

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 18, 2018- -5:00 P.M.

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

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

[Note: Vice Mayor Vella was present via teleconference from the Hilton Orlando Buena Vista Palace, 1900 E. Buena Vista Drive, Lake Buena Vista, Florida 32830]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(18-490) Conference with Real Property Negotiators (Government Code section 54956.8); Property: Northwest Territories, Alameda Point; City Negotiator: David L. Rudat, Interim City Manager; Potential Tenant: East Bay Regional Park District; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment

(18-491) Conference with Labor Negotiators (Government Code section 54957.6); CITY Negotiators: David L. Rudat, Interim City Manager, Elizabeth D. Warmerdam, Assistant City Manager and Nancy Bronstein, Human Resources Director; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), and Alameda Management and Confidential Employees Association (MCEA) and International Association of Firefighter, Local 689 (IAFF); Under Negotiation: Salaries and Terms of Employment

(18-492) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to subdivisions (d)(2) and e(2) of California Government Code Section 54956.9 relating to the District Attorney's investigation into the Jill Keimach tape recording Number of cases: One (As Defendant -Exposure to litigation against the City)

(18-493) Public Employee Appointment/Hiring; Pursuant to Government Code § 54957; Title/description of positions to be filled: Acting/Interim City Attorney and City Attorney

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Litigation, direction was given to staff by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: No; Councilmember Oddie: Aye; Vice Mayor Vella: Aye; Mayor Spencer: No; Ayes: 3; Noes: 2; regarding Real Property, Labor, and Appointment/Hiring, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:46 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY- -SEPTEMBER 18, 2018- -6:45 P.M.

Mayor Spencer convened the meeting at 6:53 p.m. and led the Pledge of Allegiance.

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

[Note: Vice Mayor Vella was present via teleconference from the Hilton Orlando Buena Vista Palace, 1900 E. Buena Vista Drive, Lake Buena Vista, Florida 32830 and Councilmember/Commissioner Ezzy Ashcraft arrived at 6:54 p.m.]

Absent: None.

AGENDA ITEM

(18-494) Proclamation Declaring September 18, 2018 as Jiangyin Sister City Day.

Sister City Committee members and the delegation were introduced.

A letter was read from the Mayor of Jiangyin inviting Mayor Spencer to visit.

Mayor Spencer read the proclamation and presented it to Alex Chen; and Yu Weili, Vice Chairman of China's political consultant conference (CPPCC), Jiangyin City.

(18-495) Proclamation Declaring October as Breast Cancer Awareness Month.

Mayor Spencer read the proclamation and presented it to Police and Fire Department representatives and Annette Lewellin, HERS Breast Cancer Foundation.

Ms. Harrington and Police and Fire Department representatives made brief comments.

Mayor Spencer and Vice Mayor Vella made brief comments.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 7:14 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- -SEPTEMBER 18, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:16 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 Orlando Buena Vista Palace, 1900 E. Buena Vista Drive, Lake Buena Vista, Florida 32830]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-496) The Interim City Manager announced that public art models related to the public art item [paragraph no. 18-512] are available for viewing in Conference Room 360.

(18-497) Proclamation Declaring September 2018 as National Hispanic Month.

Mayor Spencer read the proclamation and presented it to Elsa Ortiz, AC Transit Board, Charles Lopez and Nanette Deitz

Ms. Ortiz and Mr. Lopez made brief comments and Ms. Deitz read a poem.

(18-498) Proclamation Declaring September 22 through 28, 2018 as Fall Prevention Awareness Week.

Mayor Spencer read the proclamation and presented it to Maria Young, Fire Department; Alice Lai-Bitker, Alice Home Care; Stephen Zimmerman, AEC Living; Alissa Stanford AES Therapy; Jackie Krause, Recreation and Parks Department; Abhas Gupta, Calyx Health; and Kevin Matulef, Calyx Health.

Ms. Young, Ms. Lai-Bitker, Mr. Zimmerman and Mr. Gupta made brief comments.

(18-499) Presentation by the Port of Oakland on Fleet Week Operations at Oakland International Airport.

Matt Davis, Port of Oakland, gave a Power Point presentation.

ORAL COMMUNICATIONS, NON-AGENDA

(18-500) Cynthia Bonta, Alameda Sister City Dumaguete Partnership, expressed support of sister city Verrazze and people-to-people Sister City engagement; expressed concern over the delay of Wadi Fodquin becoming a Sister City.

(18-501) Paula Rainey, Wadi Foquin Sister City Committee, expressed support of the Sister City Verrazze and concern over Wadi Foquin Sister City process.

(18-502) Pamela Kurtz, Reverend, Alameda, expressed concern over the delay in declaring Wadi Foquin a Sister City.

(18-503) Steve Slauson, Alameda, expressed concern over the City's Sanctuary City resolution; urged it be rescinded.

(18-504) Ruth Abbe, Community Action for a Sustainable Alameda, provided a handout and announced upcoming events.

CONSENT CALENDAR

The City Clerk announced the Otis Traffic Calming contract [paragraph no. 18-510] was removed from the Consent Calendar for discussion.

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

Councilmember Ezzy Ashcraft 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.]

(*18-505) Minutes of the Special and Regular City Council Meetings Held on July 24, 2018 and the Special City Council Meeting Held on September 4, 2018. Approved.

(*18-506) Ratified bills in the amount of \$7,197,993.29.

(*18-507) Recommendation to Approve a Professional Services Agreement, for an Amount not to Exceed \$50,000, to BLX Group, LLC, for Arbitrage Rebate Compliance Services and Analysis for Various Bond Issues. Accepted.

(*18-508) Recommendation to Approve Amendment to the Agreement with George Hills Company to Extend the Term by Five Years and Increase the Compensation for a Total Five Year Expenditure Not to Exceed \$404,300 for Third Party Claims Administration Services. Accepted.

(*18-509) Recommendation to Accept the Work of Rosas Brothers Construction for the Repair of Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, Fiscal Year 2017-18, Phase 18, No. P.W. 02-17-21. Accepted.

(18-510) Recommendation to Award a Contract in the Amount of \$286,763, Including Contingency, to Parisi/CSW Design Group for the Outreach, Planning and Design Services for the Otis Drive Traffic Calming and Safety Improvements Project.

Expressed support for the contract; discussed excessive speed of drivers on the street:
Joe Kaiser, Alameda.

Councilmember Ezzy Ashcraft moved approval of the staff recommendation.

Mayor Spencer 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.

(*18-511) Recommendation to Authorize the Interim City Manager to Execute an Agreement with CSG Consultants Inc. for Professional Plan Check Services for a 60-Month Term in an Amount not to Exceed \$1,750,000. Accepted.

(*18-512) Recommendation to Approve the Public Art Commission's Recommendations for Physical Public Art in Alameda; and

(*18-512A) Resolution No. 15431, "Amending the Fiscal Year 2018-19 Tidelands Fund Budget to Appropriate \$360,000 for Physical Art." Adopted.

(*18-513) Resolution No. 15432, "Authorizing the Mayor to Sign a Memorandum of Understanding (MOU) Regarding the Formulation and Implementation of Sister City Relations Between the City of Varazze, Italy and the City of Alameda, United States of America." Adopted.

(*18-514) Ordinance No. 3223, "Amending Alameda Municipal Code Chapter XXX (Zoning Ordinance) regarding the Residential Private and Common Open Space Requirements to Allow Greater Variety of Residential Open Space Types and Amenities Subject to Design Review Approval." Finally passed.

REGULAR AGENDA ITEMS

(18-515) Resolution No. 15433, "Appointing Cheryl Harawitz as a Member of the Social Service Human Relations Board." Adopted.

Councilmember Oddie moved adoption of the resolution.

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.

(18-516) Continued Public Hearing to Consider Introduction of Ordinance Approving the Encinal Terminals Master Plan and Density Bonus Application (PLN16-0117) for the Redevelopment of the Encinal Terminals Properties Located at 1521 Buena Vista Avenue (APN 072-0382-001, -002, and 72-0383-03). Introduced.

The Planning, Building and Transportation Director gave a brief presentation.

Councilmember Ezzy Ashcraft inquired if additional roads had been added to the proposed plan.

The Planning, Building and Transportation Director responded in the negative and continued the presentation.

Mayor Spencer stated that she will not be supporting moving forward; she agrees with the Planning Board President that the project was not appropriate or ready to come to Council at this time; expressed concern over the safety of having only one road on and off of the development; inquired about the best practice for what the proposed road should look like; expressed concern about the calculation of the number of units for the project.

Councilmember Matarrese requested the City Attorney to review the basis for the number of units

The Assistant City Attorney responded based on the City's independent calculation for the Density Bonus application, the project is consistent with State Density Bonus law, Housing Element law, case law, the City's Housing Element, the practice of the City staff interpreting the Housing Element and the State Housing and Community Development (HCD) letter all being correct and consistent with State law.

Councilmember Matarrese requested clarification of Section 2.2 of the Zoning Code that the calculation is based on the gross amount of acreage, not the net amount after the project is designed.

The Assistant City Attorney responded State law clearly states that the City needs to use the gross base density to calculate Density Bonus; stated language was added in 2017 to clarify gross base density; Section 2.2 of the Zoning Code is related to residential properties; the project site is not zoned residential, it is zoned MX (Mixed Use); Section 2.2 of the Zoning Code does not apply at all and is not relevant to the project or site.

In response to Councilmember Matarrese's inquiry, the Assistant City Attorney stated any inconsistency would result in State law overruling local law.

Councilmember Oddie expressed concern over the minimum ownership limit.

Councilmember Matarrese moved approve of [introduction of the ordinance[]], with inserting language into the final approved Master Plan; stated that he assumes a physical document that contains the language would be provided, with one change to the end of the paragraph entitled “Tidelands Integration and City Council Oversight” to state: “the plans and suggestions from the Fortman Marina representatives will then be presented to the Planning Board and the Alameda City Council prior to issuance of any building permits or subdivision map approvals, whichever occurs first.”

Councilmember Oddie inquired which of the two items would occur first.

Councilmember Ezzy Ashcraft stated it could be either.

Councilmember Matarrese stated permits could be issued before the map.

Councilmember Ezzy Ashcraft 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. No: 1.

(18-517) Introduction of Ordinance Approving a Lease and Authorizing the Interim City Manager to Execute Documents Necessary to Implement the Terms of the Lease with Karen Zimmerman and Kenneth Edgerly, dba ABC Preschool for Five-Years with Five One-Year Renewal Options on Land Adjacent to the Mastick Senior Center. Introduced.

The Recreation and Parks Director gave a brief presentation.

Councilmember Ezzy Ashcraft stated there is a huge need for quality child-care in the community; she is happy to support the item.

Councilmember Ezzy Ashcraft moved introduction of the ordinance approving a lease and authorizing the Interim City Manager to execute documents necessary to implement the terms of the lease with Karen Zimmerman and Kenneth Edgerly, dba ABC Preschool for five-years with five one-year renewal options on land adjacent to the Mastick Senior Center.

Councilmember Matarrese seconded the motion.

Under discussion, Vice Mayor Vella noted she is an alum of ABC Preschool.

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 8:26 p.m. and reconvened the meeting at 8:33 p.m.

(18-518) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Article 4-60 (Minimum Wage) to Chapter IX (Regulations Concerning Trade and Commerce) Concerning a Citywide Minimum Wage to Raise Alameda's Minimum Wage to \$15.00 per Hour by July 1, 2020. Not introduced; and

(18-518A) Adoption of Resolution Amending the General Fund Operating Budget for Fiscal Year 2018-19. Not adopted. Continued to October 2, 2018.

Mayor Spencer inquired if Council would consider hearing the report from staff and the 14-15 speakers, but not making a final decision until a later Council meeting due to Yom Kippur; noted that other bodies do not meet on Yom Kippur; stated in the future, the City Council should consider not having a Council meeting on Yom Kippur.

Councilmember Matarrese inquired if Council would be open to continuing the item.

Mayor Spencer stated it would be similar to the last item that was continued.

Councilmember Ezzy Ashcraft requested clarification.

The City Clerk explained once Council opens an item and hears public comment, the item can be continued to a date certain; stated the public comment is typically closed, but there is an option to decide to hear more comment.

Councilmember Ezzy Ashcraft mentioned that due to it being Yom Kippur, she would consider allowing the public comment to continue at the next meeting for those who could not attend the meeting tonight.

Councilmember Oddie stated with respect for the holiday, the agenda item has been in the works for 2 years; many letters were received for the item; people did have an opportunity to express themselves and make their position known through written comment; he is unsure of what the issue is with keeping the item as-is.

Mayor Spencer stated that she values public commentstated the School Board in Alameda does not meet on Yom Kippur.

In response to Councilmember Ezzy Ashcraft's inquiry if all the dates in the report would remain the same if the item was continued, Mayor Spencer responded in the affirmative.

Vice Mayor Vella inquired why the issue of scheduling was not addressed earlier.

Mayor Spencer responded that by the time she was made aware of the concern, it would have been too late to re-schedule; stated she wants to accommodate those who wanted to speak and are present; explained that in the future Council should try not to schedule a meeting on Yom Kippur.

Councilmember Matarrese moved approval of opening the issue, and continuing the item to the next meeting to make the decision at the next meeting; stated the issue and the target dates do not change.

Councilmember Ezzy Ashcraft seconded the motion, which carried by the following roll call vote: Councilmember Ezzy Ashcraft: Aye; Councilmember Matarrese: Aye; Councilmember Oddie: Abstention; Vice Mayor Vella: Aye; and Mayor Spencer: Aye. Ayes: 4. Abstention: 1.

The Development Manager gave a Power Point presentation.

Mayor Spencer inquired why Emeryville has a cap of 55 versus 25.

The Development Manager responded that he could not find a precise reasoning and continued the presentation.

Mayor Spencer stated there is still a cap whether it is 3.5% or 5%; inquired whether the rate would still be predictable.

Councilmember Oddie inquired if the State law has a cap.

The Development Manager responded the State cap is 3.5%; continued the presentation.

Councilmember Oddie inquired about empirical data related to the impact of minimum wage.

The Development Manager responded the issue was reviewed; stated a recent study by Berkeley showed a minimal impact; other cities polled had business closures with difficulty knowing what factor caused the closure.

Councilmember Oddie requested confirmation that no empirical data exists to counter the fear of business failure due to minimum wage increase; noted a New Jersey study for restaurants found no impact to business survival.

The Development Manager stated he has not looked into said study.

Councilmember Oddie mentioned instead of presenting people's fears and anecdotal information from other cities, empirical data should be reviewed and presented.

Mayor Spencer requested the Seattle data be discussed.

The Development Manager responded that he could provide further information related to Seattle at the next meeting; continued the presentation.

Councilmember Oddie inquired if the City has any “buy local” ordinance that requires the City to purchase things from local businesses.

The Development Manager responded there is a preference for Request for Proposals (RFPs), but he would need to look into the matter.

Mayor Spencer inquired if the City has had “buy local” campaigns currently and in the past; inquired when the last one occurred.

The Development Manager responded that the City has done so; stated the last campaign was about a year ago.

In response to Mayor Spencer’s inquiry, the Development Manager responded the City uses “buy local” advertising to promote local retailers during the holiday season.

Mayor Spencer requested confirmation that the City currently does said promotion.

The Development Manager responded in the affirmative; stated the City would like to make the advertising effort more robust; the City has distributed shopping bags over the last few years.

Councilmember Oddie inquired if the City purchases office supplies locally or are they purchased online from an online merchant.

The Development Manager responded he does not know the purchasing policy.

Councilmember Oddie stated if the Council is encouraging other people to buy local, it might make sense for the City to have a similar type of ordinance and policy.

Mayor Spencer expressed support for reviewing Councilmember Oddie’s suggestion.

The Development Manager continued the presentation.

Mayor Spencer inquired what the wage increase number would be, not the total, if it is available; mentioned it could be brought back at the next meeting.

The Development Manager continued the presentation.

Mayor Spencer inquired about the City having a proposal of how the increased costs would be included in the City’s budget.

The Finance Director responded the City has not incorporated the part-time minimum wage increase in the current 5-year General Fund forecast; stated the primary departments that utilize part-time labor and would be mostly affected by the ordinance would be the Recreation and Parks and Library Departments;; both departments receive support from the General Fund; in order to pay for the minimum wage increase, a high

enough increase of fees for Recreation programs would be unlikely, resulting in an impact to the General Fund; the same situation would apply to the Library due to fees being fairly low and a high enough increase being unlikely.

Mayor Spencer inquired where the money would come from if not from a fee increase.

The Finance Director responded the funds would come from General Fund.

Mayor Spencer stated it is important for staff to come back with a number for Council to see what is already forecasted; sharing the total impact with the public is important.

The Finance Director stated the staff report does provide information over the next 3-years; the overall impact is over \$700,000 cumulatively; it would be difficult to project the true impact to the General Fund, since the Council decides fees; many variables could impact the analysis.

Mayor Spencer stated it is important not to look at the item in a vacuum, but at the impact on the City given the previously presented forecast of expenses being greater than revenues.

Councilmember Oddie requested information brought back at the next Council meeting, include the last 5-years projections and actual revenues; actual revenues typically come in much higher than the projections.

Mayor Spencer stated a majority of the revenue increase is an increase in the real estate transfer tax; one-time revenue from sales have been significant; the issue is not about not taking care of the City's lowest-paid, it goes to fully disclosing information to the public.

Councilmember Oddie stated projected revenues are much lower than actual revenues; both disclosed to the public.

The Development Manager concluded the presentation.

Expressed support for raising the minimum wage; stated the living wage in Alameda should be a minimum of \$19.75; discussed spending covering any minimum wage increase: Kegan Tatum, Alameda.

Stated the action would have material positive results for people scrambling to make it from paycheck to paycheck; urged raising the minimum wage to a living wage: Gaby Dolphin, Alameda.

Stated both the Alameda Progressives and Alameda Justice Alliance support increasing the minimum wage; discussed Santa Fe's minimum wage: Cheri Johansen, Alameda Progressives and Alameda Justice Alliance.

Stated Unite Here supports the minimum wage increase; discussed a Marriott workers strike; stated \$15 is not enough: Ty Hudson, Unite Here Local 2850.

Stated the issue is complicated; a ripple effect could negate the increase; most of the business community does not support the increase; suggested including a benefits allowance: Michael McDonough, Chamber of Commerce.

Urged following the State's plan to increase minimum wage or at least only matching the City of Oakland; expressed concern over the timing; suggested educational outreach: Janet Magleby, Downtown Alameda Business Association.

Stated that he supports increasing the minimum wage; San Francisco and Berkeley customers he delivers to have struggled; suggested delaying the increase one year to match Oakland: Tom Frainier, Semifreddi Bakery.

Expressed concern over the Council directing staff to bring the increase back, the sales tax measure being done at the same time, and Alameda being compared to Redwood City; urged staying with the State or looking at the Oakland model: Linda Asbury, West Alameda Business Association.

Urged Council to stay with the State or Oakland timeline; discussed business challenges; urged the community be educated and people be encouraged to shop locally: Julie Baron, Julie's Tea and Coffee.

Stated the restaurant industry will be effected more than any other; expressed concern over the timing of the increase: Dan Ferrera, La Val's Pizza.

Expressed concern over the matter taking over two years to return to Council; stated paying a living wage is the best way to support the economy; expressed concern over figures and Alameda being slow to respond: Catherine Pauling, Alameda.

Discussed the importance of people keeping their jobs and expressed concern over jobs being lost from raising the minimum wage: Ed Hirshberg, Oakland/Harbor Bay.

Expressed support for raising the minimum wage, which should be done faster and increased higher: Toni Grimm, Alameda.

CITY MANAGER COMMUNICATIONS

(18-519) The Interim City Manager made an announcement regarding the community service award.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(18-520) Vice Mayor Vella inquired whether other sister cities would be coming forward.

The Base Reuse and Economic Director responded the only other Sister City is Wadi Foquin, which would return to Council next year.

(18-521) Councilmember Ezzy Ashcraft made an announcement regarding the League of California Cities conference.

(18-522) Consideration of Mayor's Nomination for Appointment to the Planning Board and Social Service Human Relations Board (SSHRB).

Mayor Spencer nominated Rona Rothenberg for appointment to the Planning Board.

ADJOURNMENT

(18-523) There being no further business, Mayor Spencer adjourned the meeting in memory of Kent Rosenblum and former Councilmember Karin Lucas at 9:50 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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