

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 1, 2019- -5:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:30 p.m.

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

[Note: Councilmember Vella arrived at 5:34 p.m.]

Absent: None.

Public Comment

Clay Fry, Studio FCF, submitted a letter and urged Council to approve the lease of the Carnegie Building.

Patricia Dedekian, Carnegie Innovation Hall, discussed her experience restoring historic buildings.

Michael Sturtz, Carnegie Innovation Hall, discussed the process and the efforts to make the project.

Councilmembers Oddie and Vella recused themselves and left the dais at 5:41 p.m.

Former Mayor Trish Spencer, Alameda, commended Councilmember Oddie for recusing himself; stated that she opposed the settlement with the former City Manager along with Councilmember Vella, which was wrong in the Grand Jury report; stated that she opposes payment of any attorney fees; suggested any approval include release of the audio tape, which the community wants.

The meeting was adjourned to Closed Session to consider:

(19-526) Public Employee Performance Evaluation; Pursuant to Government Code § 54957; Positions Evaluated: City Manager - Eric Levitt. Not heard.

(19-527) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Pathway D, between 3335 Liberty Avenue & 1450 Eastshore Drive, Alameda, CA 94501; City Negotiator: Amy Wooldridge, Recreation and Parks Director, City of Alameda; Negotiating Parties: City of Alameda and Mr. & Mrs. Delaney; Under Negotiation: Price and terms for easement

(19-528) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; Number of cases: One (As Defendant - City Exposure to Legal Action)

(19-529) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 2264 Santa Clara Avenue (the Carnegie Building) and 1429 Oak Street (Foster House); City Negotiator: Debbie Potter, Community Development Director; Negotiating Parties: City of Alameda and Carnegie Innovation Hall; Under Negotiation: Price and terms of payment of property lease

(19-530) Conference with Legal Counsel – Liability Claims (Pursuant to Government Code, Section 54956.9 (e)(3)); Claimant: Malia Vella; Agency claimed against: City of Alameda

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Pathway D and Anticipated Litigation, the Council staff provided information and Council gave direction with no vote taken.

Mayor Ezzy Ashcraft called a recess at 7:02 p.m. and reconvened the meeting at 10:54 p.m.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Carnegie Building, staff provided information and Council provided direction with no vote taken; and regarding the Liability Claim, staff provided information to Council; no action was taken and no direction was given.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 1:06 a.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- -OCTOBER 1, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:10 p.m. Councilmember Daysog led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(19-531) Proclamation Declaring October 2019 as Lesbian, Gay, Bisexual, Transgender, Queer History Month.

Mayor Ezzy Ashcraft read the proclamation.

Councilmember Oddie made brief comments.

(19-532) Proclamation Declaring October 2019 as Domestic Violence Awareness Month.

Mayor Ezzy Ashcraft read the proclamation and presented it to Liz Varela and Jessica Rogers, Building Futures.

ORAL COMMUNICATIONS, NON-AGENDA

(19-533) Jim Meyers, 2100 Block of San Antonio Avenue, thanked various the City for help with street repairs.

(19-534) Howard Harawitz, Alameda, discussed the Carnegie Innovation Hall renovation and his involvement with unions; expressed concern over union requirements.

The City Attorney stated contract negotiations are ongoing and confidential; the conversation is intended to be private; closed session is held to consider the various proposals put forth; contract negotiations should remain private until a contract is signed.

(19-535) Bob DuBow, Alameda, stated that he is a Carnegie volunteer; expressed concern over contract negotiations; urged approval of the contract as-is.

(19-536) Minoo Hamzavi, Carnegie Innovation Hall, discussed the importance of art; urged approval of the lease.

(19-537) Kelly Saturno expressed support for the Carnegie Innovation Hall.

(19-538) Arminda Graca, Alameda, outlined issues with her Housing Authority rental.

(19-539) Jan Schlesinger, Alameda, expressed support for the Carnegie Innovation Hall.

(19-540) Catherine Pauling, Seniors and Disabled Renters Committee, urged Council to support each other; stated something needs to be done about the Housing Authority.

CONSENT CALENDAR

The City Attorney office staffing resolution [paragraph no. 19-545] was removed from the Consent Calendar for discussion.

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

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

(*19-541) Minutes of the Special and Regular City Council Meetings Held on September 3, 2019. Approved.

(*19-542) Ratified bills in the amount of \$961,382.03.

(*19-543) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending June 30, 2019 (Funds Collected During the Period January 1 to March 31, 2019). Accepted.

(*19-544) Recommendation to Authorize the City Manager to Execute a First Amendment to an Agreement with Avineon, Inc., to Add the Amount of \$69,900 to Provide Analysis, Enhancement, and Refinement of 911 Geographic Information System (GIS) Addressing Data for a Total Not to Exceed Amount of \$95,000. Accepted.

(19-545) Resolution No. 15589, “Approving a Workforce Change in the City Attorney’s Office to Create a New Classification, Chief Assistant City Attorney; Add One Position, Chief Assistant City Attorney; and Amend the Executive Management (EXME) Salary Schedule to Add the Classification of Chief Assistant City Attorney, Effective October 13, 2019.” Adopted.

Urged Council to table the matter and economic justification be provided: Steve

Slauson, Alameda.

Discussed City Attorney office staffing and the budget: Ken Peterson, Alameda.

The City Attorney stated the request will save the City a significant cost in the short and long term; outlined current City Attorney department staffing; stated the hourly rates for contract attorneys are extensive; bringing the position in-house will be budget neutral or provide a budget savings; the request is not to add staff, but to reorganize current staff.

The City Manager stated the new position will be a half-time position.

The City Attorney stated the City Attorney's office intends to under fill the position at a half-time level.

The City Manager stated there will be a budget savings in the near term; in the next two years, there is a balanced budget for the General Fund in particular; future financial projections are being reviewed.

Councilmember Vella stated the issue was regularly agendized at a previous meeting and was subject to Council discussion and public comment.

Councilmember Vella moved adoption of the resolution.

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

REGULAR AGENDA ITEMS

(19-546) Resolution No. 15590, "Appointing Adam Elsesser as a Member of the Mayor's Economic Development Advisory Panel." Adopted;

(19-546 A) Resolution No. 15591, "Appointing Brock Grunt as a Member of the Mayor's Economic Development Advisory Panel." Adopted;

(19-546 B) Resolution No. 15592, "Appointing Tim Karos as a Member of the Mayor's Economic Development Advisory Panel." Adopted;

(19-546 C) Resolution No. 15593, "Appointing David Mik, as a Member of the Mayor's Economic Development Advisory Panel." Adopted;

(19-546 D) Resolution No. 15594, "Appointing Remy Moteko, as a Member of the Mayor's Economic Development Advisory Panel." Adopted;

(19-546 E) Resolution No. 15595, "Appointing Mike Rose, as a Member of the Mayor's Economic Development Advisory Panel." Adopted;

(19-546 F) Resolution No. 15596, "Appointing Madlen Saddik, as a Member of the Mayor's Economic Development Advisory Panel." Adopted; and

(19-546 G) Resolution No. 15597, "Appointing Debi Stebbins as Members of the

Mayor's Economic Development Advisory Panel." Adopted.

Councilmember Oddie moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented certificates of appointment to Mr. Karos, Ms. Saddik and Ms. Stebbins.

(19-547) Public Hearing to Consider the Proposed 2019 Water Quality and Flood Protection Initiative;

(19-547A) Resolution No. 15598, "Finding that a Majority Protest Does Not Exist, Directing a Property Owner Ballot Proceeding for the City's 2019 Water Quality and Flood Protection Fee and Directing the City Manager to Vote "Yes" for City Owned Parcels." Adopted; and

(19-547B) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Article IV to Chapter 18 to Establish the Water Quality and Flood Protection Fee. Introduced.

Mayor Ezzy Ashcraft provided a procedural overview.

The Public Works Director gave a Power Point presentation.

Councilmember Daysog stated the Consumer Price Index (CPI) adjustment factor is set at 3%; inquired whether there should be a difference from the index set forth by Proposition 13.

The Public Works Director responded there is a cap on the annual adjustment of 3%; stated construction costs are escalating above 3% above CPI every year.

Councilmember Oddie inquired whether the monies will be put toward the Stormwater fund.

The Public Works Director responded there is a new fund called the Clean Water and Flood Protection fund which will receive revenue.

Councilmember Oddie inquired the purpose of the fund.

The Public Works Director responded the existing stormwater fee has been flat for more than fifteen years because there had been no cost escalator or CPI increase to apply; stated the fee was not originally designed to capture the capital improvements of the stormwater system nor climate change and sea level rise.

Councilmember Oddie inquired whether no payment is required if the fee is protested, to which the Public Works Director responded in the negative.

Councilmember Oddie inquired whether the City will pass on the fees to tenants.

The Public Works Director responded in the affirmative; stated a fee applied to an average sized apartment building would be one tenth of one percent of an increase, which is within the annual general adjustment.

Mayor Ezzy Ashcraft stated a reoccurring question has been why only property owners and not renters are charged the fee.

The Public Works Director stated property related fees, under Proposition 218, only require property owners to be balloted to decide whether the fee may be applied.

Mayor Ezzy Ashcraft stated the requirement is due to law; inquired whether the City is able to divert funds for other uses.

The Public Works Director responded in the negative; stated revenue and expenses related to the fee must remain within the Clean Water and Flood Protection fund and cannot be moved or appropriated by staff, Council, State, County or federal government for other uses.

Mayor Ezzy Ashcraft requested clarification over the lack of a sunset clause.

The Public Works Director stated the needs of the stormwater system will not diminish over time; with the impacts of sea level rise and climate change the needs of the stormwater system will grow and caused the lack of a sunset provision; a protection is included for property owners and Council is bound to set the fee at a rate which will only recover revenue for the stormwater system needs; outlined a scenario without climate change or sea level rise impacts and the resulting fees lowering.

Councilmember Vella requested clarification related to protest correspondence which referenced a requirement that the program fee expenses be fairly distributed amongst property owners and outlined concerns related to definitions of multi-family residential units.

The Public Works Director stated the fee proposes to fairly apportion all stormwater systems revenue needs based on a property's contribution to the stormwater system; different land uses and parcel groupings were used to make assumptions related to impervious surfaces; perfection is not required in the calculation, but the goal is to be close; in the result of an error, a protest of fees may be submitted on an annual basis under the "disputed fees provision" to make warranted changes.

Jerry Bradshaw, SCI Consulting Group, stated the apportionment of the fee across different parcels is based on the contribution to the [stormwater] system; unlike the water system, is it difficult to measure how much water will run off, similar to garbage fees; available data must be used to reasonably administer the model; typically land use

categories are used; most groups tend to have similar characteristics; the model is not perfect but comes close.

Vice Mayor Knox White inquired whether the protection under Proposition 218 is the money cannot be used if not needed, to which the Public Works Director responded in the affirmative.

Vice Mayor Knox White questioned whether future Council has the option to reduce the fee if desired.

The Public Works Director responded in the affirmative; stated should stormwater needs diminish over time, the revenue and fee must diminish as well.

Councilmember Daysog inquired whether thought was given to a door tax approach versus the impervious approach.

Mr. Bradshaw responded rain falls on whatever is below; the height of the building does not matter; the amount of impervious surface is to be calculated; a 10-story building on the same size parcel as a 15-story building with more units would incur the same fee.

Councilmember Daysog stated regardless of the land use type, a per-square foot basis should have a relatively similar area of impervious surface.

Mr. Bradshaw stated the average point of each rate class comes out to 2¾ cents per square foot regardless of class; said information is not included in the rate study; the charge is based on a per parcel or per acre basis for convenience.

Councilmember Daysog provided an example of a property with a larger impervious surface.

Mayor Ezzy Ashcraft opened the Public Hearing.

Expressed support; urged Council to continue to address sea level rise: Paul Medved, Alameda.

Submitted information; expressed concern over calculations; stated that he is in favor of paying his fair share for the project: Alan Teague, Alameda.

Discussed debris being from storm drains being dumped on properties: Edward Payne, Waterfront Homeowners Association.

Discussed plastics going into waterways; expressed concern over the containment elements using plastic: Ken Peterson, Alameda.

Urged the Council to move forward with the ballot and educate the public on the essential nature of the fee: Ruth Abbe, Alameda.

Mayor Ezzy Ashcraft closed the public hearing.

Councilmember Vella stated questions have been raised by public speakers.

Mr. Bradshaw stated Mr. Teague brought interesting points and provided materials related to 10% of parcels, which are non-residential, paying 58% of the revenue; the acreage information is missing; 49% of acreage is non-residential; apartments and shopping centers are more covered in impervious surfaces; the core element is 2¾ cents per square foot of impervious surface, which is universal for all classes; a statistical approach is durable; outlined payment calculations for Mr. Teague's property.

Vice Mayor Knox White stated the stormwater system is the first system in the City that will be impacted by climate change; there is no funding for the system; the fee is needed to address the issue.

The Public Works Director stated there will be more frequent and more intense storms; the stormwater system will need to increase; the Island perimeter will be faced with sea level rise; perimeter improvements will be funded by the fee.

Vice Mayor Knox White stated there are 138 parcels under City control that Council will discuss; the total of 20,600 parcels makes City owned parcels less than 0.5%.

Councilmember Daysog questioned whether part of the fee will be put toward fixing the lagoons; inquired whether the cost is borne by homeowners.

The Public Works Director responded there are maintenance agreements for both South Shore and Bay Farm lagoons that involve the affected homeowners associations and the City; the agreements delineate different maintenance responsibilities and payment percentages; the lagoons are part of the stormwater system; the fee could fund some of the capital maintenance; the adjacent homeowners associations are still responsible for their portions under the maintenance agreements.

Councilmember Daysog stated the City is still paying a portion, which lessens the overall fee.

The Public Works Director stated whether or not the fee is approved will not change the portion adjacent homeowners association are responsible for paying under the current maintenance agreement.

The City Clerk announced there is not a majority protest and the resolution and ordinance can be considered.

Councilmember Oddie moved adoption of the resolution.

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

Mayor Ezzy Ashcraft called a recess at 8:35 p.m. and reconvened the meeting at 8:45 p.m.

(19-548) Recommendation to Approve the Design Concepts for Up to Six Public Access Pathways Along Fernside Boulevard and Eastshore Drive.

The Recreation and Parks Director gave a brief presentation reviewing staff report Exhibit 2.

Councilmember Oddie inquired whether maintenance will be included.

The Recreation and Parks Director responded in the affirmative; stated details have not been finalized for the submerged land; the goal is to provide ownership to the area around property owners' existing docks; when ownership occurs, permits through the City may be obtained for improvements.

Councilmember Oddie inquired whether restrictions have been added; outlined property owners' potential dock repair scenarios.

The Recreation and Parks Director responded the intention is not to impede repairs and maintenance, but to maintain the views of the water from the viewing areas; outlined restrictions for dock repairs.

Vice Mayor Knox White inquired other City options for Pathway C.

The Recreation and Parks Director responded another option is signage; stated signage has limited capacity, but does provide legal coverage; there is also the option of a view corridor; other potential options have not been reviewed and would need to be creative.

Vice Mayor Knox White inquired whether there is a way to maintain the City easement without actively improving or encouraging use at this time.

The Recreation and Parks Director responded her initial conversations with legal counsel suggest the pathway should be closed off if the City does not make improvements.

Vice Mayor Knox White inquired whether it is possible for the property owner to still use the pathway in the event of closure and whether it is possible for the City to decide a use at a later date.

The Recreation and Parks Director responded the option is possible; stated a gate will need to be installed beyond the driveways.

Vice Mayor Knox White inquired whether the Towata Park recommendation includes a dock.

The Recreation and Parks Director responded in the affirmative; stated the funding source will be through the State Division of Boating and Waterways; the Division does not receive enough applications to spend the money, which presents it has; a funding opportunity.

Vice Mayor Knox White stated the area has dangerous mud at low tide; inquired whether the current proposal allows for informal access to the water, to which the Recreation and Parks Director responded in the affirmative; stated launches still must be timed with the tide.

Vice Mayor Knox White inquired whether Council could decide to see a more formal plan knowing there is no funding, to which the Recreation and Parks Director responded in the affirmative.

Councilmember Daysog inquired whether Council is affirmatively encouraging activities, such as paddle boarding, at the end of any of the pathways, including adding signage that paddle boarding is allowed; expressed concern over liability issues.

The Recreation and Parks Director responded the intention is to leave the pathways, but to make them more appealing with easier access; stated the pathways would not be advertised as a kayak launch; stated there are informal kayak launches all over the island.

Mayor Ezzy Ashcraft inquired whether legal counsel has been sought for liability implications of a formal kayak launch.

The Recreation and Parks Director responded that she does not see legal implications for a formal kayak launch; a formal launch must go through San Francisco Bay Conservation and Development Commission (BCDC) permits, must be Americans with Disabilities Act (ADA) compliant and suffices the City's safety needs.

Mayor Ezzy Ashcraft inquired whether the City Attorney would like to add anything.

The City Attorney stated the proposal is likely to reduce the City's liability due to ownership of easements the ability to make easements ADA accessible and remove hazards which will produce a positive benefit to the City.

Mayor Ezzy Ashcraft inquired the approximate sales costs of the remaining portions of the bulb outs and submerged lands.

The Recreation and Parks Director responded final costs have not yet been determined; costs will be based on other parcels, which were \$10,000 per parcel; there will be an additional nominal cost for the landside areas.

Mayor Ezzy Ashcraft questioned whether some revenue will be recognized.

The Recreation and Parks Director stated the funds will go back into the project the same as the sale of the other submerged lands.

Mayor Ezzy Ashcraft inquired what happens if a property owner does not want to purchase the submerged or additional land around their property.

The Recreation and Parks Director responded there is high incentive for homeowners to purchase the submerged land due to the dock proximity and needed maintenance; stated where there is no desire to purchase the land, a City fence around the area would be recommended.

Mayor Ezzy Ashcraft stated the City may install security cameras through the Crime Prevention Environmental Design; inquired the reason for not incorporating the option.

The Recreation and Parks Director responded the option can and should be done; stated there are times of sensitivity; the cameras would be on a 24 to 48 hour loop and specifically target the pathway, not the neighborhood.

Following the recess, Councilmember Vella returned at 9:12 p.m.

Councilmember Daysog stated there is a 10 foot wide path that goes to 35 feet wide; inquired the need for the addition of 12.5 feet on either side of the 10 foot wide path.

The Recreation and Parks Director responded the theory is to not feel as though the area is a tunnel; stated landscaping on either side would be more pleasant and open, allowing for a better experience.

Councilmember Vella inquired the amount of natural surveillance and design factored into the staff recommendations; stated the staff report considered access creation, visibility and natural surveillance including the design for bi-directional visibility.

The Recreation and Parks Director responded Crime Prevention Through Environmental Design (CPTED) guidelines ensure the landscape has a visible corridor of 3 feet above shrubs and 3 feet below trees; there is less visibility on Fernside Boulevard than on Eastshore Drive; the goal is to put in surveillance cameras and lighting in those areas to assist with security in the pathways.

Councilmember Vella expressed concern for what to do when a crime is in progress versus after-the-fact investigation; inquired whether there is a plan for investigating and ensuring enforcement occurs in real-time.

The Recreation and Parks Director responded the Police Department has the project on its radar; stated once the project is further built-out patrol will occur whenever possible; regulations are similar to parks; people should not be in the area after-dark; reporting is encouraged.

Councilmember Oddie inquired how many people use the easements.

The Recreation and Parks Director responded there is no current figure.

Councilmember Oddie stated visibility is low within the amount of space; inquired whether keeping the pathways at 10 feet wide was considered.

The Recreation and Parks Director responded Council may choose any width desired; stated the goal is to compromise and address survey responses.

Stated East Shore is the number one location for sea level rise; discussed the need to have walls done in conjunction with Public Works to address sea level rise; expressed concern over Liberty and Central Avenues access: Bob Shannon, East Shore Homeowners Association.

Urged all the areas be used for small parks; offered to donate three benches in memory of his mother: Kevin Padway.

Expressed support for the parks, concern over neighbor claims about crime and support for formal access at Towata Park: Jeff Wasserman, Alameda.

Stated the development should not create a public nuisance; expressed concern over creating hiding spaces: Rob Barics, Alameda.

Discussed indemnification; expressed concern over parties at the end of pathways; discussed encroachments: Dona Fisher, Alameda.

Councilmember Daysog stated the wing areas should be less than 10 feet; the center is the place of attention; the edges should not be greater than the center width; the pathways are neighborhood passive parks where people go to enjoy the area; data shows average online responders visited the areas once per year and residents nearby visited more, which proves the area being a passive neighborhood park; the edges should be subordinate to the middle 10 feet.

Councilmember Oddie stated the project has come a long way; expressed support for each pathway being considered; stated the Pathway A recommendation is good; grants should be obtained sooner rather than later if possible; expressed support for cutting Pathway B down to 10 feet; stated having a gate on Pathway C maintains the view; Pathways D and E have minor improvements; expressed concern for deteriorating docks and restricting or impeding any maintenance or improvements; expressed support for Pathway B being smaller and a view gate on Pathway C.

Vice Mayor Knox White inquired whether Council discussion related to the water-side parcels will come back at a later date, to which the City Attorney responded in the affirmative.

Vice Mayor Knox White stated the project is progressing as it should; expressed support for bringing the 35 feet down in size; stated the goal is for people to pay \$10,000 to protect their water access; stated there is an opportunity to provide the neighborhood access to the water as well; the design does not have to be gold plated, but still should be nice; a smaller area is not very compelling; expressed support for planted or landscaped wings but a width no less than 10 feet; stated public access to the water should be protected; giving up easements would be a mistake; mud flats are dangerous; access to the water should not be foreclosed; the boat launch should be considered at a later date; expressed support for the Towata Park plan in relation to Pathway A.

Councilmember Vella stated the project has been evolving; clear direction and information needs to be provided; the goal is for the spaces to be useable for the public to enjoy; clear direction must be provided related to landscaping; larger areas intended for water access should be preserved and cautioned with good signage; expressed support for narrowing Pathway B but not to 10 feet; the path should not have hidden areas; discussed areas unsafe for walking; stated pathways should be inviting; Pathway B should be designed in a unique way; expressed support for future adaptive reuse.

Mayor Ezzy Ashcraft stated the matter has been reviewed a number of times; compromise can be achieved; noted bench donations will have a place; stated these are public easements and the waterfront should be open to the public; safety and access must be balanced; expressed support for the recommended design concepts; inquired the different steps of the design approval process.

The Recreation and Parks Director responded past projects have utilized architectural design options for each pathway which would be presented to the Recreation and Parks Commission; then, Council would approval the general design concepts; stated there is a chance for Council to review the pathway widths.

Mayor Ezzy Ashcraft inquired whether the design would be reviewed by the Planning Board, to which the Recreation and Parks Director responded in the negative; stated Planning Board review typically has not happened in the past, but can be done if desired.

Mayor Ezzy Ashcraft stated there has been differing opinions related to pathway widths; the goal is to find the best compromise possible.

Vice Mayor Knox White moved approval of any wings be planted with defensive plants to keep people out; approval of Pathway A approved as proposed; approval of Site B but shrinking the cone to 22 feet; maintaining the Pathway C easement, but not actively pursuing use; approval of Pathway D, keeping the option to have future onsite

waterfront access; approval of Pathway E staff recommendation.

Mayor Ezzy Ashcraft expressed concern over having specificity prior to consideration by an architect; discussed Vice Mayor Knox White's defensive plant options; stated the concept versus specificity should be considered.

Vice Mayor Knox White stated the footage is specified in the staff recommendation; the change is from 35 feet to 22 feet.

Councilmember Oddie expressed support for the majority of the motion; stated that he is comfortable with 18 feet for Pathway B; the title for the properties must be resolved and a number must be selected; expressed support for keeping options open for Pathway D; questioned why closure of Pathway C is not an option; expressed support for maintaining Pathway C to keep the view available.

Councilmember Daysog expressed support for a 4 foot-10 foot and 4 foot width for Pathway B; outlined reasoning behind width preferences; stated if the same width should be selected for Pathways A and B; expressed support for vacating Pathway C and for staff's recommendation on Pathways D, E and F.

Mayor Ezzy Ashcraft questioned whether the item should be discussed pathway by pathway; stated Council must provide direction.

Councilmember Vella stated there is agreement on many portions of the motion.

Vice Mayor Knox White withdrew his motion.

Pathway A

Mayor Ezzy Ashcraft inquired whether there is agreement for Pathway A.

Councilmember Daysog expressed concern over the 35 foot width; stated the widths should be the same for Pathways A and B.

Vice Mayor Knox White moved approval of the Pathway A staff recommendation.

Councilmember Vella seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Daysog – 1.

Pathway B

Mayor Ezzy Ashcraft outlined the staff recommendation for Pathway B.

Vice Mayor Knox White moved approval of Pathway B as recommended by staff, with the change of 35 feet wide to 20 feet wide.

Councilmember Daysog made a substitute motion to approve 18 feet wide.

Councilmember Oddie seconded the substitute motion, which carried by the following voice vote: Ayes: Councilmember Daysog, Oddie and Vella – 1. Noes: Vice Mayor Knox White and Mayor Ezzy Ashcraft – 2.

Pathway C

Mayor Ezzy Ashcraft outlined Pathway C.

Councilmember Vella stated there is opportunity to allow for public viewing of the area; expressed support for not vacating the easement; moved approval of Pathway C being maintained by the City and not vacated.

Vice Mayor Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired how conflicts related to Pathway C can be resolved.

Vice Mayor Knox White responded there are driveways throughout the City which enter sidewalks; stated there is no concern for the safety of potential collisions on the pathway.

Councilmember Oddie made a friendly amendment for narrowing the cone of the pathway to 18 feet.

Councilmember Vella and Vice Mayor Knox White accepted the amendment to the motion.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie and Vella – 3. Noes: Councilmember Daysog and Mayor Ezzy Ashcraft - 2.

Pathway D

Mayor Ezzy Ashcraft outlined the pathway details.

Vice Mayor Knox White moved approval of staff recommendation with the addition of identifying the site for future on-water access.

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

Pathway E

Mayor Ezzy Ashcraft outlined the pathway details.

Councilmember Vella moved approval of staff recommendation for Pathway E.

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

Reconsider Pathway C

Councilmember Oddie moved approval of reconsidering of Pathway C.

Councilmember Daysog seconded the motion which carried by the following voice vote:
Ayes: Councilmembers Daysog, Oddie and Mayor Ezzy Ashcraft – 3. Abstentions:
Councilmembers Know White and Vella – 2.

Councilmember Oddie stated his decision is on the fence.

Mayor Ezzy Ashcraft expressed support for staff's recommendation; stated that she has walked the pathway; noted the area is not the same as walking down a driveway; stated the photos shown indicate pedestrians could not know a moving car is in the area; there are driveways on both sides; as much of the waterfront should be opened up; safety is most important; expressed concern for the safety of people along the pathway.

Councilmember Oddie moved approval of staff recommendation with instruction to maintain the view corridor.

The Recreation and Parks Director stated that she has consulted with the Assistant City Attorney who confirmed the easement may be vacated to relieve City of liability with the addition of placing a restriction which requires a view corridor.

The Assistant City Attorney stated the idea would be comparable to a covenant or record of easement; outlined a procedure for limiting the easement.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Vella questioned whether staff's recommendation is to completely vacate; requested clarification that adopting the covenant is the recommendation, not vacating.

The Assistant City Attorney stated vacating the existing easement would not accomplish current goals; noted working with adjacent property owners to record an easement against the property would accomplish the purposes currently discussed related to maintaining the view.

The City Manager stated the City should negotiate the alternative view corridor easement prior to vacating the first easement.

Vice Mayor Knox White stated that he is not in support of the motion; expressed

concern for vacating the public easement; stated there is not much of a view at the pathway.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers, Daysog, Oddie and Mayor Ezzy Ashcraft – 3. Noes: Councilmembers Knox White and Vella - 2.

Pathway F

Mayor Ezzy Ashcraft outlined the pathway details.

The City Attorney stated that it would be helpful for Council to affirm staff's recommendation.

Councilmember Oddie moved affirmation of staff's recommendation on pathway F.

Councilmember Vella seconded the motion, which carried by the following voice vote: Ayes: Councilmembers, Daysog, Oddie, Vella and Mayor Ezzy Ashcraft – 4. Abstention: Vice Mayor Knox White - 1.

Mayor Ezzy Ashcraft inquired whether an increase in budget is needed for additional maintenance.

The Recreation and Parks Director stated a budget adjustment will be brought forth at the mid-year budget cycle.

(19-549) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 13-12 Use and Occupancy of Damaged Buildings and Structures/Use of Placard or Signs to Chapter XIII Article I. Introduced.

The Fire Captain gave a brief presentation.

Councilmember Vella moved introduction of the ordinance.

Vice Mayor Knox White inquired whether the actual signs are being approved.

The Fire Captain responded in the negative; stated the signs are already in use; the only addition will be the City seal, address and ordinance number.

Vice Mayor Knox White stated there is a typo in the spelling of "demolition."

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

(19-550) Introduction of Ordinance Authorizing the City Manager or His Designee to Execute a 66-Month Lease with One Option to Extend the Term for 60 Months with Park

Street Wine Cellars, Inc. for the Premises at 2315 Central Avenue, Suite 122 (Historic Alameda Theatre Building). Introduced.

The Assistant Community Development Director gave a brief presentation.

Mayor Ezzy Ashcraft stated the staff report information is sparse; questioned who the tenant is and why they think a wine shop will be successful in the area; requested more information be provided in future staff reports for Council and public knowledge; outlined prospective tenant details.

Councilmember Oddie stated there are many regions that specialize in great wine.

Councilmember Oddie moved introduction of the ordinance.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Vella stated providing contextual background is helpful for Council discussion; noted having prospective tenants write letters is a way to help Council gather more information.

The Assistant Community Development Director stated more information will be provided in the future.

Christopher Massie, Park Street Wine Cellars, made brief comments.

Vice Mayor Knox White expressed support for the lease.

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

CITY MANAGER COMMUNICATIONS

(19-551) The City Manager made an announcement regarding Fleet Week and Art in City Hall open house events; urged residents to sign up for the City's AC Alert system.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(19-552) Councilmember Vella made an announcement regarding the Lead Abatement meetings and code enforcement issues.

(19-553) Stopwaste Brief on Community Outreach Grants for Food Waste Reduction.
(Councilmember Oddie)

Councilmember Oddie made brief comments; noted Stopwaste is reducing its fee.

(19-554) Vice Mayor Knox White made an announcement about the upcoming gun safety Town Hall meeting at the Alameda Theater on October 14th.

(19-555) Mayor Ezzy Ashcraft made a brief announcement regarding the CENIC launch at Saildrone, the Alameda County Transportation Commission meeting, the League of California Cities East Bay division monthly meeting, the Bike for the Parks and Walk and Roll to School Day.

(19-556) Councilmember Vella stated Alameda Bicycle is offering to sell items at cost to be donated for Cycles of Change.

(19-557) Consideration of Mayor's Nominations for Appointment to the Mayor's Economic Development Advisory Panel.

Mayor Ezzy Ashcraft nominated Warren DeSouza and Gia Schneider to the Mayor's Economic Development Advisory Panel.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:48 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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