sure Council makes the meetings sensible and reasonable in terms of time; Council was not following the existing rules; he has difficulty putting a two-minute time limit on people accepting proclamations; speakers should be allowed only three minutes; the current rule on non-agenda or other matters under jurisdiction of Council should be maintained; he supports ending the practice of ceding time; the rules can be changed; currently, deliberations are supposed to be restricted to three minutes, which Council has routinely violated; Council has two weeks to review the agenda packet, which is enough time to ask clarifying questions; suspension of the rules can be flexible; the most valuable thing both subcommittees brought forward is Rosenberg's Rules of Order.

Vice Mayor Vella stated that she does not have a problem with suspension of rules; limiting the amount of time proclamation recipient groups are allowed to speak is not a bad thing; regarding public comment, Alameda gives a lot of time for public comment, more so than other cities; reducing the time two minutes is fine but one minute is a drastic change; she agrees with ending ceding time; the language of paragraph 4 regarding public comment on motions should be struck because it is confusing; she is fine with deliberations; she would like the latest time to be extended to 11:30 p.m. to give an extra cushion; she would like a list of speaker names displayed, which would help keep track of time.

Councilmember Oddie stated that he supports the proposal by the subcommittee; doing the proclamations at 6:45 p.m. is a good idea; he hears the concern regarding timing; suggested reducing the time to 90 seconds instead of just one minute and allowing three votes to suspend the particular rule; three votes could also suspend the rules regarding Council comments; expressed support for the 11:00 p.m. time.

Mayor Spencer proposed going down the list to see the majority.

Councilmember Ezzy Ashcraft stated there is a good framework; she would like to keep the suspension of the rules consistent; expressed support for the latest time being 11:00 p.m.

Mayor Spencer stated that she disagrees with a supermajority vote to suspend the rules; three is fine; regarding the proclamations, she will try to read part and start early to save time; she is concerned with limiting recipient groups to two minutes; the proclamations are meaningful to people receiving them so she cannot limit them; for public comment on non-agenda items, if there are more than five speakers, she works to accommodate speakers within the 15 minutes; she likes a two or three minute public comment limit, but anything less than 90 seconds is not appropriate; she does not think clarifying questions should count against the nine minutes; clarifying questions educate the community; the public appreciates Council asking clarifying questions; she prefers the latest time to end at 11:00 p.m. instead of 11:30 p.m.

Councilmember Matarrese stated according to Rosenberg's rules, public comment is not permitted on motions because the Chair has already closed public comment; the point he was trying to make is people should be able to speak on the matter later.

Councilmember Ezzy Ashcraft stated public comment at the end of the meeting is the continuation of comments on non-agenda items.

Councilmember Matarrese stated that he agrees with the current resolution that states public comments are on items not on the agenda or any items under the jurisdiction of the Council.

The City Attorney stated non-agenda comments allows speakers to talk about any item and the Council just has to sit silently and listen.

Councilmember Matarrese stated that he would like to listen to what people have on their mind even if it is not on the agenda; he is also willing to listen to criticism if something comes up or if he has made a mistake, so he could undo it.

The City Attorney stated concerned citizens can email or call any of the Councilmembers without using time reserved for agenda items; the intent of the new rules of order is to be more efficient with getting the City's business done.

Councilmember Matarrese stated until someone does a time analysis to see where time is actually being spent, he will continue to listen to public comment on any issues whether or not they are agendized.

Councilmember Oddie stated that he is fine with people coming to speak during the public comment at the end of the meeting because perhaps they watched the meeting from home and decided they had something to say; if an audience member is still present at the end of the meeting and wants to speak during oral communications section, he is happy to hear anything they have to say.

Mayor Spencer went down the list of rules; inquired whether Council would support the supermajority to suspend the rules.

Councilmember Oddie stated that he is flexible to change the supermajority to three votes during the trial period.

Councilmember Matarrese stated both the OGC and Council subcommittees agreed on the supermajority; he would like to try that method; Council could change it if it does not work.

Mayor Spencer stated that she does not support a supermajority vote; she prefers a vote of three.

Councilmember Ezzy Ashcraft concurred with Councilmember Matarrese; stated she would like to stick with the supermajority during the trial period.

Councilmember Oddie stated he is fine with the supermajority.

In response to Mayor Spencer's inquiry regarding Special Orders and Proclamations, Councilmember Ezzy Ashcraft stated she sees the time limit as a scheduling issue.

Mayor Spencer stated if the 15 minute limit is imposed, staff may have to say no to some recipients; the four proclamations tonight went over 15 minutes.

Councilmember Ezzy Ashcraft stated the proclamations should be scheduled accordingly; if people cannot be accommodated at a specific meeting, it could be moved to the next meeting.

The Acting City Manager noted sometimes there is no choice because of the specific months or events related to the proclamations.

Councilmember Matarrese stated that he is fine with the 15 minute hard limit but does not want a buzzer going off when an award is being accepted; suggested if four proclamations arise, the Mayor could request to suspend the rules to accommodate the proclamations and the Council will all agree; stated it is easy to try it out to see if it works.

The City Clerk noted the four proclamations tonight took 26 minutes.

Councilmember Ezzy Ashcraft stated part of the solution is preparing the recipients so they are aware how many other groups will be receiving a proclamation.

Mayor Spencer stated that she does not want to limit recipients to two minutes when they are accepting a proclamation; the proclamations are meaningful to the recipients and limiting their time may not give enough for them to tell their story.

Vice Mayor Vella stated there is a way to handle everything being raised; it is not the Mayor's job to let recipients know how many proclamations there will be; staff could do so; staff could request that presenters or recipients have statements prepared and request they limit statements to a number of minutes; if additional minutes are needed, information could be conveyed by the group ahead of time; Council would be able to suspend the rule; addressing the time limit in this manner seems to be better than having a hardline cap.

In response to Councilmember Ezzy Ashcraft's inquiry, Vice Mayor Vella stated the sentence that states recipient groups are limited to two minutes could be omitted and instead say staff will work with recipients ahead of the meeting.

Councilmember Oddie suggested the language be changed to "recipient groups should endeavor to speak for a maximum of two minutes" and not say they will be timed.

Mayor Spencer stated she that would not support the suggestion; she does not think there should be a hard rule; limiting recipients defeats the purpose of proclamations; it is a good-will gesture; she does not want recipients to feel rushed; recipients should be able to say what they would like when accepting the proclamation.

The Acting City Manager stated instead of placing the onus on the recipient, the meeting could be started earlier to accommodate more than three proclamations, which could be memorialized.

(18-301) Mayor Spencer stated a motion is needed to consider the referral on crime [paragraph no. 18-305].

Councilmember Matarrese moved approval of considering the item.

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

Mayor Spencer stated the OGC had a good suggestion to not read the entire proclamation; having flexibility is key; being able to suspend the rule is helpful.

Vice Mayor Vella suggested adding language that states staff will work with the groups ahead of time so Council will know to make adjustments to the agenda.

Mayor Spencer stated that she and staff already work together on the timing of each agenda item; adding language about staff working with the recipient groups is not necessary.

Councilmember Matarrese concurred with Vice Mayor Vella's suggestion; stated it goes along with the 15 minute hard limit and removes the need for the two-minute time limit.

Councilmembers Ezzy Ashcraft and Oddie also concurred with Vice Mayor Vella's language amendment.

Mayor Spencer stated it seems Council does not want her to work with the recipient groups as she has been doing.

Vice Mayor Vella stated Mayor Spencer could still work with them; her amended language can include "the Mayor or staff".

In response to the City Clerk's inquiry, Mayor Spencer stated the language should include "the Mayor and staff will prepare recipients...".

Councilmember Matarrese stated the language should include "staff and/or the Mayor" in case there are situations where there are other draws on time for either the staff or the Mayor.

In response to Mayor Spencer's inquiry regarding the public comment 15 minute limit, Councilmember Ezzy Ashcraft stated instead of trying to tailor a rule to a specific circumstance, the suspension of rules could apply; Council cannot anticipate everything that will occur; if the situation warrants it, there can be a vote to suspend the rules.

Council concurred with Councilmember Ezzy Ashcraft.

Councilmember Ezzy Ashcraft stated the OGC was viewing the public speaker limit from the public's perspective, and so was the Council; she would be willing to omit the one minute limit with the ability to be able to fall back on the suspension of rules; suggested having two tiers: three minutes is the default limit, but above a certain number of speakers, the time is reduced.

Vice Mayor Vella stated one impetus for this was meetings going very late; the amount of time given to speakers and the ceding of time sets Alameda apart from other jurisdictions.

In response to Councilmember Ezzy Ashcraft's inquiry, Vice Mayor Vella stated the City of Oakland limits speakers to two minutes across the board.

Vice Mayor Vella suggested trying a two-minute time limit, rather than a tiered method, to see if it expedites things; stated if there are meetings where the rule needs to be suspended either way, it can be done.

Mayor Spencer stated that she does not like the idea of starting at two minutes; she prefers the OGC suggestion of starting at three and reducing if necessary.

Councilmember Matarrese concurred with Mayor Spencer.

Councilmember Oddie stated that he likes the tier method with removing the one minute limit; suggested having a three minute limit for the first six people, and once it goes to seven, it will be two minutes.

Vice Mayor Vella stated she would support the suggestion in the alternative of not having a reduced time; sometimes Council waits hours before being able to deliberate.

Mayor Spencer stated that she always asks the Council if they want to reduce speaker time when there are a large number of speakers, which allows flexibility.

Councilmember Oddie state it is hard vote to limit time; creating a trigger is an easier solution.

In response to Mayor Spencer's inquiry on how the tier number of speakers was decided, Councilmember Ezzy Ashcraft stated the subcommittee did the math: six speakers would be 18 to 21 minutes; the staff presentation time and time for each Councilmember has to be factored in; the goal is to move items along.

Vice Mayor Vella stated that she likes the idea of a tiered method so speakers can prepare their statements accordingly.

Councilmember Ezzy Ashcraft stated that she would support three minutes for the first tier of people, then two minutes for the second tier.

In response to Vice Mayor Vella's inquiry, Councilmember Ezzy Ashcraft stated three minutes for the first six speakers, then two minutes for seven speakers and above.

Vice Mayor Vella stated: "limit to one minute for items with 13 or more speakers" would be stricken.

Mayor Spencer stated there are times when speakers turn in slips at the last minute; if a speaker happens to be number seven, they will only get two minutes.

Councilmember Oddie stated that is precisely the reason for bright line rules.

Mayor Spencer and Councilmember Matarrese expressed that they do not support the tiered method.

The Council agreed that there are no changes to the Consent portion of the rules.

Mayor Spencer stated the deliberations portion should not include clarifying questions; the Council subcommittee suggestion has clarifying questions coming out of the nine minutes given for deliberations; inquired how the time will be tracked for Council deliberations.

The City Clerk responded there will be five clocks to track the time.

Mayor Spencer stated that she does not support the nine minute total for Council deliberations.

The Council agreed that there were no changes to the Counting votes.

Councilmembers Ezzy Ashcraft, Oddie, and Matarrese agreed to the 11:00 p.m. end time.

Vice Mayor Vella stated that she prefers 11:30 p.m.

Mayor Spencer stated she does not support it.

Councilmember Oddie moved adoption of the resolution with the changes agreed to by the Council.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Matarrese stated the fourth Whereas of the

resolution states there are exceptions to Rosenberg's Rules of Order; further stated there were also additions; would like the suspension of rules already in Rosenberg be linked in the resolution; clarified the reference should be to the City Council, and not Members, as in Rosenberg.

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

Councilmember Ezzy Ashcraft moved introduction of the ordinance amending the Alameda Municipal Code by deleting Section 2-91.13.f of the Sunshine Ordinance pertaining to meeting adjournment.

Councilmember Matarrese seconded the motion.

Under discussion, Mayor Spencer clarified the change would eliminate having to have the 10:30 p.m. vote to hear further items and have a vote to continue past 11:00 p.m.

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

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(18-302) Paula Rainey, Alameda, urged Council to consider the December 5, 2017 Sister City referral regarding Wadi Foquin.

COUNCIL REFERRALS

(18-303) Update on Tracking of Council Direction through the Referral Process.

(18-304) Consider Directing Staff to Provide Background Information on the Crab Cove Property Prior to Any Council Actions on the Property. Not heard. (Mayor Spencer)

(18-305) Consider Directing Staff to Prioritize Efforts to Increase Safety and Reduce Crime. Not heard. (Mayor Spencer)

COUNCIL COMMUNICATIONS

(18-306) Consideration of Mayor's Nomination for Appointment to the Planning Board and Recreation and Parks Commission.

Mayor Spencer nominated Chris Pondok and Ruben Tilos for appointment to the Recreation and Parks Commission.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 10:54 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 15, 2018- -5:00 P.M.

Mayor Spencer convened the meeting at 5:05 p.m.

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

Absent: None.

Public Comment

Stated the report showed the vast majority of the City Manager's allegations were false; Vice Mayor Vella was not found to have done anything wrong; disagreed with the investigation which found Councilmember Oddie interfered with the Fire Chief hiring process; urged the Charter be amended to allow elected officials the freedom to exercise their first amendment right to express opinions on important issues without fear of reprisal: Dennis Popalardo.

Inquired whether the Councilmembers know their priorities; expressed support for dismissal of the employee; discussed the rent issue: Steve Schiesser, Alameda.

Encouraged negotiations continue with the City Manager to reach a settlement; stated the tape should be released: Karen Miller, Alameda.

Stated the difficult dynamic between the Council and the City Manager is unfortunate; discussed working as a team for the progress of everyone in Alameda; stated the City Council and leadership should behave as good examples; she stands in strong support of Vice Mayor Vella and Councilmember Oddie: Cynthia Bonta, Alameda.

Stated that she is upset that the City Manager has betrayed the trust of the electorate and the Council; elected officials have to remain silent under fire; she is proud the Council declared Alameda a Sanctuary City; the City Manager should not continue in Alameda: Catherine Pauling, Alameda.

Stated supporting Jill Keimach as the City Manager is to stand with a City Hall that is run on a professional basis; political influence should not determine hiring of key positions; the Charter provision did not occur in a vacuum and occurred when there was a crisis; the taping is understandable: Former Councilmember Tony Daysog, Alameda.

Expressed concern over potential litigation; encouraged Council to negotiate and mediate the issue and get the issue behind the City: William Norton, Alameda.

Expressed his support for Vice Mayor Vella and Councilmember Oddie standing up for what they believe in: Doyle Saylor, Alameda.

Stated that she supports mediation and releasing the tape: Catherine Bierwith, Alameda.

Expressed support for Councilmembers Vella and Oddie; outlined their accomplishments: Laura Woodard, Alameda Renters Coalition.

Stated that he finds the City Manager's actions unacceptable, specifically the recording of a private meeting; urged the City to find new leadership: David Mitchell, Alameda.

Discussed the rent issue; stated Councilmembers stood up for housing rights; expressed support for Vice Mayor Vella and Councilmember Oddie; stated the City Manager needs to be removed from her position: Lester Dixon, Alameda.

Mayor Spencer announced the City Manager has not requested a public session and has waived her right to a public session.

The meeting was adjourned to Closed Session to consider:

(18-270) Conference with Real Property Negotiators (Government Code section 54956.8); Property: Northwest Territories, Alameda Point; City Negotiators: Elizabeth D. Warmerdam, Acting City Manager and Jennifer Ott, Director of Base Reuse & Transportation Planning; Potential Tenant: East Bay Regional Park District; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment. Not heard.

(18-271) Conference with Legal Counsel – Anticipated 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.

(18-272) Public Employee Performance Evaluation; Public Employee Dismissal/Release; Pursuant to California Government Code Section 54957; Employee/Position: Jill Keimach, City Manager

(18-273) 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). Not heard.

Mayor Spencer called a recess at 6:21 p.m. and reconvened the meeting at 6:31 p.m. and called a recess at 6:40 p.m. and reconvened at 6:53 p.m.

Following the Closed Session, the meeting was reconvened and the City Clerk announced a settlement agreement was approved by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese and Oddie – 3. Noes: Vice Mayor Vella and Mayor Spencer – 2; Mayor Spencer read a joint statement.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:59 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY- -MAY 15, 2018- -6:59 P.M.

AGENDA ITEM

(18-274) Public Employee Performance Evaluation; Public Employee Dismissal/Release Pursuant to California Government Code Section 54957. Employee/Position: Jill Keimach, City Manager (Contingent upon the employee's request for a public session). Not heard.

Lara Weisiger
City Clerk