

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MARCH 5, 2019- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:00 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(19-119) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: Boatworks v. City of Alameda, et. al.; Court: Superior Court of the State of California, County of Alameda; Case Numbers. RG14746654, RG 16823346 and RG16841240

(19-120) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: Zachary Ginsburg v. City of Alameda; Court: Superior Court of the State of California, County of Alameda; Case Number: RG15791428

(19-121) Conference with Labor Negotiators (Government Code section 54957.6); City Negotiators: David L. Rudat, Interim City Manager, and Nancy Bronstein, Human Resources Director; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), and Executive Management Employees (EXME); Under Negotiation: Salaries and Terms of Employment

(19-122) Public Employee Appointment/Hiring; Pursuant to Government Code § 54957(b)(1); Title/description of positions to be filled: Acting City Manager

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Boatworks, Council received a briefing; Ginsburg, direction was provided by staff by unanimous voice vote – 5; and regarding Labor and Acting City Manager, direction was given to staff with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

Special Meeting
Alameda City Council
March 5, 2019

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MARCH 5, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:03 p.m. Councilmember Vella 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

(19-123) Mayor Ezzy Ashcraft did a reading for the Season for Non Violence on understanding.

(19-124) Proclamation Declaring March 2019 as American Red Cross Month.

Mayor Ezzy Ashcraft read the proclamation and presented it to Jack McCready and Janet Weisman, American Red Cross.

Ms. Weisman and Mr. McCready made brief comments.

(19-125) Proclamation Declaring March 5, 2019 Juelle-Ann Boyer Day.

Mayor Ezzy Ashcraft read the proclamation.

ORAL COMMUNICATIONS, NON-AGENDA

(19-126) Mercedes Bongolan, Filipino Advocates for Justice, expressed concern over rent increases at her senior housing; urged Council to adopt rent control.

(19-127) Alyssa Morisaro, Filipino Advocates for Justice, discussed her landlord withholding her mail since she is not listed on the lease, which was authorized when the lease was executed; urged adoption of rent control.

(19-128) Denise Sicat Wong, Filipino Advocates for Justice, expressed concern over 5% rent increases; urged Council to pass a rent control and just cause ordinance.

(19-129) Cheri Johansen, Alameda Progressives, stated people who losing housing become homeless; stated a Town Hall to address the issue will be held on Saturday.

CONSENT CALENDAR

Mayor Ezzy Ashcraft announced the 2815 San Diego Road rehabilitation project [paragraph no. 19-132] 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.]

(*19-130) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission, the Regular City Council Meeting and the Special City Council Meetings Held on February 5, 2019. Approved.

(*19-131) Ratified bills in the amount of \$1,524,207.62.

(19-132) Recommendation to Authorize the Interim City Manager to Negotiate and Execute a Construction Contract and Related Agreements for the 2815 San Diego Road Rehabilitation Project with a Project Budget of up to \$502,700.

The Base Reuse and Community Development Director gave a brief presentation.

Mayor Ezzy Ashcraft inquired whether the non-profit will step in to complete remaining work beyond the foundation work.

The Base Reuse and Community Development Director responded the property has been vacant for many years and needs new flooring, carpet, painting, etc.; stated the non-profit company will be taking on said additional work.

Councilmember Oddie inquired whether there is an impact on the general fund, to which the Base Reuse and Community Development Director responded in the affirmative.

Councilmember Oddie moved approval of the staff recommendation.

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

(*19-133) Recommendation to Authorize the Interim City Manager to Execute a Fourth Amendment to the Agreement with Carlson Barbee & Gibson to Add \$175,000 for a Total Contract Amount of \$827,000 and Extend the Term for 18 Months to June 30, 2020, for Civil Engineering and Surveying Consulting Services for Alameda Point. Accepted.

REGULAR AGENDA ITEMS

(19-134) Resolution No. 15499, "Appointing Aimee Barnes to the Recreation and Parks Commission." Adopted;

(19-134A) Resolution No. 15500, "Appointing Pravda Wright to the Social Service Human Relations Board." Adopted;

(19-134B) Resolution No. 15501, "Appointing Rebecca Kohlstrand Parsons to the Transportation Commission." Adopted; and

(19-134C) Resolution No. 15502, "Appointing Tina Yuen to the Transportation Commission." 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 to Ms. Barnes, Ms. Wright, Ms. Kohlstrand Parsons and Ms. Yuen.

(19-135) Discussion on the Status of the Emma Hood Swim Center at Alameda High School and Provide Direction as to Options for Swim Facilities in Alameda.

The Interim Acting Assistant City Manager/Recreation and Park Director gave a Power Point presentation.

Councilmember Vella inquired the cost.

The Recreation and Parks Director responded that she is hesitant to provide a clear cost because contractors have not been able to assess how much patch work is needed.

Councilmember Vella inquired whether the costs are for repairs to keep the pools in operation for a period of time.

The Recreation and Parks Director responded the repairs are to make the pools safe for the public as a short term fix until an action plan for the long term replacement can be made.

In response to Councilmember Vella's inquiry, the Recreation and Parks Director stated as long as the patchwork repair approach is safe for the community, the Division of the State Architect (DSA) will allow the pools to stay open.

Councilmember Vella inquired where the funds for repairs will come from, to which the Recreation and Parks Director responded that she has not yet identified funding possibilities.

Councilmember Oddie inquired how much time the short term fixes would buy.

The Recreation and Parks Director responded until the pool is replaced; stated the DSA is amenable to patching while an action plan with milestones to show progress being made toward a full replacement is provided; continued the presentation.

Councilmember Oddie inquired about the 2011 commitment for a long term solution for Emma Hood Pool.

The Recreation and Parks Director responded currently, there is not a long term solution between the Alameda Unified School District (AUSD) and the City; stated resources were previously put towards Encinal Swim Center.

Councilmember Oddie inquired what will happen to City summer swim programs if a way to fund the repairs is not found.

The Recreation and Parks Director responded the summer activities have already been moved to the Encinal Swim Center, causing less time for community swim teams.

Councilmember Oddie inquired about the difference between a DSA approved pool on school property versus a non-DSA approved pool on City property.

The Recreation and Parks Director responded DSA provides full permitting for a school project versus on City land where a project goes through the Planning Board and City permitting process with plan check; stated DSA also has certain requirements related to earthquake safety and American with Disabilities Act (ADA) requirements; outlined the DSA process for facilities on school grounds.

Councilmember Oddie inquired what the budget surplus was for the previous year, to which the Interim City Manager responded that he did not have the information.

In response to Councilmember Oddie's inquiry of where the budget is trending, the Interim City Manager stated the mid-year budget report is coming to Council in two weeks.

Councilmember Vella stated the subcommittee would be two designated members of Council and a couple members of the School Board; inquired what the report back process would look like and what issues would be discussed by the subcommittee.

The Recreation and Parks Director responded that she would like the process to be discussed by the subcommittee; stated the process has not been fleshed out yet; she is happy to provide a report once a month for the community to hear what is happening; having public meetings related to the updates may be onerous; it would be helpful to have a tight-knit group making decisions; noted final approval of any subcommittee action plan would be approved by each body.

Councilmember Vella inquired whether the subcommittee is just addressing the short-term solution, to which the Recreation and Parks Director responded in the affirmative.

Councilmember Vella inquired whether the long term project would have a different process.

The Recreation and Parks Director responded that she envisions the subcommittee working on immediate concerns to get final buy-in from County Health and establish a plan, which also must include long-term replacement; outlined work-plan and milestone options; stated the action plan will need to satisfy County Health.

Councilmember Vella stated both long- and short-term discussions will happen, with the short-term taking priority; inquired whether there will be an opportunity to agendize the long-term issue in order for Council to give authority.

Mayor Ezzy Ashcraft responded that she has a response for that but would like to save it for Council deliberation.

Councilmember Vella inquired whether there is an opportunity for members of the public to be on the subcommittee.

The Recreation and Parks Director responded it is an option; stated having constituents be a part of the conversation is helpful.

Councilmember Vella inquired whether suggestions have been made about members, to which the Recreation and Parks Director responded in the negative.

Councilmember Vella stated the smaller the group the better, but members of the community should be involved.

The Recreation and Parks Director stated there is a lot of crossover between [groups; she agrees a smaller working group would be more effective and will look to the swim and aquatics community to help identify who should be on the subcommittee.

Councilmember Oddie inquired about the potential for a global infrastructure bond and how to guarantee funding goes to the pools.

The Recreation and Parks Director responded that she believes that topic to be a larger discussion on overall infrastructure; stated that she imagines it would be part of a larger global infrastructure bond, not just a bond for the pool.

Mayor Ezzy Ashcraft inquired whether Council is still discussing the item within the parameters of the agenda item.

The Acting City Attorney responded that a discussion into the mechanics of an infrastructure bond are outside the scope of the hearing.

Councilmember Oddie inquired if a global infrastructure bond is acquired, is there a guarantee that the money will go to pool construction, to which the Recreation and Parks Director responded in the affirmative.

Councilmember Oddie stated that he disagrees.

Mayor Ezzy Ashcraft stated that legal analysis should be conducted.

The Acting City Attorney stated specificity is allowed when requesting the issuance of a bond.

Discussed pool uses; stated Council has an obligation to provide access to the most injury free form of exercise: Barry Parker, Alameda Swim Community.

Mayor Ezzy Ashcraft stated as an island community, all kids should learn to swim for safety; the City is ready to move forward; all options should be considered, including keeping the pool open; inquired the date the pool will be open until.

The Recreation and Parks Director responded the pool is currently open until May 31, and will be closed after.

Councilmember Vella stated swimming is a family sport; swim lessons should be offered before summer; she is ready to support having the subcommittee work on short-term items to identify current repair costs and identify second-tier repairs; the long-term goal is to have an indoor swimming facility; the aging community is not being served by not being able to offer year-round indoor aquatic activities; multiple locations should be reviewed; a 4 or 5 year plan should be looked at along with the milestone plan; outlined different options to procure new facilities; short-term solutions should keep both swimming pools in mind; splash pads are a great way for children to become familiar with water; requested a report back if there are going to be budget expenditures for Council to plan accordingly; stated a work session should be held at some point.

Vice Mayor Knox White stated the School District, the City, and the community are in agreement that the status is not good; the City could have done better over the last ten years; all parties are committed to working together; the subcommittee is an important way to work towards moving forward; the subcommittee will likely meet weekly; requested placing a standing item on the Council agenda; requested the City to look into running the pool.

Mayor Ezzy Ashcraft stated two members of the public should be selected for the subcommittee.

Vice Mayor Knox White stated he met with members of just about every swim group together and offered support to the groups in organizing themselves to identify a leadership structure that can communicate and allow a couple people to report back.

Councilmember Daysog stated the item is very interesting and exciting in that it provides a community-wide benefit; the Mayor should be involved with the discussions; the subcommittee should be involved with long-term plans; the community should be involved since it is a community-wide project.

Councilmember Oddie stated that he would like to hear back about the cost estimate of getting the repairs required by County Health in a timely manner so the pool does not have to close if possible; a robust community process is needed; outlined excess budget reserves and uses for funds; stated it is important to be honest with the public and provide a new pool if it can be paid for; expressed concern about the subcommittee decision not being made in open session; stated that he would still like to be part of the discussion; inquired whether Council made the decision.

Mayor Ezzy Ashcraft responded that the discussion was previously held at the dais.

Vice Mayor Knox White stated the subcommittee was proposed with no disagreement.

Councilmember Oddie stated that he would like to be a part of the discussion.

Councilmember Vella stated the item is coming back to Council on future agendas and a work session will be scheduled; all members of Council are interested in hearing about the item; the purpose of the subcommittee is to get an expedited resolution for the remainder of the year; a way to include the full Council can be decided and a robust discussion can be held.

Mayor Ezzy Ashcraft inquired whether the direction provided is sufficient.

The Recreation and Parks Director responded in the affirmative; stated that she hopes to have the full subcommittee identified.

Mayor Ezzy Ashcraft stated Vice Mayor Knox White and herself are the members from Council; she is delegating to Vice Mayor Knox White to reach out to the pool committee and acquire two representatives from that community.

Vice Mayor Knox White stated the School Board would appoint two members next week.

The Recreation and Parks Director stated that she will do her best to provide some sort of report back every couple weeks.

Councilmember Vella stated that she is requesting a rolling agenda item, in the event a conversation needs to be had.

Vice Mayor Knox White stated the report back can be quick and should be properly agendaized in order to have a discussion if needed.

Mayor Ezzy Ashcraft called a recess at 8:34 p.m. and reconvened the meeting at 8:42 p.m.

(19-136) Mayor Ezzy Ashcraft inquired whether the Council would agree to hear the referral addressing Assembly Bill 31 [paragraph no. 19-137] next since there are high school students waiting to speak.

Vice Mayor Knox White moved approval of hearing the referral next.

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

COUNCIL REFERRAL

(19-137) Consider Resolution No. 15503, “In Support of Assembly Bill AB31 (Garcia, Bonta, Gonzalez and Mathis) The No Tampon Tax Bill.” Adopted. (Vice Mayor Knox White and Councilmember Vella).

Councilmember Vella made brief comments.

Councilmember Oddie stated the four authors include Assemblymember Rob Bonta who has prioritized the issue as a top item of justice this year.

Discussed current costs for tampons; urged Council to support AB 31: Anisya Lustig Ellison, Political & Proud and Encinal High School Student.

Outlined the cost of the luxury “pink tax;” urged Council to support AB 31: Jyosna Desai Jaslow, Encinal High School Student.

Urged Council to support the resolution: Zoey Ericson, Encinal High School Student.

Expressed concern over taxing menstruation; urged adoption of the resolution: Lily Conable, Political & Proud and Encinal High School Student.

Urged Council to support the resolution; discussed taxation and a documentary called “Period. End of Sentence.”: Rosemary Jordan, All Rise Alameda.

Mayor Ezzy Ashcraft outlined resolution; noted the treatment of women prisoners in need of menstrual products is shameful.

Vice Mayor Knox White stated Alameda has just enacted its own local additional \$0.05

sales tax and the City cannot control what is taxed; however, through AB 31, the Council can show leadership and take action; expressed gratitude to those who contributed to the resolution.

Mayor Ezzy Ashcraft inquired whether the item has been sufficiently agendized and a vote may be taken.

The Acting City Attorney responded in the affirmative.

Councilmember Oddie stated City Hall should provide products in restrooms; discussed Lesbian, Gay Bisexual, Trans-gendered (LGBT) families bearing extended costs.

Councilmember Daysog stated tonight is an exciting night to see young adults support the pool issue as well as this item; he is happy to support the item.

Councilmember Vella moved adoption of the resolution.

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

REGULAR AGENDA ITEM

(19-138) Resolution No. 15504, “Amending Master Fee Resolution No. 12191 to Add New and Revise Existing Fire Department Fees.” Adopted;

(19-138A) Resolution No. 15505, “Approving Workforce Changes to Add One New Position to the Fire Department Fire Prevention Bureau Effective March 6, 2019; One Fire Marshall at the Division Chief Rank.” Adopted; and

(19-138B) Resolution No. 15506, “Amending the General Fund Budget for Fiscal Year 2018-19 by \$188,000 for Costs Associated with the Purchase of a Vehicle and the Addition of One Fire Marshal Position at the Division Chief Rank in the Fire Prevention Services Division.” Adopted.

The Fire Chief gave a Power Point presentation.

Mayor Ezzy Ashcraft inquired which fees are included in cost recovery.

The Fire Chief responded under State law, costs may be recovered, but only up to the cost, but he does not recall the small fees charged.

Mayor Ezzy Ashcraft inquired why Fremont's hourly inspection rate is \$192 and plan review is \$95.

The Fire Chief responded Fremont went through a growth spurt and Fremont's Council decided to keep fees as low as possible; stated Council sets the policy on what to collect, if a 100% cost recovery rate is desired, the average hourly rate would be \$300

per hour; at \$300 per hour the cost is egregious for a small business; suggested annual nominal increases per year; instead of the General Fund paying 100% of the Fire Marshal position, the fees would reduce coverage to 41%.

Mayor Ezzy Ashcraft inquired whether the City has thought about charging per the quarter hour, similar to Berkeley prorating its fees.

The Fire Chief responded that he has included both quarter and half hour increments.

Mayor Ezzy Ashcraft inquired whether revenue assumptions would change based on the prorated quarter hour.

The Fire Chief responded under the Master Fee Schedule, there are preexisting time frames for specific businesses and buildings to allow for flexibility; revenue sources were only calculated from mercantile business and residential inspections, Code Compliance and re-inspection.

Councilmember Daysog inquired whether Fire Prevention or other similar services are staffed through non-sworn personnel.

The Fire Chief responded in the negative; stated all three positions are sworn; the Senior Code Compliance Officer position, which has been vacant for some time, is civilian.

Councilmember Daysog inquired whether there was a time when the position was performed by non-sworn personnel, to which the Fire Chief responded in the negative.

Councilmember Daysog inquired whether other cities use non-sworn personnel.

The Fire Chief responded it depends on the City; for comparable agencies, most primarily use sworn personnel; outlined sworn and non-sworn positions.

Councilmember Daysog inquired if a Council discussion occurred to utilize non-sworn positions in 2017, to which the Fire Chief responded in the affirmative.

Councilmember Oddie inquired whether the topic of sworn versus not sworn is allowed to be discussed.

The Acting City Attorney responded in the affirmative if it relates to the fee study.

Councilmember Oddie inquired whether the City currently has the Fire Marshal position, to which the Fire Chief responded in the negative.

Councilmember Oddie inquired who primarily performs the duties of the position.

The Fire Chief responded himself and other staff assigned to the division.

Councilmember Oddie inquired what is being lost and not performed by having the Fire Chief perform the duties.

The Fire Chief responded the duties of the Fire Marshal are outlined in the staff report and the listed daily management duties are not being performed; outlined the previous Fire Marshal position duties and responsibilities; stated the goal is to balance keeping new construction moving as well as addressing existing problems in buildings; if the Fire Marshal position is not approved, a decision will need to be made about what can be done moving forward; it is imperative to keep the community moving forward.

Councilmember Oddie inquired what duties of the Fire Chief are not being completed while Fire Marshal duties are split.

The Fire Chief responded that he relies on staff; many things are not being done including recruiting for vacant positions, succession plans, new company officers and one-on-one time for both mentoring and succession planning is not available.

Councilmember Oddie inquired what happens to the items under development if a robust conversation does not occur.

The Fire Chief responded there will be significant delays in getting development up and running; stated development cannot proceed without the review of built-in fire protection systems, lot plans, access points, and fire hydrants on scene; the Building Department and Fire Prevention work hand-in-hand to make sure buildings are safe and can be occupied.

Councilmember Oddie inquired whether the position is a Chief position, not an International Association of Fire Fighters (IAFF) 689 union position.

The Fire Chief responded in the negative; stated the position is part of the Chief bargaining group.

Councilmember Daysog inquired with the risk of development projects being slowed down and whether the end result is still an evaluation as to the fire readiness of the project.

The Fire Chief responded timing depends on the project and time management of existing staff; stated when Fire Prevention started, staff needed significant training to legally inspect and cite for code violations as well as basic plan review and check; ultimately, it comes down to time management; staff needs to be in place with the necessary tools; the Fire Marshal should have been assigned two years ago.

Expressed concern over a 5 minute inspection costing \$102 due to the one hour minimum charge; urged the timeframe be incremental: Paul Mauler, Alameda.

Expressed concern over a fire inspection charging multiple businesses in the same

building; urged billing to be incremental: Edward Hirsberg, Alameda.

Councilmember Oddie stated the issue is the result of the Ghost Ship fires of 2016 in Oakland; outlined discussions at previous meetings; expressed gratitude of the item being brought back in a timely manner; stated the position is paid for; the City values providing basic services; expressed gratitude towards the Fire Chief and Police Chief for finding funding; expressed concern over controversy caused by adding positions; stated the number one priority is to keep people safe; Alameda is the only Class 1 Fire Department in the Bay Area, which lowers fire insurance; the core service needs to be provided.

Councilmember Vella inquired what billing increments are used for Planning and Building.

The Interim City Manager responded that he does not know; stated the fee study is broken down into quarter, half and one hour increments; outlined fees.

Councilmember Vella requested clarification of the fee breakdown.

The Fire Chief responded staff has looked at every possible occupancy type that would need to be inspected, travel and preparation time, business reference checks, and needed paperwork, which are built into the fee; noted the new fee schedule allows for shorter time inspections to be billed accordingly.

Councilmember Vella inquired whether each business would need an inspection in a building with different subtenants.

The Fire Chief responded in the affirmative; stated inspection requirements depend on the type of occupancy, some are mandated and some are not.

Councilmember Vella inquired how often the inspections occur.

The Fire Chief responded it depends; stated the Department is trying to get to an annual inspection rotation; some occupancy types are mandated to be inspected annually, but others can be staggered due to staffing.

Councilmember Vella inquired if certain businesses do not have annual inspections.

The Fire Chief responded most are annual; stated the inspection rate is based on time management capacity.

Councilmember Vella expressed gratitude for the thorough report; stated the City of Fremont maintains a General Fund balance reserve of 15%, and has significant revenue from property tax and sales tax; the question to Council is how much the fees should be subsidized; the position must be created before the fees can be charged; the work must be done; the position is subsidized; work would not be completed without the

position; expressed concern about where the money will come from if the position is subsidized through the General Fund; stated the compromise is a gradual fee structure; costs should be covered; expressed support for creating the Fire Marshal position.

Councilmember Daysog stated the role of Council is to provide basic services in a cost effective manner; increasing fees in order to cover costs is due to high costs of the underlying work force; a conversation of having non-sworn or sworn staff happened in 2017; outlined his November 2018 election campaign stance on providing non-sworn positions; stated that he is hard pressed to support the item; there are downsides to having non-sworn staff, such as delays in development; regardless of time to complete tasks, the service rendered is an evaluation of the business or property being developed as fire preventive safe; he is willing to have delayed development with non-sworn personnel.

Mayor Ezzy Ashcraft stated that she requested the Interim City Manager not to bring the authorization for Fire Marshal position and vehicle request at this time; the City is two months away from budget hearings and a new City Manager is set to arrive in six weeks; considering all budget requests at the same time is more prudent; in she asked the Planning, Building and Transportation Director and the City Building Official if there have been any delays in new development to which they responded in the negative; expressed concern about funding the position; stated an economic downturn could cause businesses to close, which would reduce the amount of inspection revenue; there is a growing pension and Other Postemployment Benefits (OPEB) obligation; stated the City has more than \$300 million in infrastructure needs with no other funding source other than the General Fund; she desires for the City to stay safe; discussed a meeting with the former Fire Chief; inquired what Fire Protection has accomplished since the sworn positions were added in 2017; discussed the recent Community Paramedicine Program vote and response from County Health systems; stated it is crucial for the Council to consider further actions that burden the General Fund carefully and logically; requested approval of the Fire Marshal position and vehicle purchase be considered at the upcoming budget workshops; expressed support for the fee increase; stated the position does not need to be created in order to justify the fee increases.

Vice Mayor Knox White expressed concern about the cost recovery chart not indicating an increase in program expenditures over four years; stated that he would like to approve the item with an expectation that every year the fee is increased according to the Cost of Living Adjustment (COLA) covered by the Memoranda of Understanding (MOUs); noted that he had a discussion with the Fire Chief related to the item coming to Council ahead of the budget workshop; stated the item is a needed service that yields a net zero impact on the General Fund, expressed support of approving the cost recovery fee schedule, which includes the cost for the Fire Marshal position, with the condition of cost control over the position lifetime; stated if the costs go up for the position, the costs need to be recovered; the position can be removed if necessary; he is open to the position being budgeted under General Fund; a six month report on both the billing and collection of fees should be provided; Council should work with the City Manager to identify ways to increase the collection of billable fees to ensure a conservative budget

request.

Councilmember Daysog inquired if the use of a Consumer Price Index (CPI) factor to increase the nominal rate would trigger the need for a new Nexus study.

Vice Mayor Knox White responded since the City is not collecting 100% of the fees, the increase would remain within the costs that have been identified.

The Acting City Attorney stated the Nexus study's legal validity assumptions are based upon what is before the Council; a new study will not be triggered so long as the costs of service are not met; Council could direct staff to come back and include a provision in the fee schedule that would require the fees to increase based on the COLA in the MOUs.

The Fire Chief stated the Master Fee Schedule currently allows Council to increase fees annually by the CPI; nominal increases have been included.

Councilmember Daysog expressed concern about internal analysis making the City vulnerable to litigation.

Vice Mayor Knox White stated staff may be directed to increase the costs by 3% each year, which is well within the Nexus study.

The Acting City Attorney stated opining about potential litigation is difficult; each time a Nexus study is adopted, there is exposure to litigation; the Vice Mayor's proposal would not trigger a new Nexus study.

Nicole Kissam, NBS stated the CPI increase in between study years is a common industry standard.

Councilmember Daysog inquired if the proposal raised by Vice Mayor Knox White happens across cities.

Ms. Kissam responded COLA is different from CPI, CPI is related to labor cost increase and it is a common methodology.

Councilmember Oddie inquired whether Vice Mayor Knox White proposes to increase based on COLA, CPI or the MOU.

Vice Mayor Knox White responded the COLA provided in the MOU would be used.

Councilmember Oddie inquired if the resolution could be amended if legal staff finds it is not allowable, to which the Acting City Attorney responded in the affirmative.

Mayor Ezzy Ashcraft called a recess at 10:19 p.m. and reconvened the meeting at

10:24 p.m.

Vice Mayor Knox White moved adoption of the Master Fee resolution with direction that the Master Fee Schedule increases the fees being approved and ensuring billing is done in time increments, not hours.

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.

Councilmember Oddie moved adoption of the resolution approving workforce changes to add one Division Chief Position to the Fire Department Fire Prevention Services Division effective March 6, 2019, for an annual cost of \$355,000.

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

Councilmember Oddie moved adoption of the resolution amending the budget.

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

Vice Mayor Knox White requested an off-agenda report on the billing and fee collection be provided on a 6-month basis.

Councilmember Vella inquired the duration, to which Vice Mayor Knox White responded until Council decides the update is no longer needed.

Councilmember Vella inquired if it is possible to coordinate the update with the mid-year budget; expressed support for reporting back to Council.

Mayor Ezzy Ashcraft expressed support for Vice Mayor Knox White's proposal; proposed a report every 6-months for the first year, then syncing with other fee reporting.

Councilmember Vella expressed support for Mayor Ezzy Ashcraft's proposal.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(19-139) Joe Loparo, Alameda Chapter of Bay Association of Realtors, announced an application process for a scholarship has been opened; stated \$28,000 was awarded last year; the application period is open from now until May 5th; interested applicants can visit: www.bayeast.org/foundation; the minimum award is \$1,500 per person.

COUNCIL REFERRAL

(19-140) Briefly Discuss as a Council, the Logistics, Goals, and Vision Surrounding the March 16, 2019 Priority Setting Workshop. (Councilmember Oddie).

Councilmember Oddie made brief comments regarding the referral.

Mayor Ezzy Ashcraft stated the Public Information Officer forwarding information from Management Partners that notes items for the upcoming workshop; outlined e-mail details.

Councilmember Oddie stated he has met with Management Partners and shared his priorities but a discussion has not been had related to staff being present; expressed concern about the decision to hold the workshop outside of Council Chambers and agendaizing the workshop.

Councilmember Daysog stated the idea of a priority setting workshop is fantastic; inquired if Councilmember Oddie has suggestions for Council to consider; stated the issue is not about what is going to be discussed, but how items will be discussed.

Mayor Ezzy Ashcraft stated the workshop is meant to give Council a chance to meet and discuss concerns and desires moving forward; the Council has accomplished a lot in two months, but the workshop will be better with input forwarded to workshop facilitators.

Councilmember Oddie stated an envisioning process should have been held by Council; expressed concern about the workshop planning process; stated that he was not involved in the decision making process.

Mayor Ezzy Ashcraft stated that she met with Management Partners; discussed a previous Council workshop; stated the new City Manager will be in attendance to learn more about Council's priorities.

Councilmember Vella stated the current Council is performing differently than the previous one; it is helpful to discuss why a priority setting workshop is being held for transparency sake; having a brief conversation about how the workshop will be run is helpful; the detriment to being a part-time Council is not spending much time together as a body and being able to have esoteric conversations about priorities; staff presence will be helpful to provide context and background information; inquired whether staff would not be present to take notes and provide feedback, whether this is the first of a series of workshops; how Council will relay items to staff if the workshop is not taped.

Mayor Ezzy Ashcraft responded a final product will be put together by Management Partners; stated Council should be able to set priorities and figure out what is affordable based on the budget presentation.

Councilmember Vella inquired how a general topic such as housing will be able to be prioritized.

Mayor Ezzy Ashcraft responded the workshop is for Council; stated the housing topic may be discussed with a consideration of an affordable housing bond along with other possible measures to be brought to voters.

Councilmember Vella stated the discussion will be more free-form; inquired if the report back from Management Partners comes back with missing or incorrect information, will Council be able to review and provide feedback, to which Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Vella inquired if there will be audio recording of the workshop, to which the City Clerk responded in the affirmative.

Councilmember Vella inquired the process for Council if a topic is agreed upon.

Mayor Ezzy Ashcraft responded those items may be agendaized.

Councilmember Oddie stated that he would like staff to be present.

Mayor Ezzy Ashcraft inquired if the City Clerk would be present, to which the City Clerk responded in the affirmative.

The Interim City Manager stated staff is standing by, but have been excused from the workshop based on direction.

Mayor Ezzy Ashcraft stated the workshop is open to the public.

Councilmember Vella inquired how information would be relayed to staff.

Mayor Ezzy Ashcraft inquired if the workshop will have meeting minutes.

The City Clerk responded minutes workshop minutes are typically less detailed; stated that she will provide detailed minutes if requested.

Councilmember Vella stated there would be an audio recording.

Councilmember Oddie stated the facilitator will provide a report as well.

Councilmember Vella expressed concern about members of the public needing to know

what to expect.

Mayor Ezzy Ashcraft stated there will be 15 minutes of public comment at the beginning.

Councilmember Vella stated there will not be specifically agendized talking points, it will be free-form discussion about general priorities; discussed a previous workshop.

Mayor Ezzy Ashcraft discussed the previous budget workshop; stated the upcoming priority setting workshop is not similar; it is a good time to hold a workshop.

Vice Mayor Knox White stated that he is glad the meeting will be recorded; expressed support of discussing how Council would like to work together; outlined previous Council functions; stated that he would like to spend time discussing how this Council would like to work together as a body, how to work with staff, and how to work with Boards and Commissions; discussed setting the agenda and ensuring the agenda translates well to readers; stated that he would like the workshop to focus on team building.

Councilmember Vella expressed concern related to the magnitude of the one-day workshop; inquired if there is an opportunity for Council to hold another workshop to follow-up.

Mayor Ezzy Ashcraft responded the facilitators are highly recommended; stated there is a lot to discuss in one day; facilitators are able to efficiently manage conversations; another workshop is possible, if Council feels there is a need; discussed previous workshop difficulties.

Councilmember Oddie stated that he is excited about the workshop; collaboration is a two-way street; workshops should be held every year; staff needs guidance from Council priorities.

Councilmember Daysog stated this is an opportunity to discuss high-level qualitative and quantitative concerns; outlined his issue of strengthening public trust and how to relay that topic to Council.

Vice Mayor Knox White suggested Council consider holding a half-day workshop quarterly or every 6 months; stated that he would like to ensure next steps are captured at the upcoming workshop.

Councilmember Vella expressed support.

Councilmember Oddie expressed gratitude for the current discussion.

Mayor Ezzy Ashcraft stated that she will relay her notes to the facilitator.

COUNCIL COMMUNICATIONS

(19-141) Mayor Ezzy Ashcraft made an announcement nominating Vadim Sidelnikov for appointment to the Rent Review Advisory Committee (RRAC).

(19-142) Councilmember Vella announced that Alameda Healthy Homes department is looking for public events to attend, such as the Park Street festival; requested staff to follow up with Lead Abatement staff; discussed getting Alameda County to fund training for staff to use the paint litigation funds.

Mayor Ezzy Ashcraft stated Alameda Point Collaborative residents have the opportunity to attend the training.

Councilmember Vella stated once Alameda County has staff to do the training, a request can be made to do training at Alameda Point Collaborative.

In response to Councilmember Oddie's inquiry regarding the RRAC nomination [paragraph no. 19-141], the City Clerk clarified the list is typically included on the agenda, but is just an announcement, not a Council action; noted the Resolution would come to Council for action at the next meeting.

(19-143) Councilmember Oddie announced that he and Councilmember Daysog, as the subcommittee addressing West Midway Project developer selection, met with staff via phone and formulated questions to be sent to developers; discussed StopWaste, the Climate Action Plan, and Senate Bill SB1393.

(19-144) Mayor Ezzy Ashcraft announced that the Alameda County Transportation Commission has a new director for Caltrans District 4; stated Caltrans is looking to support complete streets.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:16 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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