

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JUNE 5, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:07 p.m. and led the Pledge of Allegiance.

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

[Note: Vice Mayor Vella was present via teleconference from the Hilton at 10000 Beach Club Drive, Myrtle Beach, South Carolina 29572.]

Absent: None.

AGENDA CHANGES

(18-314) Mayor Spencer announced the State of the City [paragraph no. 18-338] would not be heard; inquired whether the Assessment Report [paragraph no. 18-340] could be heard after the Public Hearing [paragraph no. 18-339].

The Council concurred.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-315) Proclamation Declaring June 2018 as Elder Abuse Awareness Month and June 15, 2018, as World Elder Abuse Awareness Day.

Mayor Spencer read the proclamation and presented it to Dena Aindow, District Attorney's Office, and Vanessa Baker, Adult Protective Services.

Ms. Aindow and Ms. Baker made brief comments.

(18-316) Proclamation Declaring June 2018 as Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ) Pride Month.

Mayor Spencer read the proclamation and presented it to Niklas Ratzlaff and Dezaree Doroliat, NEA Community Learning Center.

Mr. Ratzlaff made brief comments.

(18-317) The Public Works Director introduced the new City Engineer.

(18-318) The City Clerk made a brief announcement about the new meeting Rules of Order.

ORAL COMMUNICATIONS, NON-AGENDA

(18-319) Rich Moskowitz, Alameda, expressed concern over cannabis businesses failing to meet minimum requirements and there not being applicants for all categories; questioned the process; suggested the process be reopened and remain rolling until open slots are filled; suggested changes be made to sensitive sites.

(18-320) Former Councilmember Barbara Thomas, Alameda, submitted information; suggested a revision to Council's salary be placed on the November ballot, and that Council have part-time staff and a \$150 stipend per month; expressed concern over rent increases at Independence Plaza.

(18-321) Kurt Peterson, Alameda, discussed development and job creation.

(18-322) Catherine Pauling, Alameda, expressed concern over progressives being targeted by landlords and investors, the culture of the community being in a fight to survive, high residential turnover; and funding to fight renters.

CONSENT CALENDAR

Mayor Spencer announced that the Alameda Point Transportation Demand Management Plan [paragraph no. 18-326], the Library bond resolution [paragraph no. 18-328], and the workforce change resolution [paragraph no. 18-329] were removed from the Consent Calendar for discussion; the inclusionary housing program [paragraph no. 18-330] would not be heard; Councilmember Oddie is abstaining from voting on the minutes [paragraph no. 18-323]; and that she would vote against the ordinance amending the Sunshine Ordinance [paragraph no. 18-336].

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

Councilmember Matarrese seconded the motion, which carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(18-323) Minutes of the Special City Council Meetings Held on May 1, 2018. Approved.

[Note: Councilmember Oddie abstained from voting on the minutes. The item carried by the following vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Vella and Mayor Spencer – 4. Abstention: Councilmember Oddie – 1.]

(*18-324) Ratified bills in the amount of \$3,613,439.81.

(*18-325) Recommendation to Consent to the Public Utilities Board's Request to Solicit Bids and Sell One Surplus Small Bucket Utility Vehicle. Accepted.

(*18-326) Recommendation to Authorize the Acting City Manager to Execute a Third Amendment with Parsons Transportation Group, Inc., to Increase Compensation by \$20,000 for a Total Not to Exceed \$94,999, with the Option of Two One-Year Extensions with Compensation Not to Exceed \$20,000 Per Year, for a Total Aggregate Compensation Not to Exceed \$134,999, to Continue Providing Technical and Strategic Engineering Support for Major Transportation Projects. Accepted.

(18-326) Summary Title: Approve Actions to Implement the Alameda Point Transportation Demand Management (TDM) Plan

Resolution No. 15383, "Authorizing the City of Alameda to Ratify the TDM Fee Amount for Existing Tenants in Alameda Point." Adopted;

(18-326A) Recommendation to Allow a Pass Through of the TDM Fees from Existing Tenants in Alameda Point to the Alameda Transportation Management Association (TMA); and

(18-326B) 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.

Expressed concern over the assessments, which pose a serious financial challenge for the Hornet; urged the plan be tabled until a comprehensive demand analysis can be reviewed to determine visitor and employee benefits for the Hornet: Michael McCarron, USS Hornet.

The Acting Assistant City Manager gave a brief presentation.

Councilmember Ezzy Ashcraft inquired whether there is a special category for non-profit businesses and whether concerns were raised during the process.

The Acting Assistant City Manager responded there was a lot of discussion about whether different uses fall into certain categories; stated there was one rate originally; different rates were proposed because of the different uses and to try to address issues raised; due to the Hornet's square footage, work was done to reduce and minimize the rate; all businesses, including the Alameda Point Collaborative, are paying the fee; there are many reasons employers would want to be exempt; exemptions would open the door to having less than full participation and would undermine the program.

In response to Mayor Spencer's inquiry regarding possibly losing the Hornet, the Acting Assistant City Manager stated the rate was negotiated with the Hornet's previous Executive Director; tonight is the first she heard the assessment would be a financial hardship.

In response to Mayor Spencer's inquiry regarding revising the assessment, the Acting Assistant City Manager stated the decision falls on the Council; other tenants also had

questions and have gotten on board; to start, the program was reduced to very minimal; the rates were bifurcated; at the last meeting with many of the tenants, there was general support for the more limited program, which is before Council and minimizes the impacts and fees.

Mayor Spencer requested a list of the tenants in support and opposed.

The Acting Assistant City Manager responded a tenant vote was not taken; stated there were four community workshops; at the final workshop, there was general support for the financial plan; the Project Area Committee (PAC) and the TMA Board recommend the proposal.

In response to Mayor Spencer's inquiries, the Acting Assistant City Manager outlined the committee membership, selection process and bylaw requirements.

Mayor Spencer inquired whether the matter could have a more public process and whether there is a time limitation.

The Acting Assistant City Manager responded there was a very public process; stated if there is interest, Council could ask the TMA Board and PAC to review the amount for the Hornet.

Mayor Spencer inquired whether any other tenants voted no or expressed concern.

The Acting Assistant City Manager stated initially, there was a lot of concern; staff asked tenants to provide input about what they wanted and worked with them to provide a number of different options; the recommendation was generally supported at the last meeting.

Mayor Spencer stated that she would feel more comfortable if there was an actual vote of each of the tenants.

Councilmember Matarrese inquired whether the Hornet receives a substantially lower cost for the berth than Maritime Administration (MARAD), to which the Acting Assistant City Manager responded in the affirmative.

Councilmember Matarrese moved approval of the staff recommendation; stated the matter can be reviewed if the fee becomes a hardship.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated the employers are being asked to contribute to a fund to add to the bus line and provide free transit passes; the Hornet generates a lot of traffic; there is a responsibility to help support the mitigation of traffic to the Hornet and Alameda Point; the previous Executive Director was part of the negotiation and agreed to the amount; something can be brought back if there are

hardships.

In response to Mayor Spencer's inquiry regarding referencing Lime Bikes, the Acting Assistant City Manager stated the reference should have been to a bike share program.

On the call for the question, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Noe. Ayes: 4. Noes: 1.

(*18-327) Recommendation to Reject All Bids for the Krusi Park Recreation Center Replacement. Accepted.

(18-328) Resolution No. 15384, "Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000 for the Alameda Library." Adopted.

The Finance Director gave a brief presentation.

Expressed concern over passing the tax without discussion and releasing financial information regarding the bond; urged citizens be informed about the new obligation: Jim Strehlow, Alameda.

Councilmember Matarrese stated the obligation is not new; the voters approved a 30 year bond in 2000; the maximum assessed value was \$15.98 per \$100,000, but it has never been that high and has gone down; the amount is now \$4.50; inquired when the tax will be finished.

Mayor Spencer requested the speaker's questions be answered.

The Finance Director responded the City's debt is in the Comprehensive Annual Financial Report; stated the outstanding balance as of June 30, 2017 was a little over \$7.9 million; outlined payments; stated the bond would be repaid in 16 years.

Councilmember Ezzy Ashcraft stated that she and Councilmember Matarrese co-chaired the Library campaign, which passed by 78.8%; discussed the assessment; noted the bond was used as a matching fund to apply for State money; the State put in \$2 for every \$1 of the local match.

In response to Councilmember Oddie's inquiry about the assessment being the City's only indebtedness, the Finance Director responded it is the only general obligation bond.

Councilmember Oddie moved adoption of the resolution.

Vice Mayor Vella seconded the motion, which carried by the following roll call vote:

Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

(18-329) Resolution No. 15385, "Approving a Workforce Change at Alameda Municipal Power (AMP) to Add One Position, Advanced Metering Infrastructure (AMI) System Administrator and Amending the Salary Schedule of the Electric Utility Professionals of Alameda (EUPA) to Add the Classification of Advanced Metering Infrastructure (AMI) System Administrator, Effective June 5, 2018." Adopted.

Councilmember Oddie inquired whether the AMP General Manager is making the request, to which the AMP General Manager responded in the affirmative.

Councilmember Oddie inquired whether the position is an essential need, to which the AMP General Manager responded in the affirmative; stated 36,000 meters were just replaced; AMP is dealing with a lot more data and launching a customer portal; someone with a high degree of expertise is needed to monitor the health of the system, including alarms and tamper validations; the amount of data justifies the position.

Councilmember Oddie inquired whether the position receives PERS, to which the AMP General Manager responded in the affirmative.

Vice Mayor Vella inquired whether the cost was considered when AMP switched the meters.

The AMP General Manager responded a cost benefit analysis was done when AMP embarked on the AMI program; stated it was obvious some positions, such as meter reader, would be phased out; there was also recognition that AMP is moving to a more technology-focused platform with the smart meters; there are not any plans to add more positions related to the program; overall, there is a benefit to the utility in terms of cost reduction and other operational efficiencies, such as performing activities remotely.

Vice Mayor Vella inquired whether or not the position was factored in as part of switching over to the AMI system, to which the AMP General Manager responded there was a recognition that AMP would need a position of this nature as part of the original business case assessment.

Vice Mayor Vella inquired whether the analysis included the cost, to which the AMP General Manager responded in the affirmative.

Vice Mayor Vella inquired whether the ongoing cost have been factored into the AMI program budget, to which the AMP General Manager responded in the affirmative.

Vice Mayor Vella noted there is an internal candidate; inquired whether the position would be posted in the future.

The AMP General Manager responded there are some potential internal candidates;

stated the recruitment will be open; the position is very technical, information technology focused and requires a unique skill set.

Councilmember Matarrese moved adoption of the resolution.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer inquired what happens if the Council does not approve the recommendation.

The AMP General Manager responded a consultant is currently performing the function along with other parts of the workforce; stated using a third party has worked as AMP has ramped up deployment of the meters; somebody in house day-to-day is needed; the position will interface with staff working on the meters; having the position in house makes more sense.

In response to Mayor Spencer's inquiry regarding the overall net savings, the AMP General Manager stated that he does not have the number; AMP had three meter readers and is now down to one.

In response to Mayor Spencer's inquiry regarding the pay, the Human Resources Director stated there is a savings because the cost of two meter readers is closer to \$150,000.

Vice Mayor Vella inquired whether AMP's rates recently increased, to which the AMP General Manager responded the Public Utilities Board (PUB) recently approved a 1% average rate increase, which will start in July; stated a 5% rate increase was projected last year; the numbers were refined and the strong financial performance over the past year allowed value to be returned to the rate payers in the form a lower than expected rate increase.

Councilmember Oddie noted the majority of the Council previously voted against a position in another department, which would have been covered from cost recovery, because it was under PERS; compared the staffing requests; noted there seems to be different standards for different departments.

Mayor Spencer stated the position is different because other positions are being cut due to smart meters being installed.

The AMP General Manager noted AMP's staffing level has been reduced in the last four years.

Councilmember Ezzy Ashcraft noted the Fire Chief was instructed to bring the matter back to Council when the costs savings is known.

The Acting City Manager noted the position being approved does not come from the

General Fund.

Councilmember Oddie stated the position is under PERS and will be paid by the people in Alameda.

On the call for the question, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: No; and Mayor Spencer: Aye. Ayes: 4. Noes: 1.

(18-330) Recommendation to Amend the Inclusionary Housing Program Preference Point System, Program Guidelines, including Adopting Underwriting Standards, and Prepare Revisions to the Appeal Process via an Ordinance. Not heard.

(*18-331) Ordinance No. 3214, "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." Finally passed.

(*18-332) Ordinance No. 3215, "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." Finally passed.

(*18-333) Ordinance No. 3216, "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." Finally passed.

(*18-334) Ordinance No. 3217, "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." Finally passed.

(*18-335) Ordinance No. 3218, "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.” Finally passed.

(18-336) Ordinance No. 3219, “Amending the Alameda Municipal Code by Deleting Section 2-91.13.f of the Sunshine Ordinance Pertaining to Meeting Adjournment.” Finally passed.

[Note: Mayor Spencer voted no. The item carried by the following vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Vella – 4. Noes: Mayor Spencer – 1.]

REGULAR AGENDA ITEMS

(18-337) Resolution No. 15386, “Appointing Chris Pondok as a Member of the Recreation and Parks Commission.” Adopted; and

(18-337A) Adoption of Reappointing Ruben Tilos as a Member of the Recreation and Parks Commission. Not adopted.

Councilmember Ezzy Ashcraft requested the votes be separate.

Councilmember Ezzy Ashcraft moved adoption of the resolution appointing Chris Pondok.

Councilmember Matarrese seconded the motion, which carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

Councilmember Matarrese moved adoption of the resolution appointing Ruben Tilos.

Mayor Spencer seconded the motion, which failed by the following roll call vote: Councilmember Ezzy Ashcraft: Abstained; Councilmember Matarrese: Aye; Councilmember Oddie: Abstained; Vice Mayor Vella: Abstained; and Mayor Spencer: Aye. Ayes: 2. Abstentions: 3.

The City Clerk administered the oath of office and presented a certificate of appointment to Mr. Pondok.

(18-338) Mayor’s State of the City Address. Not heard.

(18-339) Public Hearing to Consider Resolution No. 15387, “Establishing Integrated Waste Collection Ceiling Rates and Service Fees for Alameda County Industries, Inc. (ACI) for Rate Period 17 (July 2018 to June 2019).” Adopted.

The Public Works Coordinator gave a Power Point presentation.

Councilmember Ezzy Ashcraft noted ACI's fleet was transitioned to alternative fuel vehicles; stated next time, ACI should convert the vehicles to electric, perhaps using Wrightspeed, which installs battery operated drive trains; outlined vehicles Wrightspeed has converted.

In response to Mayor Spencer's inquiry regarding the contract length, the Public Works Coordinator stated the initial 10 year franchise has been extended for another 10 years; the contract will end in 2022.

In response to Mayor Spencer's inquiry regarding replacing the vehicles, the Public Works Coordinator noted ACI has been looking at Wrightspeed vehicles.

Councilmember Oddie inquired whether a sweetheart deal or Request for Proposals process would be appropriate.

The Public Works Coordinator responded the type of equipment and advancements in technology is just being explored.

Councilmember Ezzy Ashcraft stated that she did not use the term sweetheart deal and did not mean to imply doing so; it was just her suggestion that ACI look to convert to electric and she knows a company at Alameda Point happens to do the work; she was only promoting an Alameda Business, not negotiating a contract.

Councilmember Oddie stated Council should be careful not to dictate who the City's contractors select.

Chris Valbusa, ACI, stated ACI is about half way through the life cycle of its vehicles; ACI is interested in all technologies and seeks out new technologies to stay on the forefront of what is available.

Mayor Spencer stated it is not appropriate for one Councilmember to ask ACI what to do with its trucks, which cannot be considered direction to ACI.

Expressed concern over the annual big pick up service, which went from dumpsters to carts to fabric bags with restrictions about what can be deposited: Richard Bangert, Alameda.

Mayor Spencer requested staff to address the matter; inquired who makes the decision about the service; stated that she would agree the change is a reduction in the service.

The Public Works Director responded the service Mr. Bangert described is becoming more standard in the industry; there is some cost savings; some customers appreciate the bag form; there is a concern for the safety of workers; the bag can be collected by an automated hand, which helps reduced workers compensation claims.

Mayor Spencer inquired whether the City received a price reduction and where is the

savings to the consumer.

The Public Works Director stated the savings might be seen looking at the historic rates.

Mayor Spencer stated people still have things that need to be disposed of, which have a cost; inquired how the change in the service is approved.

The Public Works Director stated that he cannot recall exactly when and how it changed; staff would be happy to take a closer look at the matter and return sooner than next year or next year if Council wishes.

Councilmember Matarrese stated looking at the changes against what is in the contract is important; the City should ensure the service is within the contract and peel back on the other issues, such as the reduction in what can be put in the bulk container and the utility of the bulk versus solid side container; he would like the matter to return sooner rather than later.

Mayor Spencer stated that she would also like the matter to come back and include review of the initial contract, which might have changed without Council or staff consent.

Councilmember Oddie stated the Stopwaste Board, which he serves on, has talked about the policy change.

Vice Mayor Vella stated the City should get out any information on changes in services that impact constituents, but she also wants to be cognizant that the City is trying to reduce overall waste, which is a Community Action for a Sustainable Alameda (CASA) goal.

Mayor Spencer stated that she and Councilmember Matarrese have requested review; inquired whether other Councilmembers are interested.

Councilmember Ezzy Ashcraft stated that she is fine with the Public Works Director returning with more clarification; the Vice Mayor raises a good point; ACI and Alameda residents are to be commended for reducing the amount of garbage that goes into the land fill, which is one reason rates are going down; noted ACI provides free pick up at 12 events at no cost to the City.

Councilmember Oddie moved adoption of the resolution, with Councilmember Matarrese's or the Mayor's additional staff request [directing staff to review changes to the bulky waste pick up].

Councilmember Matarrese seconded the motion, which carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

(18-340) Recommendation to Accept the Social Service Human Relations Board

(SSHRB) Community Needs Assessment Final Report.

The SSHRB Members Kale Jenks and Jennifer Hastings gave a Power Point presentation.

In response to Councilmember Oddie's inquiry regarding housing discrimination, Mr. Jenks stated 48% were renters and 22% were property owners.

Councilmember Ezzy Ashcraft expressed her appreciation.

Councilmember Ezzy Ashcraft moved approval of accepting the SSHRB Community Needs Assessment Final Report.

Councilmember Matarrese seconded the motion.

Under discussion, Mayor Spencer expressed her appreciation.

Councilmember Oddie expressed concern over housing discrimination.

In response to Mayor Spencer's inquiry, Ms. Hastings stated the survey included links and contacts for finding help with housing discrimination.

Mayor Spencer stated the information should be on the City's website.

Vice Mayor Vella stated trends are continuing; expressed her appreciation.

Councilmember Matarrese stated the SSHRB does some of the toughest work; the report is extremely important to the Council.

On the call for the question, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

Mayor Spencer called a recess at 8:53 p.m. and reconvened the meeting at 9:04 p.m.

(18-341) Recommendation to Receive the Fiscal Year (FY) 2018-19 Rent Program Regulatory Fee Study; and

(18-341A) Resolution No. 15388, "Setting a Rent Program Fee for the City's Rent Review, Rent Stabilization and Limitations on Evictions Ordinance and Implementing Policies for Fiscal Year 2018-19." Adopted.

The Community Development Director gave a brief presentation.

Councilmember Oddie inquired what is being done to collect the 19% that did not pay the fee.

The Community Development Director responded since this was the first year, staff is proposing writing off non-payment since only two notices were done; stated there will be more time to do three notices and address delinquency this year.

In response to Councilmember Oddie's inquiry regarding the remedy for non-payment going forward, the Community Development Director stated a higher compliance rate is expected; when the ordinance comes back after the election, late fee and penalties can be added, which is not allowed under the current ordinance.

Councilmember Oddie inquired whether staff knows if anyone who has not paid has gone through the Rent Review Advisory Committee (RRAC) process or done an eviction, to which the Community Development Director responded in the negative.

Councilmember Oddie stated that he would like said information gathered if possible.

The Community Development Director stated the requirement was in the ordinance that was rescinded and could go on the list of items to revisit.

In response to Councilmember Oddie's inquiry regarding allocating \$500,000 in attorney's fees to help tenants, the Community Development Director stated regarding the ability to use the fee to pay for legal services for low income tenants, she is reaching out to other jurisdictions who fund legal services; the majority of jurisdictions use Community Development Block Grant or General Fund money, not the rent program fee; the legal conclusion was that the fee can be collected to administer the program; there is a question about whether it is legal to use fees to serve one class of low income tenants; from staff's perspective, using surplus funds paid is the proper way to fund the legal services.

Councilmember Oddie inquired about the need and funding for a database, to which the Community Development Director stated Housing Authority is creating a database to track program activities, which is a different database than general information about the City's rental market; some cities require an annual rent registration, which is very labor intensive; perhaps money could be used to do a scientifically valid survey of rents and unit composition, which could be used to determine how well the program is working and whether the ordinance achieves the Council's goals; the approach could be more cost effective; the information would be useful in evaluating the effectiveness of the ordinance, which could be included in the required annual report.

Councilmember Oddie stated a rent registry could be a nexus to the fee.

The Community Development Director stated the ordinance does not require a rent registration process; the ordinance would have to be amended to allow a rent registration process.

Councilmember Oddie inquired whether the Council can legally charge \$119 or is required to set the fee at \$106.

The Community Development Director stated Council can set the fee at \$119; at some point if costs continue to come in less than the amount collected, the fee will have to be lowered or money would have to be refunded.

Councilmember Ezzy Ashcraft stated that she is concerned 19% of landlords are delinquent in paying the fee; inquired whether delinquency can be carried over to the next fiscal year.

The Assistant City Attorney responded the resolution before Council addresses delinquency; stated that he does not recall the previous resolution doing so; the City probably could carry it forward, but it will increase the surplus.

Councilmember Ezzy Ashcraft stated the Council expressed support for transferring \$500,000 into a fund for legal services; a lot of staff time in the City Attorney's office and at the Housing Authority is spent answering questions; she would like a closer look at whether some of the fee could be allocated to legal services; inquired whether staff can do so.

The Community Development Director stated the legal analysis allowable under the fee study is the cost for the City Attorney's office providing legal counsel to the rent program on the interpretation of the ordinance; the Council gave direction on a 3-year pilot program for low income tenants, which will return as part of the budget; civil actions are far more broad than the scope of the City's ordinance; most issues that come up for tenants are for cause and no cause evictions and habitability issues; the kinds of legal services and advice that would be given are broader than the ordinance and were not contemplated in the fee study; if there is a desire to use the fee, the deeper dive would have to be done next year when the nexus is determined.

Councilmember Ezzy Ashcraft stated the ordinance is to address the housing crisis.

The Community Development Director stated the issue is can the services be paid via a fee, as a tax or from the general fund; staff does not believe fees under Proposition 26 can withstand the test of linking the cost directly to implementing the program; providing legal services is broader than the ordinance and was not in the current fee study.

The Assistant City Attorney stated a regulatory fee is before Council, which are exempt from Proposition 26 analysis; the fee has to be reasonable and necessary because of the services the government is providing; typically rent control jurisdictions do not get involved when it comes to the eviction process other than to set the ground for evictions; the concern is it has to be necessary for the government to provide services, such as eviction defense, which it is not; there is a clear distinction between the services provided by the City Attorney's office in advising the Housing Authority

implanting the ordinance versus providing legal advice to private parties to defend against an eviction process; staff's analysis found one jurisdiction was challenged on the matter and believes its opinion is correct.

Councilmember Ezzy Ashcraft stated the fee study found a reasonable relationship to benefits received from the rent program.

The Assistant City Attorney stated the issue is really the reasonable and necessary cost of the services that the local jurisdiction is providing; the ordinance does not include the City providing services to defend tenants in an eviction proceeding, which is the distinction.

The Community Development Director stated the ordinance does not deal with for-cause evictions; tenants would avail themselves of legal services for both for-cause and no cause evictions.

Councilmember Ezzy Ashcraft stated there could be a distinction between which services would receive legal advices; inquired whether the City can really rely on the reasons people are seeking legal advice; stated all renters' experiences are not being documented; cases of people who just leave their housing are not being captured in the system.

The Community Development Director stated staff concurs with the Council's direction to fund legal services for low income tenants; the beneficial service will be funded; the only issue is having the funding come from the General Fund versus the fee.

Councilmember Ezzy Ashcraft stated that she was highlighting the need for better documentation and study.

The Community Development Director stated the City will have more data as more services are provided.

Vice Mayor Vella inquired how staff time is being tracked.

The Community Development Director responded staff is keeping track of time; stated some departments do the calculation based on a Full Time Employee (FTE) equivalent; others track hours; some of the fee study appendices have detailed flow charts which delineate the Housing Authority processes; provided examples; stated adjustments were made from the fee study last year versus this year.

Vice Mayor Vella inquired whether everyone seems to be keeping track of time differently.

The Community Development Director responded the Housing Authority program staff and the contract attorney keep very detailed track of their time, whereas she has a sense that she dedicates 10% of her time to rent; stated a 0.1% FTE is assumed for her

time.

Councilmember Oddie stated the Housing Authority is providing legal advice by telling landlords whether or not notices are sufficient; however, there is not a nexus for providing defense for tenants receiving defective notices; defective notices are gold for tenants; telling landlords how to fix notices is helping kick out renters, which is an issue.

The Community Development Director stated the Housing Authority would say they are not providing legal advice; they are telling landlords what is required under the ordinance to have an appropriate notice and that any notice that is not done properly has to be rescinded pursuant to the ordinance.

Councilmember Oddie stated doing so is gaming the system and the fee is covering it; landlords should go with their notice and let the chips fall where they may; the City should not be paying for folks to be fixing their notices.

Vice Mayor Vella stated the fee study has the total billable hours; inquired whether the hours segregate whether advice is deficiencies of landlords versus tenants.

The Community Development Director responded the amount is the composite.

Vice Mayor Vella suggested tracking whether questions are coming from landlords or tenants.

The Community Development Director stated said information could be captured in the annual report.

Melanie Guillory-Lee, SCI Consulting Group, stated the composite was based on the total information; the Housing Authority does have their own separate database and could pull out additional information; that she did not feel said level of detail should be in the fee study.

Vice Mayor Vella inquired whether it is possible to get the information.

The Rent Stabilization Program Director responded the Housing Authority does track the data, which can be provided.

Vice Mayor Vella provided an example; stated the fee study has the breakdown of some activities, but not others.

The Community Development Director stated the cost is the same whether serving a landlord or tenant; suggested capturing the data either in the monthly or annual reports.

Vice Mayor Vella inquired why there is a line item for the Capital Improvement Project (CIP) process for landlords without the cost providing a related service for tenants being relocated due to the CIP.

The Community Development Director stated that she is assuming the amount captures conversations with both tenants and landlords.

Vice Mayor Vella stated that she would like the matter clarified.

The City Attorney stated the relocation formula is in the ordinance.

Vice Mayor Vella stated there have been issues with information from the landlord, such as actual rent rate; inquired whether the City would also be working with the tenant to verify the information.

The Community Development Director stated staff would have the opportunity to work with the tenant; stated Appendix C of the fee study provides detail on the CIP cases; outlined the process.

Vice Mayor Vella stated that she is not questioning the process; she is questioning the label on page 13.

The Community Development Director stated it may just be a labeling issue; the Administrator works with both parties; the table can be revised.

Vice Mayor Vella stated that she just wants staff to confirm the work is not just with the landlord and is also with the renters to ensure everything is being captured and the fee is not being reduced.

The Community Development Director responded staff would do so.

Stated Citywide data collection is needed; the database should be searchable; a database of all the buildings in the City exists; the City is getting new financial software; the systems need to be able to talk to each other; expressed concern over Airbnb and condominium conversions; stated that she knows of three evictions for owner move-ins that did not go through the system; some savings came from not having a director for six months; there is a lack of education, training and coordination; she would not use the system because it would create an adversarial relationship with her landlord; the system is not working, not limiting evictions and not creating sustainable rents; funds remaining should be used to get an adequate data system: Catherine Pauling, Alameda.

Vice Mayor Vella expressed concern over CIP amounts not adding up and being complete.

Ms. Guillory-Lee stated the hours were calculated using an outside spreadsheet.

Vice Mayor Vella requested the hours be added to Appendix C.

The Community Development Director stated Appendix C would be modified to capture the hours in the final fee study.

Councilmember Matarrese moved approval of directing staff to not write off the 20% of the fees that have not been collected, but roll over the amount into the second year.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer noted late payment penalties would not be addressed until the next meeting.

Councilmember Matarrese stated that his idea is just to not write off the fee.

Councilmember Ezzy Ashcraft inquired whether a lien is placed on properties at some point.

The City Attorney responded staff does not have authority to do so yet.

Councilmember Ezzy Ashcraft stated it should be under consideration; fines could be layered on and still ignored.

The Community Development Director stated if the Council chooses to and has the ability to amend the rent stabilization ordinance, it could be done.

On the call for the question, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

Councilmember Matarrese stated that he has heard enough details of the fee study; all of the hours have been captured; the fees identified match the hours; how the hours were spent has been questioned.

Councilmember Matarrese moved adoption of the resolution with the fee of \$106 per unit per year for the coming year.

Mayor Spencer seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated that she cannot support the motion because the Council needs to have more information about further expenditure of the fee, such as creation of a more extensive database.

The Community Development Director stated the cost of data collection was not included in the fee study; staff would have to do another fee study to capture said activity.

Councilmember Ezzy Ashcraft expressed concern over Council giving direction to do

so; stated having better data has been discussed before.

The Community Development Director stated the Housing Authority will be creating a database that will cover the program administration, which will interface with other departments, including Finance; the database will have information on every action that is a result of the program and ordinance, which is a different database than understanding rents and the composition of the housing stock; said data is broader than the ordinance; staff believes a statistically valid sample survey can be done to establish the average rents and inventory; measuring said information could be used to measure and gauge the success of the ordinance.

Councilmember Ezzy Ashcraft inquired whether the survey would fall within the scope of the fee study, to which the Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether staff has a cost estimate, to which the Community Development Director responded in the negative; stated the amount would be less than the \$160,000 that staff is recommending be retained; the sample survey would create a baseline that could be compared year after year to measure the success of the rent program; the ordinance requires staff to prepare an annual report on the success of the ordinance.

In response to Councilmember Ezzy Ashcraft's inquiry, the Community Development Director stated the expense would be captured in the next year fee study if there are not sufficient funds; staff would not recommend using money from the General Fund.

Councilmember Oddie stated the City needs to see everything in order to determine if the ordinance is working; the City does not know if off-book evictions are being done; tracking the information in a database would show changes; landlords and tenants agree about the need for a database; he would like to find a way to have comprehensive, full, complete data; a new resolution or ordinance amendment is not needed because the Council has requested staff to report the effectiveness annually, which requires full and complete data.

The Assistant City Attorney stated the ordinance would have to be amended because there is not a requirement for landlords to provide the information, which is why staff is recommending a survey; a rent registry would be a new requirement.

The Community Development Director stated the cost was not considered in the fee study since staff did not have the authority, but could happen in FY 2019-20 if the ordinance is amended; there is a strong desire to have the information; therefore, staff is recommending a statistically valid survey to gather information about rent increases and the characterization of the City's housing stock; that she is not sure how off-book terminations could be tracked.

Councilmember Oddie outlined questions staff should ask about evictions if a landlord

indicates they no longer owe the fee.

The Community Development Director stated staff could do so and it would include the rent program fee.

Councilmember Oddie stated that he would still like to give direction to have a more robust database brought back to Council.

Councilmember Matarrese stated a statistical sampling survey is fine at the moment, but a real tracking mechanism is needed.

Mayor Spencer inquired whether the Council cannot ask for fees that are not justified by the fee study; stated there is no discretion; the motion is to set the fee at \$106 and Council cannot choose another number without doing another fee study; inquired whether the fee could be set at \$120 or \$130.

The Assistant City Attorney responded the fee could not be \$120 because the study currently reflects \$119; stated the question is whether Council can go from \$119 down to \$106.

Mayor Spencer stated staff recommended \$106.

The Assistant City Attorney stated case law requires the fee not be charged for general revenue purposes; staff is trying to reduce the fee to not have said effect; keeping the full surplus would have to occur over more years.

Mayor Spencer inquired whether the range is at most \$119, to which the Assistant City Attorney responded in the affirmative.

Mayor Spencer inquired whether the fee cannot be done that does not follow the study, to which the Assistant City Attorney responded in the affirmative; stated staff's recommendation of \$106 is defensible, in addition to the \$119 that was originally recommended by the fee study.

The Community Development Director stated recommending that half of the surplus be credited brings the amount down to \$106; the other half of the surplus would be kept as a reserve for expenses, such as the survey.

Mayor Spencer inquired whether the staff recommendation is \$106 per unit, to which the Community Development Director responded in the affirmative.

On the call for the question, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

Councilmember Oddie moved approval of directing staff to return to Council with

whatever necessary to create a robust, full and complete rent registry discussed tonight and modify the fee study next year, if something is brought back and implemented.

Mayor Spencer inquired whether the motion includes the survey; inquired what is meant by robust.

Councilmember Oddie responded that it means a complete inventory of every rental property and the rents in the City, which both the landlords and tenants are requesting.

The Acting City Manager inquired whether the rent registry would track increases in rent and evictions, to which Councilmember Oddie responded in the affirmative; stated the registry is the only way to get a true picture of how many people are getting rent increases and by what percent.

The Community Development Director stated changes would be measured on an annual basis to provide a comparison of the status of individual units.

Mayor Spencer inquired whether the registry would be public and anyone could look up rent history by address.

Councilmember Oddie responded legal staff would have to tell Council.

The Assistant City Attorney stated the ordinance would have to be modified to require the landlord register the unit; there would have to be a Request for Proposals for a vendor; the ordinance requirement could possibly include provisions about confidentiality; options would be provided.

The City Attorney stated the matter would not return to Council before November when a decision is made about putting the rent provisions in the Charter.

In response to Mayor Spencer's inquiry, the City Attorney stated a Charter initiative will be on the November ballot, which was done by landlords, and puts the rent stabilization ordinance in the Charter; if it passes, the Council could not make amendments and a vote of the people would be required; an amendment to the ordinance would not be brought back until after the election in November.

Councilmember Oddie stated the work would still be the same; either the Council could change it or propose changes to go forward at an election.

The Community Development Director noted following the direction at the Council May 18th study session, staff plans on coming back to Council in December with a comprehensive list of items; the registry would be part of the work effort.

Mayor Spencer inquired whether there would be another vote by Council before proceeding, to which Councilmember Oddie and the Acting City Manager responded in the affirmative.

The Community Development Director inquired whether the Council would rather wait until the end of year to make a decision about the rent registry prior to spending money on a survey.

Councilmember Matarrese stated a survey is good, but a database is needed; the City should get statistically valid information now.

Councilmember Oddie concurred.

Mayor Spencer stated the information is not a registry.

The Community Development Director stated a portion of the \$160,000 retained would be used on the survey.

The City Attorney stated the ordinance does not need to be amended to do the survey.

Councilmember Oddie stated the survey information might inform staff about the type of desired database.

The Community Development Director noted staff would work with the stakeholders to craft the survey.

Councilmember Matarrese seconded the motion.

On the call for the question, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

Councilmember Ezzy Ashcraft stated direction should be given to staff to return with options for dealing with landlords who are not paying the program fee, including considering a modification to the ordinance after November.

Mayor Spencer requested the first motion be repeated.

The Community Development Director stated the first motion was that City not write off the 19% of folks who have not paid, which means that after the FY 2018-19 billings go out, Finance may follow up with a third notice for FY 2017-18; staff would continue the effort; currently, the ordinance does not include imposing penalties.

Mayor Spencer inquired whether the matter is coming to Council on the 19th, to which the Community Development Director responded in the affirmative; stated the resolution for FY 2018-19 includes delinquencies.

Councilmember Ezzy Ashcraft stated that she is recommending going beyond to look at how the City would collect outstanding fees; penalties can be piled on, but there needs

to be a next step for non-payment; in other instances, a lien is placed on the property.

The Community Development Director stated the matter will be added to the list for December.

(18-342) Recommendation to Provide Direction on Potential Revenue Measures to Submit to Voters for the November 6, 2018 General Election.

The Public Works Director gave a Power Point presentation.

In response to Mayor Spencer's inquiry regarding Encinal Avenue repairs, the Public Works Director responded the street is owned and maintained by Caltrans.

Mayor Spencer stated a plan is needed to get Caltrans to maintain the road; she will have trouble supporting other requests until said plan is done.

The Public Works Director continued the presentation.

Councilmember Matarrese inquired why the slide indicates emergency response rather than seismic repair, to which the Public Works Director responded the wording could be changed and continued the presentation.

(18-343) Mayor Spencer stated a motion is needed to consider the referrals.

Councilmember Ezzy Ashcraft moved approval of hearing the remaining items.

Councilmember Matarrese seconded the motion, which carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

Expressed support for the infrastructure bond; stated that he is not too keen on the [sales] tax measure; the infrastructure bond can specifically address climate change adaptation issues; expressed concern over the language "other;" stated there is already a long list that adds up to about \$200 million; Council is not going to need flexibility to deal with other things; as far as Alameda Point, the potable water upgrade should be funded; money can be recouped through Developer Impact Fees at a later time without conflicting with the fiscal neutrality policy; the priority should be streets and sidewalks; the word potholes is not needed; storm drain pumping stations should be called out; sea level rise is not going to be the City's first problem; the Houston area flooding was not sea level rise; climate change and parks should be prioritized: Richard Bangert, Alameda.

Mayor Spencer requested clarification regarding the bond measure timeline.

The Public Works Director responded the infrastructure bond ordinance requires two readings; stated approval would be needed July 10th with a second reading on July 24th to make the deadline.

Mayor Spencer inquired whether staff can come up with the specific language, do community engagement, and be ready for a first reading on July 10th; further inquired whether staff would do all of the community engagement between now and July 10th.

The Public Works Director responded the community engagement has already occurred.

Councilmember Oddie stated that he disagrees.

The Acting City Manager stated more work needs to be done on the General Obligation (GO) bond; staff's preference is to do the sales tax measure which has less lead time; a lot more work needs to be done on the GO bond; staff wants to do more outreach; the matter was before Council in February; a lot of work has been done, but Council wants staff to do more; staff is suggesting going with the sales tax measure and doing the GO bond in the future.

Councilmember Ezzy Ashcraft stated that she would disagree with the Acting City Manager; her preference would be to go forward with the infrastructure bond; the City's infrastructure is deteriorating; repair costs increase the longer maintenance is deferred; the City is leaving itself vulnerable to a Houston situation; polling was done and it did quite well; the polling should determine the right amount; concurred with Mr. Bangert about Alameda Point potable water; questioned whether the sales tax increase can wait until a future election; the decision is not easy; expressed concern over putting off infrastructure.

Councilmember Matarrese moved approval of directing staff to pursue the infrastructure bond taking into account the comments on removing the word "pothole" and "other" to make it specific to the list presented.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Vice Mayor Vella stated that she is not prepared to support the infrastructure bond right now; adding and removing things changes the analysis; the City does not know what people are supporting; issues remain with including items, such as potholes, and actually having the funds to do the repairs; more outreach needs to be done; the fiscal neutrality issue needs to be raised with the voters; the measure needs to be fully transparent; the City needs to be clear.

Councilmember Matarrese stated that he is suggesting cleaning up the proposed ballot language and use what the Public Works Director presented tonight, which did not include Alameda Point water system.

Councilmember Oddie stated the City has discussed a storm water proposal; there has been extensive polling, but not extensive public outreach; the City does not have a climate plan so sea level rise is not clear; public safety infrastructure at the former Base is not being addressed; the public has not provided input at public meetings; he will not support a bond at this time.

In response to Councilmember Ezzy Ashcraft's inquiry, the Public Works Director stated there is \$35 million for the first bond draw down.

Mayor Spencer stated said amount is the first draw down, not the entire bond.

Councilmember Oddie inquired what the other \$60 million is going for.

The Public Works Director responded there is certainty around the maximum spending in each of the three categories over the course of the entire \$95 million.

In response to Councilmember Oddie's inquiry, the Acting Assistant City Manager stated a slide shows where staff is proposing where the funds go under each category.

Mayor Spencer stated Councilmember Oddie is asking for specificity.

The Acting Assistant City Manager stated the percentages are shown.

Councilmember Oddie stated specificity, such as paving five miles, is only within the first \$35 million.

The Acting Assistant City Manager stated staff does not have a list of the projects.

Councilmember Oddie stated projects are not known for two-thirds of the bond.

Mayor Spencer inquired regarding which five miles would be paved, to which the Public Works Director responded there is a five year paving plan; projects planned for later years would be advanced.

Mayor Spencer inquired whether voters could go and see specific projects which are being funded for duration of the bond.

The Public Works Director responded that he would be hesitant to specify which roads would be paved in a specific year because any plan changes would have to go back to voters.

Mayor Spencer inquired whether the bond requires two-thirds to pass, to which the Public Works Director responded in the affirmative; stated the Council would have to approve the ordinance by four affirmative votes.

Mayor Spencer stated that she is not planning to support the bond; the City has not had

sufficient community discussion to reach two-thirds; the community demands specificity; provided a School District example; two-thirds is a high threshold; inquired whether the library bond required two-thirds vote.

Councilmember Ezzy Ashcraft responded in the affirmative.

In response to Mayor Spencer's inquiry, Councilmember Ezzy Ashcraft stated the measure passed by 78.8%.

Mayor Spencer stated the library measure is a great example of being very specific; she does not think there are sufficient meetings; inquired how much was spent on polling and mailers.

The Public Works Director responded around \$50,000 to \$60,000 was spent; stated \$25,000 was for the tracking survey; \$25,000 was for financial calculations and legal analysis; mailers were around \$10,000 or \$15,000.

Mayor Spencer stated that she did not get answers from the consultant the last time bond measure was presented; there should be real community meetings with discussions about community priorities; inquired about the polling for the \$95 million.

The Public Works Director stated the last tracking survey showed support in the 70% to 73% range.

Councilmember Ezzy Ashcraft stated the original polling for the library measure showed support was in the low 60s prior to any community education; the ballot measure was based on the priorities from the poll; it is doable.

Councilmember Oddie noted the County Measure A was polling in the 70s and is getting 63%.

Vice Mayor Vella stated the polling was for different things than the new priorities being put forward; not fully funding projects is very different than a library bond; paving five miles of City streets is only a fraction of the miles of streets in the City; a lot of work needs to be done, including how the projects will be fully funded; the polling being used does not reflect what is being proposed now.

On the call for the question, the motion failed by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: No; Vice Mayor Vella: No; and Mayor Spencer: No. Ayes: 2. Noes: 3.

The Acting City Manager requested the Council address sales tax; stated there is a limited amount of time to proceed with a sales tax measure; the economic cycle is relatively good, which has proven to be the time to actually put a measure on the ballot; the five year forecast is not a great picture; in addition to reducing expenditures, help is needed on the revenue side.

Mayor Spencer inquired whether the sales tax measure requires three or four votes, to which the Acting City Manager responded three.

Councilmember Ezzy Ashcraft stated a majority of Council does not feel there is enough time to do community outreach and education to place an infrastructure bond on the ballot; inquired how the bond measure differs from the outreach and community education for the sales tax measure; stated she would have liked to do both measures.

The Acting City Manager stated the sales tax issue is primarily operational, which has been discussed over the last two years; forecasts are known; there have been conversations about future gaps; the sales tax measure is a way to help bridge the gap.

Councilmember Matarrese stated the sales tax measure is not his preferred option, but he is going to make a motion.

Councilmember Matarrese moved approval directing staff to go forward with the sales tax measure.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft inquired when Council needs to decide if the sales tax measure should address both operations and capital needs; inquired what the motion includes.

Councilmember Matarrese stated the motion is to get the discussion going; part of the discussion is whether Council wants to modify the measure to include some capital; Council needs to determine if and how the funds should be sliced up.

The Public Works Director stated dedicating the funds too specifically to a project or program could cause the measure to require a two-thirds threshold.

Councilmember Matarrese stated the measure may require a two-thirds vote if a Statewide measure qualifies and passes in November.

(18-344) Mayor Spencer stated a motion is needed to continue past 11:00 p.m.

Vice Mayor Vella moved approval of continuing the meeting.

Councilmember Oddie seconded the motion, which carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: No. Ayes: 4. Noes: 1.

Councilmember Ezzy Ashcraft inquired whether the motion is to adopt the draft

language, to which Councilmember Matarrese responded in the negative; stated the motion is to instruct staff to move forward with the sales tax measure.

Councilmember Ezzy Ashcraft inquired whether staff would return to Council about how the money would be apportioned without being too specific, to which the Public Works Director responded having the Council provide the general sense about including operational and capital needs would be helpful; he has concern about getting into special tax territory.

Councilmember Ezzy Ashcraft stated the presentation posed the question for the Council to answer; that she can support leaving it open.

Mayor Spencer inquired whether the sales tax measure would not indicate what the tax would be used for at all.

The Public Works Director responded the ballot would have language roughly similar to Exhibit 2.

Councilmember Matarrese inquired whether the language reflects the output of a poll, to which the Acting Assistant City Manager responded in the affirmative.

Mayor Spencer read the draft language; inquired whether there would be no end date and there would have to be a vote of the people to end the sales tax.

The Public Works Director responded voters would have to vote to end the tax.

Mayor Spencer noted the proposal is similar to the hospital tax with no termination date and would go on for ever and ever unless the voters end it.

The City Manager stated the issue was polled.

Vice Mayor Vella stated that she does not want to wordsmith the language because it was polled; additional conversations are needed to discuss priorities and uses; as currently written, the City can spend the funds for both operations and capital projects.

Mayor Spencer inquired whether Council would be willing to include that there is no end date and would require a vote of the people to end the tax.

Vice Mayor Vella stated said information will come out in the ballot arguments.

Councilmember Ezzy Ashcraft stated going against the polling would be foolish.

Mayor Spencer stated being transparent and honest with the public is critical; she will do her utmost to make sure the voters are aware there is no end date; further suggested adding "in perpetuity."

The Acting City Manager inquired what Mayor Spencer is asking for an end date.

Mayor Spencer stated that she would prefer an end date or transparency by adding “in perpetuity.”

The Acting Assistant City Manager stated the language includes: “until ended by voters.”

Councilmember Matarrese stated said language is pretty clear to him.

Councilmember Matarrese moved approval of calling the question.

Councilmember Oddie seconded the motion.

Councilmember Ezzy Ashcraft requested discussion.

Councilmember Matarrese stated there has been a call for the question and a second.

On the call for the question, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: No. Ayes: 4. Noes: 1.

On the call for the question on the original motion, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: No. Ayes: 4. Noes: 1.

Following Councilmember Ezzy Ashcraft’s comments, Mayor Spencer inquired whether Councilmembers cannot continue speaking after a motion to call the question is approved.

The City Attorney responded in the affirmative; stated the vote must be taken and Council has to move on.

Mayor Spencer inquired what should be done and whether she should hit the gavel when a Councilmember continues to speak, to which the City Attorney responded the Mayor should do so.

CITY MANAGER COMMUNICATIONS

(18-345) The Acting City Manager reviewed the list of Council’s priorities from the work plan discussion held on May 18th; made an announcement regarding recent power outages, Alameda Municipal Power’s (AMP’s) new customer portal, AMP being recognized for its buy green program, and AMP cohosting a meeting on solar on June 13th.

ORAL COMMUNICATIONS, NON-AGENDA

(18-346) Richard Bangert, Alameda, stated clear direction was not provided to staff about what to do to get a bond measure on the ballot; there seems to be a trend in the Bay Area of admiring the problem of climate change; the only way anything is going to get done is if money is appropriated; thinking the Federal Emergency Management Agency (FEMA) will help is dreaming; the City has to pay for climate adaptation itself; staff should be given direction at a future meeting; the matter should go to the voters.

The Acting City Manager stated the matter can be discussed when the Climate Action Plan is addressed in March or sooner if Council wishes.

Councilmembers expressed support for the matter returning sooner.

COUNCIL REFERRALS

Mayor Spencer stated that she would call Councilmember Oddie's referral next since there are two speakers.

(18-347) Resolution No. 15389, "Supporting Alameda Rank-and-File Employees Post a Janus v. AFSCME (American Federation of State, County, and Municipal Employees) Supreme Court Decision." Adopted. (Councilmember Oddie)

Councilmember Oddie made brief comments.

Expressed support for the resolution; discussed the positive working relationship with the City; stated the resolution confirms meet and confer rights: Al Fortier, International Brotherhood of Electrical Workers (IBEW) Local 1245.

Discussed the me too and the civil rights movements; stated labor is also being attacked; outlined jurisdictions which have taken action or will take action on the matter; asked Council to support the resolution: Josie Camacho, Alameda Labor Council.

Councilmember Matarrese stated the timing is apropos; he does not have any issue with the resolution; the City has used collective bargaining and good faith negotiations, which has provided a good framework; direction should be given to staff ensure the City is prepared to address the changes in the law should the ruling come down as expected; staff is not directly involved in membership cards; assurance should be provided that the City will keep the principle of collective bargaining and good faith negotiations, which is a standard that has served the City well.

Councilmember Ezzy Ashcraft stated the Council should be careful not to step out of its lane; that she would support the resolution if the further resolved language is revised.

Vice Mayor Vella stated removing any of the further resolved language would undermine the spirit of the resolution; noted Emeryville, Alameda County and San

Francisco adopted the resolution; the new law is going to create a number of issue that staff will have difficulty figuring out; not having a process in place could cause issues for staff; she understands staff's intent is to engage in good faith negotiations around the issue and to adhere to the current contract language in line with the provision; enacting the resolution tonight is imperative.

Councilmember Oddie noted many cities adopted the same provisions while negotiating new contracts; the resolution does not say how to mitigate impact and only prescribes good faith discussions.

Mayor Spencer stated the City Charter is very clear that the Council hires the City Manager, City Attorney and City Clerk; the City Manager works with the employees; the City ended up paying \$900,000 to resolve an investigation about staying in appropriate lanes; Council hires the City Manager and the City Manager works with the employees, union or not; Human Resources handles contracts; raising the matter during negotiations is appropriate; she is comfortable with a broad statement, not directing the City Manager how to implement employee contracts; other cities do not have the same Charter provisions; she does not support the second resolved statement because she wants to honor the Charter; she does not want to support anything that suggests the City does not operate in good faith already.

Councilmember Matarrese moved adoption of the resolution with the amendment to the further resolved statement to read: "that the Alameda City Council urges the City Manager and appropriate staff to work with the public sector unions at the City of Alameda post a Janus v. AFSCME Supreme Court case by cooperating to mitigate impacts and by engaging in good faith discussions to explain and mitigate the negative impacts of the Janus decision."

Councilmember Ezzy Ashcraft inquired whether the Acting City Manager and City Attorney would propose any draft language.

The City Attorney responded the matter could come back on June 19th; discussed changes that could be made.

Vice Mayor Vella stated the resolution does not need to be wordsmithed and is saying the City will engage in good faith discussions on the matters, which specially deal with implementing membership cards and release time; she does not know how the City could engage in good faith negotiations without having a release time; the City is negotiating future contracts, but has current contracts; the resolution deals with an impact that would go into effect right away; sitting down and figuring out whether new membership cards will be required is within the City's best interest; Council gives direction about general values and policies being enacted related to staff; the resolution takes a policy stance and should be adopted as written otherwise it is just making a meaningless statement; she would like to adopt the resolution as written tonight.

Mayor Spencer inquired whether there is a second to the motion; there was no second

so original motion failed due to a lack of second.

Councilmember Ezzy Ashcraft moved adoption of the resolution with modifying the language to: “that the Alameda City Council urges the Acting City Manager and appropriate staff to work with the public sector unions at the City of Alameda post a *Janus v. AFSCME* Supreme Court case decision by cooperating to mitigate impacts and by engaging in good faith discussions, which could include implementing membership cards and release time for rank and file union leaders to explain the implications of a *Janus* decision,” which is a little less specific direction and leave open the possibility that there could be more items that could be addressed.

Councilmember Matarrese seconded the motion.

Under discussion and in response to Vice Mayor Vella’s inquiry, Councilmember Ezzy Ashcraft stated by changing the language, the Council is not providing specific direction to staff, but is suggesting the topics; there could be other issues that have not been contemplated because the decision has not been seen.

Vice Mayor Vella inquired whether the intent is include the specific things, to which Councilmember Ezzy Ashcraft responded in the affirmative.

Councilmember Oddie inquired whether the word negative was removed, to which Councilmember Ezzy Ashcraft responded that she did not mean to remove the word negative.

Vice Mayor Vella inquired whether the language could be changed to “which could include, but not be limited to...;” stated that she is trying to understand the intent.

Councilmember Ezzy Ashcraft responded that is the intent.

In response to Councilmember Ezzy Ashcraft’s inquiry, the City Attorney stated that she prefers the language in the motion because it is not as directive and leaves the door open to other things that will support the unions’ position.

Councilmember Ezzy Ashcraft stated her motion stands.

Mayor Spencer inquired whether saying “could include” means it does not have to include the specific items listed, to which the City Attorney responded in the affirmative; stated the intent is clear that the motion is the City trying to work with and support the union in spite of the expected negative decision, but Council is not directing what exactly has to be done.

Councilmember Oddie suggested changing “to explain...” to “depending on the implications of a negative *Janus* decision.”

Councilmember Ezzy Ashcraft stated that she believes the Alameda Labor Council

provided assistance with drafting the resolution; the wording is different than others.

Vice Mayor Vella inquired whether the language could be changed from “could include” to “include,” to which Councilmember Ezzy Ashcraft responded in the negative.

Mayor Spencer’s inquired whether release time means the employees would get paid, to which the Acting City Manager and Councilmember Ezzy Ashcraft responded in the affirmative.

In response to Mayor Spencer’s inquiry regarding the number of union leaders, the Human Resources Director stated release time for union leaders is done now for union leaders to go meet with employees; IBEW has two and the Alameda City Employees Association (ACEA) has three.

Mayor Spencer inquired how release time is determine, to which the Human Resources Director responded there are certain items that allow release time, such as meet and confer, time to negotiate.

Mayor Spencer inquired whether release time is already allowed under the current contract, to which the Human Resources Director responded the contract is probably a little more specific and the resolution is broader; stated staff works with labor to mitigate impacts.

Mayor Spencer inquired whether the resolution changes what is currently done; stated that she is concerned the City Manager or Human Resources Director would normally work out the matter with labor without direction from Council.

The City Attorney stated the language “which could include” does not specifically direct that it has to happen and gives the flexibility.

Councilmember Ezzy Ashcraft moved approval of calling the question.

Councilmember Matarrese seconded the motion, which carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5.

On the call for the original motion, the motion carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: No. Ayes: 4. Noes: 1.

The Acting City Manager inquired whether the language is clear, to which the City Clerk responded in the affirmative and outlined the changes.

(18-348) Consider Directing Staff to Provide Background Information on the Crab Cove Property Prior to Any Council Actions on the Property. Not heard. (Mayor Spencer)

Mayor Spencer stated that she does not plan on hearing her referrals as a professional courtesy to the Vice Mayor who is in a time zone three hours later; both matters would come back at the next Council meeting.

(18-349) Consider Directing Staff to Prioritize Efforts to Increase Safety and Reduce Crime. Not heard. (Mayor Spencer)

COUNCIL COMMUNICATIONS

(18-350) Consideration of Mayor's Nomination for Appointment to the Civil Service Board (CSB), Commission on Disabilities (CD), Golf Commission (GC), Historical Advisory Board (HAB), Housing Authority Board of Commissioners (HABOC), Library Board (LB), Planning Board (PB), Public Utilities Board (PUB), Recreation and Parks Commission (RPC), Social Service Human Relations Board (SSHRB) and Transportation Commission (TC).

Mayor Spencer nominated Robert Barde and Marguerite Malloy for appointment to the CSB; Elizabeth Kenny and Leslie Morrison to the CD; Edward Downing to the GC; Alvin Lau to the HAB; Bachi Hadid, Sandra Kay, and Stuart Rickard to the (HABOC); Amber Bales to the LB; and Audrey Hyman and Sherice Youngblood to the SSHRB.

(18-351) Councilmember Ezzy Ashcraft made an announcement regarding a community discussion on guns; noted that everyone did well with the timing system.

(18-352) Councilmember Oddie announced that he and the Mayor participated in a gun violence rally at Lincoln Middle School.

(18-353) Councilmember Matarrese made an announcement regarding attending the Association of Bay Area Government general assembly.

Mayor Spencer noted that she was also in attendance.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 11:58 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- -JUNE 5, 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.

[Note: Vice Mayor Vella was present via teleconference from the Hilton at 10000 Beach Club Drive, Myrtle Beach, South Carolina 29572.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(18-310) 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)

(18-311) 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.

(18-312) Public Employee Appointment/Hiring Pursuant to Government Code § 54957; Title/description of positions to be filled: Acting City Manager and City Manager

(18-313) Conference with Legal Counsel – Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; Number of cases: One (As Plaintiff - City Initiating Legal Action)

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Public Employee Appointment/Hiring and Initiating Legal Action, the City Council gave direction to staff by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 5; and regarding Exposure to Legal Action, the City Council gave direction to staff by the following roll call vote: Councilmember Ezzy Ashcraft: No; Councilmember Matarrese: No; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; and Mayor Spencer: Ayes. Ayes: 3. Noes: 2.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:47 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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