

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JUNE 19, 2018- -5:00 P.M.

Mayor Spencer convened the meeting at 5:02 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(18-354) Public Employee Appointment/Hiring Pursuant to Government Code § 54957; Title/description of positions to be filled: Acting City Manager and City Manager

(18-355) 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.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Public Employee Appointment/Hiring and Real Property direction was given to staff and no vote was taken.

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.

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JUNE 19, 2018- -7:00 P.M.

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

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-356) Presentation by the College of Alameda on the New Center for Liberal Arts Building.

Timothy Karas, College of Alameda gave a Power Point presentation.

ORAL COMMUNICATIONS, NON-AGENDA

(18-357) Phillip Redd, Alameda, stated cannabis businesses not located in Alameda deliver to Alameda and will put Alameda's one dispensary out of business.

(18-358) Phillip James, Alameda, stated Alameda is fortunate to have Vice Mayor Vella; Council and staff need to work together for a shared future and the collective good.

CONSENT CALENDAR

Mayor Spencer announced the legal notices contract [paragraph no. 18-364] was removed from the Consent Calendar for discussion.

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

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

(*18-359) Minutes of the Special and Regular City Council Meetings Held on May 15, 2018, and the Special City Council Meeting on May 18, 2018. Approved.

(*18-360) Ratified bills in the amount of \$3,812,847.18.

(*18-361) Recommendation to Award a Three-Year Contract to Maze & Associates Accountancy Corporation (Maze) for an Amount Not to Exceed \$437,023, including

Contingency, with the Option of Two One-Year Extensions, for a Total Five-Year Expenditure Not to Exceed \$737,877, including Contingency, for Independent Auditing Services. Accepted.

(*18-362) Recommendation to Approve the City of Alameda Investment Policy. Accepted.

(*18-363) Recommendation to Authorize the Acting City Manager to Execute an Amendment to the Agreement with Susan Mayer, to Extend the Term by Nine Months and Increase Compensation in an Amount Not to Exceed \$50,000, for a Total Agreement Compensation Not to Exceed \$124,998, for Financial Services in Connection with Completing the Implementation of the Cost Allocation Plan and Indirect Cost Rate Proposal (ICRP). Accepted.

(18-364) Recommendation to Award a Contract for the Publication of Legal Notices to the Alameda Journal for Fiscal Year 2018-19.

The City Clerk gave a brief presentation.

Stated the Alameda Journal is looking forward to being able to work with the City again: Julie Bouslog, Alameda Journal/Bay Area News Group.

Mayor Spencer inquired whether staff recommends the Alameda Journal this year, to which the City Clerk responded in the affirmative.

Vice Mayor Vella stated factual reporting is really important; it is a bit ironic that the City has a contract with a paper that has sloppy reporting; she has a problem spending public dollars for said reason; she was disconcerted only two bids were submitted.

Councilmember Oddie concurred with Vice Mayor Vella; stated there is nothing responsible about the Bay Area News Group; he would much rather have public money go to a local newspaper.

Councilmember Matarrese moved approval of awarding the legal advertising contract to the Alameda Sun.

Vice Mayor Vella seconded the motion.

Under discussion and in response to Councilmember Ezzy Ashcraft's inquiry, the City Clerk stated there have been some publication errors with the Alameda Sun.

Dennis Evanosky, Alameda Sun, addressed the publication errors; stated out of 132 legal ads placed by the City, there were three mistakes; expressed apologies; stated he will have someone on staff, or himself, do more thorough review to avoid any mistakes in the future.

Councilmember Ezzy Ashcraft stated the City and Council must do its part to support local

businesses.

Mayor Spencer stated that she will support the Alameda Sun; she appreciates its support of the City.

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

(*18-365) Recommendation to Authorize the Acting City Manager to Execute a Sixth Amendment to the Emergency Medical Services First Responder Advanced Life Support and Ambulance Transport Service Agreement with the County of Alameda to Extend the Agreement to June 30, 2023 with an Option to Extend for an Additional Five-Year Period. Accepted.

(*18-366) Recommendation to Accept the Finalized 2018-2019 City Council Workplan. Accepted.

REGULAR AGENDA ITEMS

(18-367) Resolution No. 15390, “Appointing Robert Barde as a Member of the Civil Service Board.” Adopted;

(18-367A) Resolution No. 15391, “Reappointing Marguerite Malloy as a Member of the Civil Service Board.” Adopted;

(18-367B) Resolution No. 15392, “Reappointing Elizabeth Kenny as a Member of the Commission on Disabilities.” Adopted;

(18-367C) Resolution No. 15393, “Appointing Leslie Morrison as a Member of the Commission on Disabilities.” Adopted;

(18-367D) Resolution No. 15394, “Reappointing Edward Downing as a Member of the Golf Commission.” Adopted;

(18-367E) Resolution No. 15395, “Appointing Alvin Lau as a Member of the Historical Advisory Board.” Adopted;

(18-367F) Resolution No. 15396, “Appointing Bachir Hadid as a Member of the Housing Authority Board of Commissioners.” Adopted;

(18-367G) Resolution No. 15397, “Reappointing Sandra Kay as a Member of the Housing Authority Board of Commissioners.” Adopted;

(18-367H) Resolution No. 15398, “Reappointing Stuart Rickard as a Member of the Housing Authority Board of Commissioners.” Adopted;

(18-367I) Resolution No. 15399, “Reappointing Amber Bales as a Member of the Library Board.” Adopted;

(18-367J) Adoption of Reappointing Audrey Hyman as a Member of the Social Service Human Relations Board.” Not adopted; and

(18-367K) Resolution No. 15400, “Reappointing Sherice Youngblood as a Member of the Social Service Human Relations Board.” Adopted.

Councilmember Oddie requested the resolution appointing Ms. Hyman be separate.

Councilmember Oddie moved adoption of the remaining resolutions.

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

Mayor Spencer inquired whether there is motion to appoint Ms. Hyman, then withdrew the question; stated the appointees could be sworn in.

The City Clerk administered the oath of office and presented certificates of appointment to Mr. Barde, Ms. Kenny, Ms. Morrison, Mr. Lau, Ms. Hadid, Ms. Kay, and Mr. Rickard.

(18-368) Mayor’s State of the City Address.

Mayor Spencer gave a Power Point presentation.

Mayor Spencer called a recess at 7:59 p.m. to hold the special joint meeting and reconvened the meeting at 9:12 p.m.

(18-369) Public Hearing to Consider Resolution No. 15402, “Amending Master Fee Resolution No. 12191 to Add and Revise Fees, Including a Rent Stabilization Program Late Fee.” Adopted.

The Finance Director gave a brief presentation.

Mayor Spencer inquired whether the business license late fee is part of the master agreement, to which the Finance Director responded in the affirmative; stated the late fee is 10% per month, not to exceed 60%.

Councilmember Ezzy Ashcraft inquired whether it is possible to stipulate that the late fee assessed cannot be passed on to the tenant.

The Assistant City Attorney responded an ordinance amendment would be needed to make the stipulation.

Councilmember Ezzy Ashcraft stated the tenant has no control over whether the fee is paid in a timely manner; asked staff to come back with an amendment.

The City Attorney stated the rent fee is capped at a 5% increase; the landlord’s costs are not delineated; whether or not there could be pass-throughs was previously discussed;

late fees are not the fault of the tenant, and neither is increase in utilities.

Councilmember Ezzy Ashcraft stated a pass-through was considered at one point; waiting until after the November election might be prudent.

The Finance Director continued presentation.

Mayor Spencer inquired what the 10% per month is based on, to which the Finance Director responded the 10% late fee is the same as late fee for business licenses; stated staff proposed the fee to entice on-time payment; it can be changed if Council desires.

Mayor Spencer stated that she thinks 10% per month is high and cannot support it.

Vice Mayor Vella inquired how the 10% per month was decided.

The Finance Director responded the 10% fee mirrors the business license late fee; stated two years ago, the late fee was brought to Council; other cities surveyed to determine Alameda's late fee; the fee can be changed if Council does not think 10% is appropriate.

Vice Mayor Vella inquired whether the types of businesses are differentiated, such as home-based businesses, and are being impacted by the fee structure.

The Finance Director responded the fee varies depending on the business type and category it falls under; stated there are a variety of taxes; in some cases, the tax depends on gross receipts; whether the business is in a home or office does not matter.

Vice Mayor Vella inquired how long ago the fee was voted on, to which the Finance Director the last vote was in 1965.

In response to Mayor Spencer's inquiry, the Finance Director stated the 10% fee is not considered a tax and was approved by Council.

Mayor Spencer stated that she wants to make sure it is clear that the 10% late fee was not voted on by the people.

Councilmember Matarrese moved adoption of the resolution.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer stated credit card fees average 16%, compared to the 60% in six months for the rent business license late fee.

Councilmember Ezzy Ashcraft stated the purpose of the fee is to help fund the program in order to serve tenants and landlords; the fee is meant to incentivize timely payments; she supports the fee.

Councilmember Oddie inquired whether liens are allowed on properties if fees are not paid, to which the Finance Director responded in the affirmative; stated the City has the ability to lien the property for late garbage payments, but not for rent fees.

The Assistant City Attorney stated staff would need to research how to allow property liens for the rent fees; there needs to be specific legal authority to do so.

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

(18-370) Public Hearing to Establish the Proposition 4 (Appropriations) Limit for Fiscal Year (FY) 2018-19 and Resolution No. 15403, “Establishing the Appropriations Limit for FY 2018-19.” Adopted.

The Finance Director gave a brief presentation.

Councilmember Oddie moved adoption of the resolution.

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

(18-371) Public Hearing to Consider Collection of Delinquent Integrated Waste Management Accounts Via the Property Tax Bills.

The Finance Director gave a brief presentation.

Councilmember Matarrese moved approval of the staff recommendation.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer inquired whether there has been any contact from owners regarding their ability to pay, to which the Finance Director responded in the negative.

Councilmember Ezzy Ashcraft noted the list seems shorter than in previous years.

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

(18-372) Public Hearing to Consider Resolution No. 15404, “Approving the Engineer’s Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Maintenance Assessment District 01-1 (Marina Cove).” Adopted.

The Public Works Coordinator gave a brief presentation.

Councilmember Vella moved adoption of the resolution

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

(18-373) Public Hearing to Consider Resolution No. 15405, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones.” Adopted.

Councilmember Matarrese recused himself and left the dais.

The Public Works Coordinator gave a brief presentation.

In response to Mayor Spencer's inquiry, the Public Works Coordinator stated services have been right-sized to match the total maximum assessment instead of having a one-time contribution as presented in May.

Councilmember Oddie suggested separating assessments in future reports when a Councilmember has to recuse themselves.

Councilmember Oddie moved adoption of the resolution.

Councilmember Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Matarrese – 1.]

(18-374) Introduction of Ordinance Approving a Purchase and Sale Agreement with 1703 Grand LLC, for the Former Fire Station #3, Located at 1703 Grand Street, Alameda, CA for a Total of \$800,000. [In accordance with California Environmental Quality Act (CEQA), this project is Categorically Exempt under the CEQA Guidelines Sections 15301(c) - Existing Facilities and 15312 (Surplus Government Property Sales).] [Requires Four Affirmative Votes]; Introduced; and

(18-374A) Recommendation to Authorize the Use of the Proceeds from the Sale of the Above Property, Net of Prior \$450,000 Budget Allocation and Closing Transaction Costs, to Be Used for Partial Repayment of an Equipment Replacement Internal Service Fund Loan.

The Assistant Community Development Director gave a brief presentation.

Vice Mayor Vella stated correspondence relative to the property sale addressed the need for affordable housing; inquired what the process was and whether other parcels have been identified.

The Assistant Community Development Director responded the site was considered for refugee housing, but was not suitable; stated the shell structure has to be kept; there are limits on what could be done with zoning and historic designation.

Ted Anderson, Cushman and Wakefield, stated instruction and direction was sought from the Planning Board and the Historical Advisory Board; the recommendation was the highest and best use for the property is single-family or duplex; the structure cannot be demolished.

Vice Mayor Vella stated the City is in a unique position and has property throughout the City; would like to consider any other parcels.

The Assistant Community Development Director stated there was a request to look at other City property for potential development for affordable housing; staff is looking at the properties right now.

Stated land is one of the most expensive items to build affordable housing; she thinks it is bordering on criminal to give the property away and a sad use of public land; the problem of affordable housing cannot be solved; urged Council to look beyond for a solution: Catherine Pauling, Alameda.

Vice Mayor Vella stated that she is willing to move forward with conditions; the City owns land and other parcels across the City, which need to be added to the affordable housing stock; part of the money is already allocated in the budget for the EOC; the project will create two housing units; she understands it is cost and structurally prohibited for the historic aspect; she would like funds to be used to help build more affordable housing units.

Councilmember Oddie concurred with Vice Mayor Vella; stated that he wishes more could have been done with the property; he supports the agreement as long as Vice Mayor Vella's conditions are included in the motion.

Councilmember Ezzy Ashcraft stated seeking sources and sites for affordable housing is always on-going; she does not think there is any money left over from the sale to go towards affordable housing; the proceeds should be used to pay down loans for the new Fire Station 3 and EOC.

Councilmember Matarrese moved approval of authorizing the sale [introduction of the ordinance] and use of the proceeds to pay down the costs of the EOC, and examining other City properties for the purpose of developing affordable housing units.

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

(18-375) Recommendation to Determine Council's Interest in Authoring a Ballot Argument Against the Initiative Measure that Proposes to Amend the City Charter by Incorporating into the Charter, Ordinance 3148 Rent Stabilization and Limitations on Evictions, with Certain Modifications on the November 6, 2018 Ballot.

The City Clerk gave a brief presentation.

Councilmember Oddie moved approval of Council drafting and signing a ballot argument in opposition to the initiative.

Councilmember Ezzy Ashcraft inquired who would draft the ballot argument, to which Councilmember Oddie stated Council would assign a subcommittee to draft the argument; his motion is moot if not all Councilmembers plan to sign the ballot argument.

Mayor Spencer stated that she does not plan on signing; it is appropriate to have a subcommittee, which is how it has been done in the past; she does not recall the last ballot argument coming back to Council; discussed a ballot argument drafted by Councilmembers Oddie and Ezzy Ashcraft, which she and Councilmember Daysog were not able to sign.

Councilmember Matarrese stated there is enough time to bring a draft back to the Council at the next meeting; inquired whether Council would be able to see a draft of a ballot argument before Council votes on it; suggested assigning a subcommittee tonight and bring something back at the next meeting on July 10th; stated if approved, it can be submitted on July 11th.

The City Clerk responded the July 10th Council packet is published next Thursday, June 28th; stated the ballot argument is typically kept confidential until the deadline; noted Council would be showing its cards if drafted in open session.

Councilmember Ezzy Ashcraft stated that she likes the subcommittee idea; asked if Vice Mayor Vella would consider authoring the ballot argument with her.

In response to Vice Mayor Vella's inquiry, the City Clerk stated three measures were on the last ballot; two were City measures and one was an initiative measure.

Mayor Spencer stated there was a process; a subcommittee allows Councilmembers to sign the ballot argument in the Clerk's office.

The City Clerk listed the authors of past arguments; stated the argument against the initiative measure, M1, was signed by Mayor Spencer and Councilmember Daysog; the rent stabilization measure, L1, argument in favor was signed by Councilmembers Ezzy Ashcraft and Oddie.

Mayor Spencer stated she recalled not being able to sign the L1 argument.

The City Clerk stated Measure the Utility Modernization Act (UMA), K1, was authored by Mayor Spencer and signed by Vice Mayor Matarrese.

Councilmember Matarrese stated he has no problem drafting an argument in a public session.

Vice Mayor Vella inquired how many days prior to the meeting is the filing deadline, to

which the City Clerk responded one day.

Vice Mayor Vella stated drafting an argument should be done publicly; the goal is to have all Councilmembers put out something that is united.

The City Clerk stated the subcommittee could have more time if a special meeting is scheduled and the agenda would not have to be published until July 3rd.

Vice Mayor Vella stated the point is the published document might not be the final draft; this is Council's ordinance that is being challenged; she is fine with the process.

The City Clerk stated if Council authors a rebuttal argument, it will not have the same luxury of coming back at a regular meeting; a decision would have to be made regarding the rebuttal.

Mayor Spencer inquired whether the decision on a rebuttal argument could be resolved at the July 10th meeting, to which the City Clerk responded in the affirmative.

Councilmember Oddie stated he is fine with having a special meeting to give more time, but he will not volunteer to be on the subcommittee; who will sign the argument should be decided today.

In response to Vice Mayor Vella's inquiry, Mayor Spencer stated that she does not intend to sign anything until she can review the language; she was not given the same opportunity last time.

Councilmember Ezzy Ashcraft stated Councilmember Matarrese and Vice Mayor Vella would be a great team.

Councilmember Matarrese and Vice Mayor Vella agreed to be on the subcommittee.

Stated that she is happy that Council would write an argument; a number of laws are changing at the State level; discussed the need for data collection: Catherine Pauling, Alameda.

Councilmember Ezzy Ashcraft moved approval of directing the subcommittee to draft a ballot argument in opposition; inquired whether the subcommittee would also draft the rebuttal.

Councilmember Matarrese stated he is fine with drafting the rebuttal; Councilmembers do not have to sign the argument if they do not like it.

Councilmember Oddie inquired whether Councilmembers would have the first right of refusal to sign both, to which Councilmember Ezzy Ashcraft responded in the affirmative.

Vice Mayor Vella stated the City Clerk could lay out the structure and notify

Councilmembers if they would like to sign the rebuttal without violating the Brown Act.

The City Clerk stated the documents could be left in Clerk's office for individual signatures.

In response to Councilmember Oddie's inquiry, the City Clerk stated the purpose of the rebuttal is to respond to the argument submitted in favor.

The City Clerk clarified that Councilmember Ezzy Ashcraft's motion is to designate the subcommittee to draft a direct argument which will come back to Council on July 10th, and author a rebuttal, and Councilmembers have first right of refusal to sign both arguments.

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

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(18-376) Consider Directing Staff to Provide Background Information on the Crab Cove Property Prior to Any Council Actions on the Property. (Mayor Spencer)

Mayor Spencer made brief comments regarding the referral.

Councilmember Ezzy Ashcraft stated that she received a summary of the history of the property and has the information needed to make a decision that would come before Council in the future.

Vice Mayor Vella stated that she is trying to understand the request; inquired whether the referral is for questions raised by various groups to be answered and supporting information to be provided.

Mayor Spencer responded in the affirmative; stated that she is looking for a comprehensive timeline, to know when the property went from one parcel to two parcels, and any other action that was taken regarding the property.

In response to Vice Mayor Vella's inquiry, the Assistant City Attorney stated staff has done preliminary research and will conduct additional research to verify facts.

Vice Mayor Vella stated there are some questions the Council cannot consider as a body; inquired whether questions were posed to other bodies that have authority or jurisdiction.

The Assistant City Attorney responded in the affirmative; stated Mayor Spencer wants a complete picture of what has happened to date; the City Attorney's office is verifying the information regarding when the federal government parcels were separated.

The City Attorney stated her office can do as much research as the Council directs; it sounds like more of an information piece; Council is asking staff to do more research than what has already been done; the Assistant City Attorney is advising there is a lot of work to be done and staff cannot control the responses.

Councilmember Matarrese stated information is already on the City's website in the form of Frequently Asked Questions (FAQ's); it is important to provide the public information on what actions are taken by whom in a timeline; the City does not need to involve the General Services Administration (GSA); Council has heard input on what should be included in the staff report; there is no need to do anything more.

Mayor Spencer stated she would like staff to reach out to the federal government so the information could be requested regarding the parcels; it would be great idea to add to the FAQs but she would like staff to go farther back; it would be good to have Council weigh in.

Councilmember Ezzy Ashcraft stated that she cannot support the referral; there is no obligation for the City to do the homework for the opponents; the information has already been provided and will come back to Council in the form of a staff report; she does not see the need to burden legal staff.

Vice Mayor Vella stated that she views the referral as giving staff the opportunity to have a conversation about the types of information various Councilmembers are hoping to have when the item comes back; she does not want to create unnecessary work; there is a need to provide services for homeless and homeless veterans; if there are going to be different challenges, the City would need to have answers to challenges; she trusts information is being reviewed by staff; the FAQs are helpful since information is coming from other agencies; letting the public know that the City has requested the information is being transparent; Council should be cognizant of the Council's jurisdiction on the issue.

Councilmember Oddie stated there is a lot of time for all the pertinent questions to be answered; homelessness was identified as the top issue during the priority setting workshop two years ago and again this year; there is an opportunity to approve a project that could meet homeless needs and he would like to do so; connecting homeless people with services is the best thing that can be done; hopefully, when a Councilmember has questions, the questions will be answered.

Mayor Spencer stated Council is agreeable to reach out to the different agencies; it is appropriate to confirm what other organizations are saying.

Councilmember Matarrese moved approval of referring the matter to staff to start

gathering information as soon as practical; in preparation of the staff report which will accompany the City Council action related to the referral, there should be a timeline that includes the decision points and who makes the decision.

The Acting City Manager stated the City Attorney's office provided a lot of information and did a lot of research; more research is being requested and staff just wants to make sure the Council is okay with staff spending the additional time to provide the information.

The City Attorney stated staff worked with Community Development to put together what would happen going forward; staff is now being asked to research historic information about the parcel which the City does not have; the parcel separation was done by the federal government; staff will do its best to gather and provide the information.

Mayor Spencer clarified that she wrote the referral before knowing the City Attorney's office did any research; the historic information she is requesting dates back to 2008.

(18-377) Mayor Spencer stated a motion is needed to consider remaining items.

Councilmember Matarrese moved approval.

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

In response to Vice Mayor Vella's inquiry, Councilmember Matarrese stated the information he is looking for is what steps have to happen when a G-overlay comes before Council; the information is not for the Council, but for the public so they know and understand what is happening; he does not see the need to go back for further research except in the staff report, which will be published before action is taken.

The City Attorney stated staff has already provided the timeline Councilmember Matarrese described.

Councilmember Oddie stated the matter will probably come up in December; the City Attorney's office could decide what to do knowing the question will be asked.

The Acting City Manager stated the matter is not on the work plan for December.

The City Attorney stated that she hears Councilmember Oddie and does not ignore Council requests.

Mayor Spencer stated her referral goes to wanting to know the history of the ownership of the property dating back to 2008 when the people voted on Measure WW; it is important to request the information from the other agencies even if there is no response; inquired whether her referral is included in the motion.

Councilmember Matarrese responded that his motion assumes that the historical information would be included in the staff report when it comes to Council for action.

Vice Mayor Vella stated there has been significant direction; the City Attorney's office knows the expectation to include the information in the staff report and that the matter will come up.

Mayor Spencer inquired whether Vice Mayor Vella's comments could be added as a friendly amendment to Councilmember Matarrese's motion, to which Councilmember Matarrese responded in the affirmative.

Vice Mayor Vella seconded the motion, which carried by the motion carried by the following voice vote: Ayes: Councilmembers Matarrese, Vella and Mayor Spencer – 3. Noes: Councilmember Ezzy Ashcraft – 1. Abstention: Councilmember Oddie – 1.

(18-378) Consider Directing Staff to Prioritize Efforts to Increase Safety and Reduce Crime. (Mayor Spencer)

Councilmember Matarrese questioned who would vote against increasing safety and reducing crime; stated that he believes Alameda is already doing this.

Councilmember Oddie concurred with Councilmember Matarrese; stated violent crime has not increased; people might or might not attribute a slight increase to Proposition 47; people should not get caught up in the statistics, which should not be relied upon to prove a point.

Vice Mayor Vella stated that she supports reducing crime but draws the line at fourth amendment protections and civil rights; she does not support the referral if it is to bolster support for expediting the cameras; the conversation still needs to be had and is already on the agenda; at the budget workshop, the Council heard from the Police Chief that the Police department will be at full staffing.

Mayor Spencer stated that she brought the referral because she believes efforts to reduce crime an increase safety should be prioritized; she understands the matter was going to come back in December and was moved up.

The Acting City Manager noted the Automated License Plate readers would come back to Council.

Mayor Spencer stated the matter should come back as soon as possible.

The Acting City Manager stated the matter would come back on September 4th.

(18-379) Consider Directing Staff to Draft an Ordinance Banning the Use of Gas-Powered Leaf Blowers. (Mayor Spencer).

Mayor Spencer made brief comments regarding the referral.

Councilmember Matarrese moved approval of the referral.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated that she appreciates giving the referral a low priority; she does not want to take Police off the street to pursue leaf blower issues.

The Public Works Director stated an in-house team has convened to talk through the referral; 19 cities have banned gas leaf blowers; five cities have banned both [gas and electric]; 60 cities have timed usage; there were three Code Enforcement complaints regarding leaf blowers in the last 10 years; enforcement would be the challenge; the Recreation and Parks Department has already implemented a mini pilot program with electric leaf blowers; an explicit bullet point in scope of work in the Climate Plan requires outreach this fall and winter; staff recommends the Climate Plan be the vehicle to move the issue.

Vice Mayor Vella stated the issue could be part of the Climate Plan; a more effective approach would be to educate people first rather than just have a ban from the start.

Councilmember Oddie stated incentivizing is a good, softer approach; there should be outreach to the industry rather than just doing a ban.

Councilmember Ezzy Ashcraft stated gas leaf blowers are not healthy for people and the environment; partnering with local businesses that might offer electric blowers would be good; outreach should be bi-lingual.

Mayor Spencer inquired when the item would come back to Council, to which the Public Works Director responded a first draft of the plan could be back in January or February.

Mayor Spencer stated that she is concerned the issue is just one component; the Climate Action Plan covers many things; she is not sure leaf blowers can be packaged with the Plan; inquired whether the Plan could be expedited, to which the Public Works Director responded in the negative.

Vice Mayor Vella stated the referral is listed as a low priority; having it come back in six or seven months is fairly fast.

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

COUNCIL COMMUNICATIONS

(18-380) Designation of Voting Delegates and Alternates for the League of California

Cities Annual Conference.

Councilmember Matarrese moved approval of designating Councilmember Ezzy Ashcraft as the voting delegate and Councilmember Oddie and Vice Mayor Vella as alternates.

Mayor Spencer seconded the motion which carried by unanimous voice vote – 5.

(18-381) Consideration of Mayor's Nomination for Appointment to the Civil Service Board, Commission on Disabilities, Golf Commission, Historical Advisory Board, Housing Authority Board of Commissioners, Library Board, Planning Board, Public Utilities Board (PUB), Recreation and Parks Commission, Social Service Human Relations Board and Transportation Commission.

Mayor Spencer nominated Shelby Sheehan for appointment to the PUB and Adrienne Alexander and Eric Robbins for appointment to the Recreation and Parks Commission.

(18-382) Vice Mayor Vella announced that she attended the Alameda County Lead Abatement Board meeting; stated there was a first-ever soil sampling booth; 47% of the samples showed medium lead contamination, which is alarming.

(18-383) Mayor Spencer stated a motion is needed to continue the meeting past 11:00 p.m.

Councilmember Ezzy Ashcraft moved approval of continuing the meeting.

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

(18-384) Councilmember Ezzy Ashcraft stated the League of California Cities will oppose the lead paint initiative; gave a brief summary of the League's Policy Committee discussion on affordable housing.

ADJOURNMENT

(18-385) There being no further business, Mayor Spencer adjourned the meeting at 11:06 p.m. in memory of Carl Halpern.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF THE
CITY COUNCIL AND SUCCESSOR AGENCY
TO THE COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -JUNE 19, 2018- -7:01 P.M.

Mayor/Chair Spencer convened the meeting at 7:59 p.m.

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

Absent: None.

AGENDA ITEM

(18-386 CC) Resolution No. 15401, “Approving and Adopting the City of Alameda Operating and Capital Budget Mid-Cycle Update for Fiscal Year (FY) 2018-19.” Adopted;

(18-007 SACIC) Resolution No. 18-01, “Approving and Adopting the Successor Agency to the Community Improvement Commission (SACIC) Budget for FY 2018-19.” Adopted;

(18-386 A CC) Resolution No. 15406, “Approving Workforce Changes in the Community Development Department, Base Reuse and Transportation Planning Department, Fire Department and Information Technology Department.” Adopted; and

(18-387 CC) Resolution No. 15407, “Amending the City of Alameda City Employees Association (ACEA) Salary Schedule and the Salary Schedule of the Executive Management (EXME) Compensation Plan.” Adopted.

The Acting City Manager made brief comments.

The Finance Director gave a Power Point presentation.

In response to Mayor Spencer's inquiry, the Finance Director stated the difference of the forecast is almost a \$20 million swing, which is largely due to the transfer tax and property tax increases from new development.

Mayor Spencer stated that the growth in property taxes will continue on the same level cannot be assumed.

The Finance Director continued presentation.

The Community Development Director stated direction was given at the May workshop to set up a three year pilot program with \$500,000 for legal aid for low income renters; at the June 5th meeting, there were subsequent questions about whether or not the program would include other legal services; staff would like to confirm the direction, which is a legal aid program for low income renters.

Councilmember Ezzy Ashcraft inquired whether there is a way means testing could be done; stated it would be good to know if individual landlords could be limited by number of units, income and assets; stated landlords want to make sure they are abiding by the ordinance.

In response to Mayor Spencer's inquiry, the Community Development Director stated the program administration staff gives direction to landlords and helps clarify what is needed to be compliant with the ordinance; staff does not provide individual advice on individual cases.

Vice Mayor Vella stated landlords can go to the Housing Authority to get clarification without violating the ordinance; having a separate office where tenants could get advice would be helpful; the program should be bifurcated; inquired whether providers could look at income levels before taking a case as part of the Request for Proposals (RFP).

The Community Development Director responded that she does not know how means testing is done; she does not believe legal services attorneys would take landlord cases; if Council directs legal services be provided to both low income tenants and landlords, staff would recommend doing more research on how the process would work on the landlord side and move forward only with the tenant side at this time.

Councilmember Oddie stated the direction is clear that Council wants to assist tenants; he does not understand why free legal service would be given to landlords when tenants need it.

The Acting City Manager stated the \$500,000 in restricted fund balance is set aside; there has been discussion of both landlord and tenant services; staff wants to get clarification on the direction.

Mayor Spencer stated Council agreed to allocate the money; suggested coming back to discuss the matter.

Councilmember Ezzy Ashcraft stated the topic to provide services to both landlords and tenants was raised and is valid to consider; landlords have access to legal services; there are not enough resources so the focus should be on providing services to tenants.

The Community Development Director confirmed the direction is for staff to issue the RFP and come back to Council with a contract.

Mayor Spencer inquired when the matter will come back to Council, to which the Community Development Director stated it would come back in October so staff could move forward with the RFP.

In response to Mayor Spencer's inquiry, the Community Development Director stated staff could come back with a proposed contract regarding tenant services if the Council desires.

Mayor Spencer stated Council should weigh in on the type of legal services offered.

Councilmember Matarrese stated Council is trying to level the playing field and will have an opportunity to do so when staff brings the contract back; the ball needs to get rolling.

The Finance Director continued presentation.

Councilmember Oddie inquired about the requirements to get the Fire Marshall position built into the cost study.

The Deputy Fire Chief responded it is not appropriate to include the Fire Marshall position; costs included are for personnel, equipment, response and amount of time it takes for each activity.

Councilmember Oddie inquired how the position could be brought back without a cost study, to which the Acting City Manager responded staff is updating the Master Fee Schedule, which will be brought back in September.

Councilmember Oddie inquired how can cost recovery be included in the study without the position, to which the Deputy Fire Chief responded he does not have an answer; stated the position cannot be included in the study since it does not exist.

Councilmember Oddie stated there will never be a cost recovery study until Council authorizes the Fire Marshall position.

The Acting City Manager stated staff is able to develop the fee knowing there would be future cost.

In response to Councilmember Oddie's inquiry, the Deputy Fire Chief stated when the cost study is done this fall, it will not include the Fire Marshall position.

In response to Councilmember Oddie's inquiry, the Acting City Manager stated staff will look into the issue and come back to Council.

Vice Mayor Vella questions whether it is possible for staff to include the position if Council has not supported putting the position in the existing budget.

Councilmember Ezzy Ashcraft stated that she met with the Deputy Fire Chief over some points; the Fire Department is looking at an impressive list of measures and programs; seeing how everything materializes would be helpful, rather than basing an expenditure on projected revenue increases; more information is needed.

Vice Mayor Vella inquired whether it is possible for Council to approve the position but not fund it, to which the Acting City Manager responded more research needs to be done; staff would need to talk to legal and understand what should come first; she cannot provide an answer tonight, but will come back with more information.

Councilmember Oddie inquired whether the budget needs to be approved tonight, to which the Acting City Manager responded in the affirmative; stated the budget needs to be adopted by June 30th.

The Finance Director stated her request would be that Council adopt the budget and bring the Fire Marshall position back.

Mayor Spencer inquired how fire inspections were handled under the previous Fire Chief and why it is an issue now.

The Deputy Fire Chief responded it is an issue because of the increase in the volume of the work in the division; there was not much work in Fire Prevention under the previous Chief; the department took a substantial hit and City services were cut because of the downturn in the economy; the department is now working its way back, but work is increasing faster than staffing.

Mayor Spencer stated perhaps non-sworn positions could do the inspections if the Fire Department is having trouble keeping up.

The Acting City Manager stated staff would need direction on the issue.

Mayor Spencer stated that she would like the item to come back; how to best utilize sworn fire firefighters to serve the community should be considered; she would like to reconsider non-sworn position to efficiently and effectively do inspections.

Councilmember Oddie stated the previous Chief did ask for the Fire Marshall position and it was turned down; the ghost ship fire in Oakland is a good example of the Fire Department being short staffed; he does not want to risk the safety of Alameda residents with non-sworn people in the position.

Councilmember Matarrese stated the issues is important enough to come back with real numbers; he would like to know the consequences of not having a Fire Marshall and other options.

The Acting City Manager stated that she would like to make sure there is a consensus; the task includes coming back with ways to pay for a Fire Marshall and addressing the non-sworn issue.

Councilmember Matarrese stated said direction was given at the workshop; the Fire Chief presented an ask with a promise that there would be money behind it and it was insufficient.

In response to the Acting City Manager's inquiry regarding the non-sworn issue, Councilmember Matarrese stated the issue could be left to the Chief's imagination; using non-sworn is cheaper and could fit in the budget.

Councilmember Oddie stated he would not support that.

Councilmember Ezzy Ashcraft stated there should be follow up with Chief on projected revenue sources funding the position in perpetuity by the revenue sources; regarding the sworn/non-sworn issue, the Chief should decide how he wants to allocate his resources; there is a lot of value in having a balanced budget right now; if the position is funded by the revenue increases, she is ready to support, but it is premature at this time.

The Finance Director continued the presentation.

Mayor Spencer stated annual activity expenses are higher than projected revenues by \$8,000.

The Finance Director stated expenditures continue to grow; revenues are growing as well, but just not at the same pace.

Mayor Spencer inquired whether reserves are being used to cover the \$8,000, to which the Finance Director stated the \$8,000 will be drawn down.

In response to Mayor Spencer's inquiry, the Acting City Manager stated the negative \$8,000 is the difference between revenues and expenditures and does not affect reserves.

Mayor Spencer stated that she wants to underscore the projected budget shows expenses are more than projected revenues.

The Acting City Manager stated \$8,000 is next to nothing in a \$100 million budget; the budget does not include future development in Site A or the Northern Waterfront; many things can be done to make sure by 2021 the City does not have a deficit of \$5 million; the City needs to continue to be conservative and diligent.

Mayor Spencer stated the same could be said if Council accepts the mid-cycle budget requests and does not make cuts.

The Acting City Manager stated the City has a balanced budget this year.

The Finance Director continued the presentation.

Councilmember Oddie stated he appreciates that other cities are using Alameda's CalPers policy as a model.

The Finance Director continued the presentation.

Expressed appreciation to Council for approving funding for tenant legal services; stated tenants have no equity, credit, or ability to access legal assistance: Eric Strimling, Alameda Renters Coalition.

Councilmember Matarrese moved adoption of the resolutions.

Mayor Spencer requested the motions be bifurcated.

Councilmember Matarrese moved adoption of the resolution approving and adopting the City of Alameda operating and capital budget mid-cycle update.

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

Councilmember Matarrese moved adoption of the SACIC budget resolution.

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

Councilmember Matarrese moved adoption of approving the workforce changes.

Councilmember Ezzy Ashcraft seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese and Vella – 3. Noes: Mayor Spencer – 1. Abstention: Councilmember Oddie – 1.

Councilmember Matarrese moved adoption of resolution approving the ACEA and EXME salary schedules.

Vice Mayor Vella seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Vella – 4. Noes: Mayor Spencer – 1.

ADJOURNMENT

There being no further business, Mayor/Chair Spencer adjourned the meeting at 9:06 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk and Secretary, SACIC

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