

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JUNE 6, 2019- -6:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 6:00 p.m.

Roll Call – Present: Councilmembers Daysog, Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 5.

[Note: Councilmember Vella was present via teleconference from 1364 Burbank Street, Alameda, CA 94501]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(19-329) Conference with Real Property Negotiators (Government Code Section 54956.8); Property: 751 W. Ranger Avenue, Alameda, CA 94501; City Negotiators: Eric Levitt, City Manager and Debbie Potter, Community Development Director; Potential Buyer: UrbanMix Development, LLC; Issue Under Negotiation: Price and Terms of Payment

(19-330) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (3) of subdivision (e) of Government Code Section 54956.9; Number of cases: One (As Defendant - City Exposure to Legal Action)

(19-331) Conference with Legal Counsel - Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Boatworks v City of Alameda, et al.; Court: Superior Court of the State of California, County of Alameda; Case Number: RG14746654; Court: First District Court of Appeal; Case Numbers: A151063, A151919

Following the Closed Session, the meeting was reconvened and the City Clerk announced that:

Regarding Real Property, staff provided information to Council and Council provided feedback with no vote taken.

Regarding Anticipated Litigation, staff provided information; the case involves a legal challenged raised by Developer Carmel Partners against the City's imposition of development impact fees ("DIF") to the North Housing Admiral's Cove Project; Carmel previously paid approximately \$2,116,050 in DIF under protest; by unanimous vote, the Council authorized the City Attorney to settle this matter by refunding \$1,473,300 in previously paid DIF, while retaining the remaining \$642,750; in exchange, Carmel has agreed to forgo all challenges against the current DIF or any future amendments to the DIF ordinance and any related nexus study (a) so long as the City does not seek to

apply any such future amended DIF to this Project and (b) the future DIF is adopted no later than December 31, 2020.

Regarding Existing Litigation, staff provided information to Council and Council provided direction to staff with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:00 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JUNE 4, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:04 p.m. Councilmember Oddie led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Knox White, Oddie, Vella, and Mayor Ezzy Ashcraft – 5.

[Note: Councilmember Vella was present via teleconference from 1364 Burbank Street, Alameda, CA 94501]

Absent: None.

AGENDA CHANGES

(19-332) The City Manager announced the Letters of Agreement for the parking lots [paragraph nos. 19-342 and 19-343] would not be heard.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(19-333) Proclamation Declaring June 2019 as Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month.

Mayor Ezzy Ashcraft read the proclamation; Mayor Ezzy Ashcraft and Councilmember Oddie presented the proclamation to: Jeramie and Andrew Andehueson; Robbie Wilson and Lala Turner; Alison Greene and Debra Arbuckle; and Szonic Allure.

Mr. Andehueson, Ms. Wilson and Ms. Turner, and Ms. Greene made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

The City Clerk announced the Letters of Agreement for the parking lots [paragraph nos. 19-342 and 19-343] would not be heard; and final passage of the rent ordinance was removed from the Consent Calendar for discussion [paragraph no. 19-346].

Vice Mayor Knox White moved approval of the remainder of the Consent Calendar.

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

(*19-334) Minutes of the Special City Council Meeting Held on April 22, 2019; the Special Joint City Council and Alameda Public Finance Authority Meeting and the Regular Meeting Held on May 7, 2019; and the Special City Council Meetings Held on May 15, 2019 and May 16, 2019. Approved.

(*19-335) Ratified bills in the amount of \$6,344,343.98.

(*19-336) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending March 31, 2019 (Funds Collected During the Period October 1, 2018 to December 31, 2018). Accepted.

(*19-337) Recommendation to Approve the City of Alameda Investment Policy. Accepted.

(*19-338) Recommendation to Authorize the City Manager to Execute a Three-Year Agreement with Nossaman LLP to Provide Grant Funding Development, Grant Proposal Writing, and Grant Funding Follow Up, in an Amount not to Exceed \$72,000 with the Option of Two Three-Year Extensions, for a Nine-Year Amount Not to Exceed \$216,000. Accepted.

(*19-339) Recommendation to Authorize the City Manager (or Designee) to Execute a One-Year Agreement with OpenGov, Inc., for the Communications and Reporting for Citizen Engagement and Operational Performance Solutions, in an Amount Not to Exceed \$114,438, with the Option of Four One-Year Extensions, for a Total Five-Year Compensation Not to Exceed \$382,897. Accepted.

(*19-340) Recommendation to Authorize the City Manager to Execute an Agreement with Chuck Todd for a 25-Month Term in an Amount Not to Exceed \$125,000 for Infographics, Artwork and Design of City Documents. Accepted.

(*19-341) Recommendation to Authorize the City Manager to Execute a Second Amendment to the Service Provider Agreement with Revel Environmental Manufacturing Inc., for Storm Drainage Trash Capture Device Maintenance, Extending the Agreement for Fiscal Year 2019-20 in an Amount not to Exceed \$72,110 for a Total Expenditure Under the Agreement of \$145,060. Accepted.

(19-342) Recommendation to Authorize the Public Works Director to Enter into a Letter of Agreement between the City of Alameda and the West Alameda Business Association for the Administration of a Monthly Parking Permit Program in City-Owned Lot W. Not heard.

(19-343) Recommendation to Authorize the Public Works Director to Enter into Letters of Agreement between the City of Alameda and the Downtown Alameda Business Association for the Administration of a Monthly Parking Permit Program in City-Owned Lots A and C. Not heard.

(*19-344) Resolution No. 15539, "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.

(*19-345) Ordinance No. 3243, "Approving a First Amendment to a Lease and Authorizing the City Manager to Execute the Amended Lease Agreement with Kai Concepts, LLC, for Building 168, Suite 300, Located at 1651 Viking Street at Alameda Point." Finally passed.

(19-346) Ordinance No. 3244, "Amending the Alameda Municipal Code by Amending Article XV of Chapter VI to Eliminate "No Cause" (Notice to Vacate) as a Grounds for Eviction from Ordinance No. 3148 (City of Alameda Rent Review, Rent Stabilization, and Limitations on Evictions Ordinance)." Finally passed.

Vice Mayor Knox White moved final passage of the ordinance.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Oddie: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

REGULAR AGENDA ITEMS

(19-347) Resolution No. 15540, "Appointing Ron Carlson as a Member of the Golf Commission." Adopted;

(19-347A) Resolution No. 15541, "Appointing Claire Loud as a Member of the Golf Commission." Adopted; and

(19-347B) Resolution No. 15542, "Appointing Peter Pizzino as a Member of the Golf Commission." Adopted.

Councilmember Vella moved adoption of the resolutions.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

The City Clerk administered the Oath of Office and presented certificates of appointment to Ms. Loud and Mr. Pizzino.

(19-348) Recommendation to Approve Otis Drive Traffic Calming and Safety Improvement Project Design Concept Recommendations.

The City Engineer and David Parisi, Parisi Transportation Consulting, gave a brief presentation reviewing the Power Point presentation included in the packet.

Vice Mayor Knox White inquired the process for considering additional changes to the conceptual drawings provided.

The City Engineer responded staff is seeking approval of the primary components of the concept; stated alternatives have been provided; Council can provide input on finer level details; the item is anticipated to return to Council at a later time.

Councilmember Oddie expressed concern about having enough street clearance for the City's 4th of July parade.

The City Engineer stated parade vehicles have been reviewed; modern roundabouts are designed to handle large trucks.

Councilmember Daysog outlined a letter to a resident from staff; inquired the specific traffic volume thresholds and how the Otis Drive numbers compare.

Mr. Parisi responded when a roadway has less than 20,000 vehicles per day, it is a good candidate for a road diet according to the Federal Highway Administration (FHWA); Otis Drive west of Grand Street carries less than 10,000 vehicles per day and Otis Drive east of Grand Street carries less than 15,000 vehicles per day making a great candidate for a road diet.

In response to Councilmember Daysog's inquiry, Mr. Parisi stated predictions are not being made about types of collisions; the Otis Drive improvements have the potential to reduce collisions.

Councilmember Daysog inquired whether Caltrans uses its own data to determine when road diets are appropriate, to which Mr. Parisi responded Caltrans has adopted a Complete Streets policy and is in favor of road diet measures.

In response to Councilmember Daysog's inquiry, the City Engineer stated the average speed on Otis Drive is in excess of 25 miles per hour.

Discussed a traffic collision he witnessed; expressed support for the road diet and a Class 4 protected bike lane: Morgan Bellinger, Alameda.

Expressed support for the project; outlined his experience monitoring speeds on Otis Drive: Joe Keiser, Alameda.

Urged there be a Class 4 protected bike lane in front of Rittler Park; discussed bicyclist and driver scenarios: Pat Potter, Transportation Awareness Committee, Communication Action for Sustainable Alameda and Bike Walk Alameda.

Stated Shoreline Drive bicycle access is one block away; Otis Drive is an emergency thoroughfare; urged there be a Class 2 bike lane and greater law enforcement: Jim Strehlow, Alameda.

Councilmember Daysog stated that since 1960 to 1980, Otis Drive has been a speed trap for law enforcement; the level of law enforcement needs to be increased on Otis Drive; excessive speed is the main issue and the remedy is enforcement; Otis Drive still needs to have the ability to accommodate appropriate vehicle volumes; the recommendation is excessive; expressed support for enhanced enforcement by Alameda Police Department (APD); stated the data does not support reducing the number of lanes on Otis Drive.

Councilmember Vella stated the recommendations put forth are a good start and will help with visibility; additional suggestions need to be integrated without delay; enforcement can detract certain actions, but does not change behavior; expressed support for the item; stated the project will evolve along the way.

Vice Mayor Knox White stated the City has a good example of Class 4 protected bikeways on Fernside Boulevard by Lincoln Middle School; outlined a video of middle school students showing bicycle-pedestrian safety; stated data suggests parking protected bike lanes are safer and increase bicycling; questioned whether a two-way turn lane is needed on Otis Drive; stated the amount of traffic on Otis Drive does not warrant three or four lanes; outlined uses for Class 2 bike lanes; stated the City needs to make mode-shift real based on the Climate Plan; the City should expand the project by asking what would it take to get a Class 4 protected bike lane across Otis Drive; provided short-term design element options; stated the merge portion of Willow Street should be reviewed and redesigned if possible; outlined Otis Drive being discussed at an Alameda County Transportation Commission (ACTC) meeting; stated Alameda is designed in such a way that allows for off-street parking.

Councilmember Oddie stated road diets are not a flaw, but a positive value; expressed support of a Class 4 protected bike lane in front of Rittler Park; stated the City cannot prioritize parking when the focus is on increasing and encouraging multimodal forms of transportation; parking should not stop progress on multimodal projects; the City should consider Class 4 bike lanes for the length of Otis Drive; expressed support for a traffic circle; stated traffic circle long-term maintenance cost is less over time than a traffic signal; traffic circles should be looked at for other high volume intersections; the project is a good first step; expressed support for moving forward with short-term fixes with the Class 4 protected bike lanes; stated the 4th of July parade is sacred to Alameda and should not be impacted in a negative way; enforcement may not be the solution.

Mayor Ezzy Ashcraft expressed support for Class 4 bike lanes in front of Rittler Park; outlined details related to Class 4 bike lanes in staff report Exhibit 6; her experience as a bicyclist and pedestrian near Otis Drive; stated that she wants Alameda to be as bicycle friendly as possible; providing safety in the area is needed due to many sporting and special events taking place at or near Rittler Park; Rittler Park is near Wood Middle School which increases the need for safety; pedestrians, bicyclists and drivers need to use common sense and be cognizant of their surroundings when in motion; inquired whether the intersection of Otis Drive and Westline Drive will be addressed.

Mr. Parisi responded in the affirmative; stated the short-term solution will include a bike lane going into a bike box; the long-term solution will include a protected intersection.

Mayor Ezzy Ashcraft inquired whether bicyclists will have the option to go straight to Crab Cove with a sensor that triggers via bicycle, to which Mr. Parisi responded in the affirmative.

Mayor Ezzy Ashcraft expressed support for the traffic circle; stated the Fire Chief has requested to be involved in the traffic circle design process to ensure proper emergency access; Fernside Drive is a great example of a Class 2 bike lane that transitions to a Class 4 bike lane; the big picture is the complete streets plan, which no longer prioritizes the automobile; enforcement is important; however, there are a finite number of APD officers and enforcement cannot be relied on as a sole source.

Vice Mayor Knox White moved approval of the plan; specifically calling support for reduction to two lanes of travel, a Class 4 bike lane along Rittler Park, a full Class 4 bike lane the length of the project, and support for the round-about [traffic circle] as a long term solution.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Oddie: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

The Senior Transportation Coordinator inquired whether Council desires three lanes or two lanes.

Vice Mayor Knox White responded the vote is for two travel lanes.

Mayor Ezzy Ashcraft called a recess at 8:33 p.m. and reconvened the meeting at 8:43 p.m.

(19-349) Public Hearing to Consider Adoption of Resolution Confirming the Ballot Results to Determine Whether a Majority Protest Exists in the Proceedings to Increase Assessments in Island City Landscape and Lighting District 84-2, Zone 4 (Park Street). Not adopted; and

(19-349A) Resolution No. 15543, "Confirming the Ballot Results and Providing for No Majority Protest and the Levy of an Annual Assessment in Island City Landscape and Lighting District 84-2, Zone 4 (Park Street)." Adopted.

Mayor Ezzy Ashcraft and the City Clerk made brief comments related to the ballot opening process.

The Public Works Coordinator gave a brief presentation.

Mayor Ezzy Ashcraft opened the public hearing and requested any ballots be submitted.

Mayor Ezzy Ashcraft closed the public hearing and announced any additional ballots received would not be tabulated.

To allow tabulations of the ballots, Mayor Ezzy Ashcraft called a recess at 8:49 p.m. and reconvened the meeting at 9:18 p.m.

The City Clerk announced the results of the tabulation.

The Public Works Coordinator and Donna Layburn, Downtown Alameda Business Association, made brief comments.

Councilmember Oddie moved adoption of the resolution.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(19-350) Public Hearing to consider Resolution No. 15544, "Establishing Integrated Waste Collection Ceiling Rates and Service Fees for Alameda County Industries, Inc. for Rate Period 18 (July 2019 to June 2020)." Adopted.

The Public Works Coordinator and Marva Sheehan, HF&H Consultants, gave a brief presentation.

Councilmember Oddie inquired who participated in the contract negotiations, to which the City Manager responded the Public Works Director.

Councilmember Oddie requested information be provided about recycling rates.

Ms. Sheehan stated that HF&H has been working with national agencies on National Sword; outlined the National Sword policy in China that has banned or restricted the importation of certain types of solid waste; stated the policy sets a standard on contamination levels down to 0.5%; outlined results of the policy and alternative markets; stated there have been concerns about where materials will be sent; the bulk of material is mixed paper; most companies either break even or pay to move each ton of material; outlined the distribution of waste to other countries; stated the commodity revenue share went into a balancing account and has not impacted the rates.

Ken Kenney, ACI, stated the recycling market is a spot-market; prices are depressed and will take a long time to recover; the markets are shifting dramatically; material has

not gone into landfill; the market will take a long time to mature; contamination regulation requires quality control to make the material marketable.

Councilmember Oddie inquired whether there are long term policy implications that need to be considered going forward.

Ms. Sheehan responded new contracts do not show a net revenue to the City as contained in previous contracts; the hauler or contractor is allowed to bear risk and reward for moving materials; currently, a processing fee is being implemented; noted residents should keep materials clean, and keep garbage out of recycling.

Councilmember Daysog stated the information has been presented in a transparent way; inquired whether Alameda County Industries (ACI) or the City has quantified the amount of dollars lost when recyclables are taken out of the blue bins by “street recycling entrepreneurs” and the resulting impacts.

Ms. Sheehan responded the figure is a difficult number to capture.

Chris Valbusa, ACI, stated a quantitative analysis has not occurred; on average, more valuable items are taken from recycling bins such as aluminum; outlined elements that can impact long term recycling costs.

Councilmember Oddie inquired the impact of two recently passed State bills.

Mr. Valbusa responded several bills exists: Assembly Bill (AB)32, AB341 and the most recent AB1383 which is a climate pollutants, greenhouse gas reductions bill that has tremendous regulation and cost impacts.

Councilmember Daysog read a passage from the HF&H report; inquired whether the recommendation is built into the rate changes Council is currently contemplating.

Ms. Sheehan responded in the affirmative; stated with reducing costs, ACI's profits are reduced as well.

Vice Mayor Knox White moved adoption of the resolution.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(19-351) Public Hearing to Consider Resolution No. 15545, “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 (Various Locations throughout the City).” Adopted.

Councilmember Daysog recused himself and left the dais.

Councilmember Vella moved adoption of the resolution.

Councilmember Oddie seconded the motion, which carried by the following roll call vote: Councilmembers Knox White: Aye; Oddie: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 4. [Absent: Councilmember Daysog – 1.]

(19-352) Public Hearing to Consider Resolution No. 15546, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Maintenance Assessment District 01-1 (Marina Cove).” Adopted.

Councilmember Oddie moved adoption of the resolution.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

CITY MANAGER COMMUNICATIONS

(19-353) The City Manager made an announcement regarding 4th of July parade and a water survey.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(19-354) Councilmember Daysog outlined items discussed at the League of California Cities East Bay Division meeting he attended; announced that he attended Martial Arts Day.

(19-355) Councilmember Oddie made an announcement regarding his attendance at the Stopwaste Business Efficiency Awards, the Coast Guard Valor Games, an award for Alameda Gym Vipers basketball team and an Emergency Preparedness Summit put on by the Governor; stated use of the Emergency Operations Center (EOC) should be looked into to enhance the City's unique disaster preparedness needs.

(19-356) Vice Mayor Knox White announced upcoming meetings being held by the Council subcommittee addressing Charter changes on June 26 and 27; stated the pool subcommittee met and the Memorandum of Understanding (MOU) will be on the next agenda; made brief comments on ACTC's Annual Retreat.

(19-357) Mayor Ezzy Ashcraft thanked the Councilmembers for attending events on her behalf; made brief comments regarding her attendance at: the ACTC Annual Retreat, the Emergency Preparedness Summit in Sacramento, the College of Alameda graduation, the Memorial Day ceremony at Veterans Memorial Park, an Iftar dinner; and the Valor Games closing; stated that she will be attending the upcoming Sand Castle contest at Crown Beach.

(19-358) Consideration of Mayor's Nominations for Appointment to the Civil Service Board, Housing Authority Board of Commissioners, Library Board, Public Utilities Board and Social Service Human Relations Board (SSHRB).

Mayor Ezzy Ashcraft nominated Donna Hom and John Nolan for the Civil Service Board; Kathleen Kearney and Joyce McConeghey for the Library Board; and Moustafa Aly, Sarah Lewis and Johanna Paillet-Growl for the Social Service Human Relations Board (SSHRB).

ADJOURNMENT

(19-359) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting in memory of the 12 victims of a shooting at a municipal building in Virginia Beach at 10:04 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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