

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -DECEMBER 5, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:05 p.m.

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

Absent: None.

AGENDA CHANGES

(17-713) Mayor Spencer announced the Parcel Map resolution [paragraph no. 17-726] was withdrawn by staff; requested the Sister City item [paragraph no. 17-732] be heard earlier on the agenda.

Council agreed to hear the Sister City item after the Master Fee hearing [paragraph no. 17-731].

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(17-714) Charles Rodenbusch, Alameda, expressed concerns with pedestrian safety at two-way stops.

(17-715) Marianne Carter, Alameda, submitted information; expressed concern with improvements needed at Alameda Point Gym.

CONSENT CALENDAR

Mayor Spencer announced the access to the Harbor Bay Ferry Terminal [paragraph no. 17-718], the Information Technology Strategic Plan [paragraph no. 17-719], and Federal Carbon Fee resolution [paragraph no. 17-724] were withdrawn from the Consent Calendar for discussion.

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

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

(*17-716) Minutes of the Special City Council Meeting Held on October 21, 2017 and

the Regular City Council Meeting Held on November 7, 2017. Approved.

(*17-717) Ratified bills in the amount of \$3,083,246.82.

(17-718) Recommendation to Receive Status Report on Implementation of the Approved Plan for Access to the Harbor Bay Ferry Terminal.

Councilmember Ezzy Ashcraft inquired whether a shuttle from the Harbor Bay ferry to a satellite parking lot can be included in the plan.

The Base Reuse Director responded staff has not reviewed the shuttle service yet; stated the shuttle would compete with AC Transit's Line 21.

Councilmember Ezzy Ashcraft stated that she would like the City to keep options open.

The Base Reuse Director stated the City will explore other options; staff has discussed ways to shorten the route with AC Transit.

Councilmember Oddie inquired whether the item is in response to a referral, to which the Base Reuse Director responded in the affirmative.

Councilmember Oddie stated that he thought there was going to be a workshop.

The Base Reuse Director responded the data is a status report and is a culmination of many meetings regarding the issue.

Councilmember Oddie inquired whether the bus leaves early from certain locations.

Austin Lee, AC Transit, responded the bus will be at the ferry on time, before the ferry departs.

Councilmember Oddie expressed concern with the bus being on time for ferry riders; stated the bus being late affects people getting to work on time.

Mr. Lee stated AC Transit strives to have all trips arrive on time.

Councilmember Oddie stated it is critical for the bus to be on time to encourage people to use public transit.

Councilmember Matarrese inquired whether staff can submit the ridership data for Line 21, to which the Base Reuse Director responded in the affirmative.

Vice Mayor Vella inquired whether the plan can include a connector to the overflow parking and ridership from the East End, to which the Base Reuse Director responded in the affirmative.

Mayor Spencer inquired whether any other pertinent information needs to be shared with the public regarding the status.

The Base Reuse Director responded staff is working with the Water Emergency Transportation Authority (WETA) and AC Transit to implement parking charges.

Mayor Spencer inquired whether the City is doing anything to not allow overnight parking.

Kevin Connolly, WETA, responded a security firm cites and tows vehicles parked overnight.

Mayor Spencer stressed the importance of busses not being late.

The Base Reuse Director stated staff will relay the message at the next meeting with the AC Transit Board Members.

Councilmember Ezzy Ashcraft stated that she is interested in a shuttle from satellite parking.

Mayor Spencer expressed concern over AC Transit busses arriving late 10% of the time.

Councilmember Oddie moved approval of receiving the status report on implementation of the approved Plan for access to the Harbor Bay Ferry Terminal.

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

Urged Council to address the issues with the transit system to encourage more ferry riders: Christine Lok, Alameda.

(17-719) Recommendation to Receive the Information Technology Strategic Plan (ITSP).

The Information Technology Director and Terry Hackelman, NexLevel, gave a Power Point presentation.

Mayor Spencer requested clarification on the public WiFi and the e-911.

The Information Technology Director explained the process for installing the public WiFi.

Mayor Spencer inquired what the timeframe is for the free public WiFi.

The Information Technology Director responded 2018-19.

The Police Chief provided a brief description on the e-911 system.

Mayor Spencer inquired whether the system is new.

The Police Chief responded the system is only being updated; stated the City has had the system for years.

Councilmember Ezzy Ashcraft moved approval of receiving the ITSP.

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

(*17-720) Recommendation to Authorize the City Manager to Purchase and Install Fully Inclusive Playground Equipment and Safety Surfacing from GameTime for Littlejohn Park in an Amount Not to Exceed \$230,000; and

(*17-720A) Resolution No. 15325, “Amending the Recreation Fund and Capital Improvement Fund Budget for Fiscal Year 2017-18 for the Project.” Adopted.

(*17-721) Resolution No. 15326, “Setting the 2018 Regular City Council Meeting Dates.” Adopted.

(*17-722) Resolution No. 15327, “Amending the Salary Schedule for Part-Time Classifications Effective December 24, 2017, to Reflect Changes to the California State Minimum Wage and to Maintain Adequate Differentials Between Part-Time Job Categories.” Adopted.

(*17-723) Resolution No. 15328, “Reappointing Wendi Poulson as Trustee to the Alameda County Mosquito Abatement District Board.” Adopted.

(17-724) Resolution No. 15329, “Urging the United States Congress to Enact a Federal Carbon Fee and Dividend.” Adopted.

Mayor Spencer stated the resolution language is not clear enough; noted she provided proposed revisions.

Urged Council to support the resolution: Anita Rees, Alameda.

Urged Council to support the resolution to ensure a clean energy future: Tony Sirna, Citizens’ Climate Lobby.

Urged Council to support the resolution: Gaby Dolphin, Alameda Solar and Alameda Progressives.

Mayor Spencer moved approval of the resolution with proposed revisions.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Oddie inquired what the process will be.

The City Manager responded that staff will send the resolution to the Congressman.

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

(*17-725) Resolution No. 15330, “Approving Projects to be Paid for by the State’s Road Maintenance and Rehabilitation Account for Fiscal Year 2017-18.” Adopted.

(17-726) Adoption of Resolution Approving Parcel Map No. 10275 - A Parcel Map for the Proposed Subdivision of the Parcel at 1700 Harbor Bay Parkway into Two Parcels. Not heard.

(*17-727) Ordinance No. 3203, “Amending the Alameda Municipal Code by Amending Section 3-7 (Regulation of State Video Franchise Holders) at Article I, (Finance) of Chapter III, (Finance and Taxation) Regulating Holders of State Video Franchises to Reauthorize the Public, Education, and Government (PEG) Access Fees Applicable to State Video Franchises Operating Within the City of Alameda.” Finally passed.

(*17-728) Ordinance No. 3204, “Approving a Third Amendment to the Long Term Sublease between the City of Alameda and the US Department of Transportation Maritime Administration (MARAD).” Finally passed.

(*17-729) Ordinance No. 3205, “Approving a First Amendment of a Lease City of and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a First Amendment of a Lease with Complete Coach Works, Inc. a California Corporation, for a Three-Year Lease Extension for a Portion of Building 24 Located at 2301 Monarch Street at Alameda Point.” Finally passed.

REGULAR AGENDA ITEMS

(17-730) Resolution No. 15331, “Appointing Jeffrey Cavanaugh as a Member of the Planning Board.” Adopted.

Councilmember Matarrese stated that he interviewed Mr. Cavanaugh and believes he understands the issues facing Alameda.

Councilmember Matarrese moved adoption of the resolution.

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

The City Clerk administered the Oath of Office and presented a Certificate of Appointment.

(17-731) Public Hearing to Consider Resolution No. 15332, "Amending Master Fee Resolution No. 12191 to Add New and Revise Existing Recreation and Park Fees." Adopted.

The Recreation and Parks Director gave a Power Point presentation.

In response to Mayor Spencer's inquiry about the Recreation and Park Commission's approval, the Recreation and Parks Director stated the matter went to Council for contract approval; continued the presentation.

Mayor Spencer inquired whether the 3% is factored into the Fee Schedule, to which the Recreation and Parks Director responded in the affirmative; continued the presentation.

Mayor Spencer inquired whether the Krusi Park stage can be utilized on a drop in basis if it is not reserved.

The Recreation and Parks Director responded in the affirmative; stated all picnic areas in the park can be used on a drop in basis if not reserved; continued the presentation.

Vice Mayor Vella inquired whether the Recreation and Parks Director will make a presentation at the Parks Commission meeting.

The Recreation and Parks Director responded in the affirmative; stated the matter will on the December 14th agenda.

Councilmember Ezzy Ashcraft inquired whether the fee for use of the Estuary Park synthetic turf is for the whole season, to which the Recreation and Parks Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired why the residential rate is lower than the non-residential rate.

The Recreation and Parks Director responded that she does not want to price out the non-residents or they will not utilize the field.

Councilmember Ezzy Ashcraft inquired if the fees are valid for one year, to which the Recreation and Parks Director responded in the affirmative; stated the fees can always be changed.

Expressed concerns with the portable toilets at the Alameda gym; urged Council to not pass the 3% fee increase: Marianne Carter, Recreation Commission.

Councilmember Ezzy Ashcraft inquired whether the portable toilets are for events at Alameda Point gym.

The Recreation and Parks Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether the request for the portable toilets is at the request of the person renting the facility, to which the Recreation and Parks Director responded in the affirmative.

In response to Mayor Spencer's inquiry, the Recreation and Parks Director stated that she has reviewed the invoices with her staff to ensure a team was not charged; if a team was charged incorrectly, they can contact her office; if the toilets inside are not working, the Recreation and Parks Department pays for the toilets.

Vice Mayor Vella inquired whether the City is currently paying the 3% fee on the transactions that go through.

The Recreation and Parks Director responded that as of December 4th the City is paying the transaction fees.

Vice Mayor Vella inquired if the 3% is not passed tonight will the City be paying for the fees.

Mayor Spencer inquired how much time would be required for the matter to go before the Recreation and Park Commission and back to Council.

The Recreation and Parks Director responded the matter would go before the Recreation and Park Commission in January and back to Council in February.

Mayor Spencer inquired what the plans are if the 3% fee does not pass.

The Recreation and Parks Director responded the fees will be discussed with the Recreation and Parks Commission again to review if they believe fees are too high.

Mayor Spencer stated that she would prefer the 3% fee increase go through the Recreation and Parks Commission first; she does not want to make the decision for the Recreation and Parks Commission.

Councilmember Ezzy Ashcraft stated if the 3% is not passed onto the user, the City will have to look at cutting other programs to cover the costs.

Councilmember Ezzy Ashcraft moved adoption of the resolution amending the Master Fee to add new and revise existing Recreation and Park fees.

Mayor Spencer requested a friendly amendment to the motion to have the matter of the 3% fee increase go before the Recreation and Parks Commission first, then circle back to Council.

Councilmember Ezzy Ashcraft did not accept the friendly amendment.

Vice Mayor Vella inquired whether a change could be made at a later date.

Mayor Spencer inquired whether anyone supports her request to have the Recreation and Parks Commission review the 3% fee increase before Council.

Vice Mayor Vella inquired whether Mayor Spencer is conditioning the approval of the fee increase based on the Recreation and Parks Commission's approval.

Mayor Spencer stated that she would like feedback from the Commission that they agree with the Recreation and Parks Director's recommendation.

Councilmember Matarrese inquired whether the Recreation and Parks Director is going to review reactions to the fees based on the field allocation activities.

The Recreation and Park's Director responded in the affirmative; stated the Commission wanted to review the fee allocation policy again.

Councilmember Matarrese stated that he would prefer to pass the resolution tonight; if the Commission says no to the 3% fee increase, the money will have to come out of other programs.

Councilmember Oddie seconded the motion, without the friendly amendment.

Under discussion, Councilmember Matarrese inquired whether the Commission can provide a recommendation on the 3% fee increase, to which the Recreation and Parks Director responded in the affirmative.

Vice Mayor Vella stated an amendment to the motion is not needed.

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

(17-732) Adoption of Resolution Authorizing the Mayor to Sign a Memorandum of Understanding (MOU) Regarding the Formulation and Implementation of Sister City Relations Between the Village of Wadi Foquin, Palestinian Territories and the City of Alameda. Not considered.

The City Attorney stated very late in the afternoon, the City received correspondence from Consulate General in San Francisco raising a number of legal and political issues with the MOU; the City Attorney's Office did not have time to investigate the issue or make modifications to the language; normally, the item would simply be pulled, but considering the number of people attending the Council meeting regarding the item, the decision was made to let the item remain on the agenda but to recommend Council not approve the MOU tonight and rather direct staff to review the issues and come back to Council; Sister Cities are not political and the City has to be careful to not venture into the political side; an issue raised by the Consulate was the sponsor and the United Methodist Church and their leadership are very active in boycott vestment and

sanctions, a movement against Israel; the Consulate expressed very strong concerns regarding the issue; the City Attorney's Office would like to ensure that the City is not colored with said initiative should the City decide to go forward on a Sister City basis; the City Attorney's Office would also want to ensure no violation of the establishment clause; Council can decide whether to hear the item or continue the matter.

Vice Mayor Vella inquired whether one issue raised is the Assembly Bill (AB) 2844: Public Contracts and discrimination, to which the City Attorney responded in the affirmative.

Mayor Spencer inquired whether the email is public record.

The City Clerk responded the email has been uploaded to the website and attached to the agenda as correspondence.

Mayor Spencer requested clarification on AB2844.

The City Attorney responded the issue has to do with public contracting but staff has not had time to review the complaint.

Councilmember Ezzy Ashcraft stated that she would prefer to hear from the speakers.

Vice Mayor Vella stated that she is concerned about hearing from the speakers when the issue is a moving target.

Councilmember Matarrese inquired why the Buena Vista United Methodist Church is not referenced as the sponsor in the MOU; stated the City's agent is the Alameda Sister City Association.

The City Attorney stated the sponsor has to be an organization in the community and it is her understanding that the sponsor is the Buena Vista United Methodist Church and Reverend Yoshi.

Councilmember Matarrese stated if the language could change, he would not want people to speak then have people return for something completely different.

Mayor Spencer stated that she does not believe it is appropriate to hear from speakers.

Councilmember Oddie inquired what the process is if the item has to return to Council.

The City Attorney responded if Council would like to have a Sister City relationship with Wadi Foquin, staff would review the issues and discuss it with the Sister City organization.

Councilmember Oddie inquired if Council gives direction to staff, would there have to be discussion of the merits.

The City Attorney responded that the City Attorney's Office has to review the issue.

Councilmember Ezzy Ashcraft stated that she does not feel ready to hear the matter tonight.

Vice Mayor Vella inquired whether the City Attorney's Office will reach out to the involved parties to receive clarification.

The City Attorney responded in the affirmative.

Councilmember Matarrese moved approval of directing the City Attorney to review inferences about being in violation of State law and other legal exposure in a timely manner and provide an opinion and present a compliant MOU.

Councilmember Ezzy Ashcraft suggested the City Attorney and City Manager research how other cities, such as Sacramento, have similar relationships with Bethlehem.

Vice Mayor Vella inquired whether the question from Councilmember Ezzy Ashcraft is to have staff look into the difference between cities versus settlements.

Councilmember Ezzy Ashcraft responded that she is not referring to a settlement.

Vice Mayor Vella stated Bethlehem is a city; the current item is a village that is in a settlement zone; stated she is trying to understand the question.

Councilmember Ezzy Ashcraft clarified the question is how Sacramento has sister city relations with Bethlehem without raising the concern of the Israeli Consulate.

Councilmember Matarrese stated Councilmember Ezzy Ashcraft's direction is not a part of the motion, only advice.

Councilmember Ezzy Ashcraft requested clarification on Vice Mayor Vella's request.

Vice Mayor Vella clarified whether the City Attorney could hear from all parties to receive clarification, to which the City Attorney responded in the affirmative.

Councilmember Oddie stated the Sister City relationship with Sacramento and Bethlehem could have been before the legislation passed.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Oddie stated that he does not want to hear from only one side; he agrees with the consensus to learn more about the complaint.

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

Mayor Spencer called a recess at 8:55 p.m. and reconvened the meeting at 9:11 p.m.

(17-733) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Repealing Section 30-5.15 (Medical Marijuana Dispensaries and Cultivation) in Its Entirety and Adding a New Section 30-10 (Cannabis) to Conditionally Permit Specific Types of Cannabis Businesses in Certain Zoning Districts. Introduced.

The Community Development Director gave a Power Point presentation.

Councilmember Oddie inquired how the one mile is measured for the one mile separation.

The Community Development Director responded path of travel.

Mayor Spencer inquired whether path of travel is the same as door to door.

The Community Development Director responded stated path of travel is defined in the ordinance.

Mayor Spencer inquired whether the one mile is door to door.

The City Manager responded the one mile is door to door.

The Assistant City Attorney noted the language reads door to door.

Mayor Spencer stated that she would like the language to be consistent.

Councilmember Matarrese inquired whether the language is written anywhere.

The Community Development Director responded the language is in the regulatory ordinance that has been adopted; continued the presentation.

Mayor Spencer inquired whether there are any changes from the Planning Board.

The Community Development Director responded the Planning Board did not make any changes to the proposed zones; continued the presentation.

Councilmember Ezzy Ashcraft inquired how is compliance of a personal cultivation area determined according to Building, Fire and Safety Codes.

The Community Development Director responded Code Enforcement operates on a complaint based system.

Councilmember Ezzy Ashcraft inquired whether someone would complain about themselves, to which the Community Development Director responded Code Enforcement complaints typically originate from neighbors.

Councilmember Ezzy Ashcraft inquired who will be making the special findings for the use permits.

The Community Development Director responded the special findings were removed from the Zoning Code because they are in the regulator permit; staff would make the findings.

Councilmember Ezzy Ashcraft inquired how the findings could be made without the operation being started.

The Community Development Director responded through the operators permit and annual renewal process.

Councilmember Ezzy Ashcraft inquired if the conditions are not met, could the operators permit be revoked, to which the Community Development Director responded in the affirmative.

Urged Council to offer written documentation to enable an operator to apply for a State temporary license while they are in the process of obtaining the local permit; inquired whether the application will be available online: Anne Kelson, Alameda.

Councilmember Oddie inquired whether clarification can be added on the one mile separation.

The City Manager responded Planning typically measures by the radius on a Geographic Information Systems (GIS) map.

Councilmember Oddie inquired whether Google Maps could be used.

The Community Development Director responded Google Maps may not be as precise; stated the issue can be revisited when proposals are received.

Councilmember Oddie inquired whether the upper end of Webster Street to the lower end of Webster Street could be less than one mile.

The Community Development Director responded with the sensitive uses mapping, there could not be a location on the lower end of Webster Street.

Mayor Spencer inquired whether staff could respond to the speaker's concerns.

The Community Development Director responded staff is not recommending temporary licenses; stated that she believes jurisdictions issuing temporary licenses did not have a

previous ban; regarding the application process, Council directed staff to issue a Request for Proposals (RFP) for each of the activity types; staff is in the process of developing the RFP and hopes to return to Council in early February for approval; the RFP will be available online; businesses have to comply with whatever State regulations are on the books at the time permits are granted; preference for local ownership will return to Council at a later date.

Mayor Spencer inquired when the item will return to Council, to which the Community Development Director responded February.

Councilmember Oddie moved introduction of the ordinance.

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

(17-734) Recommendation to Authorize the City Manager to Issue a Request for Proposals for the City of Alameda's Climate Plan Update, to Award a Consultant Contract up to \$300,000 Including Contingency to Prepare the Climate Plan Update; and

(17-734A) Resolution No. 15333, "Amending the General Fund, Measure B and BB Funds, Integrated Waste Fund, Stormwater Fund, Sewer Fund, Community Development Fund and Capital Projects Fund Budgets for Fiscal Year 2017-18." Adopted.

The Public Works Director gave a Power Point presentation.

Councilmember Oddie inquired whether the renewable energy credits will continue in the future.

The Alameda Municipal Power General Manager stated there are no plans to sell any more renewable energy credit.

The Public Works Director continued the presentation.

Vice Mayor Vella inquired whether the timeline is realistic to achieve what the City is hoping to achieve.

The Public Works Director responded that he believes it is doable; stated if the CalTrans Adaptation Grant comes through, it will make a big difference to the City and a lot less will be spent.

Vice Mayor Vella inquired whether other community groups are involved in the communication.

The Public Works Director responded there have been many workshops; stated staff is communicating with consultants to see which other community groups should be involved.

Councilmember Oddie inquired what the City is doing to integrate the efforts.

The Public Works Director responded the City and the community are working in parallel.

Councilmember Oddie inquired whether staff is reviewing more jobs on the Island to help with transportation.

The Public Works Director responded a portion of the scope is looking into green jobs.

Councilmember Oddie inquired whether the project is being synced with the Economic Development Plan to allow more people to work on the Island.

The Public Works Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired how the Climate Action Plan aligns with the goals for 2030 to 2050.

The Public Works Director responded the goals are set with timeframes 2030 to 2050; stated the goal is to allow the community to see what a truly carbon neutral City might be in 2050.

Councilmember Ezzy Ashcraft inquired whether the City will spend more money for implementation of the consultant's recommendation.

The Public Works Director responded the consultant will review ways to fund the work.

Mayor Spencer inquired where ideas in the report pertain to Alameda being an Island.

The Transportation Coordinator responded Chapter 3 of the Draft Work Scope speaks to bay and open restoration and innovative ideas; stated Chapter 2 under Vision Goals and Objectives to not limit to climate.

Mayor Spencer stated the term Marine Permaculture is not listed in the report.

The Transportation Coordinator responded the word Marine can be added to the report.

Mayor Spencer stated that she would prefer the word Marine Permaculture be added.

Urged Council to pass the project: Pat Potter, BikeWalk Alameda,

Urged Council to review opportunities in carbon farming: Damien Mason, Alameda

Backyard Growers and Community Action for a Sustainable Alameda (CASA).

Expressed concern with sea level rise: Gaby Dolphin, Alameda.

Expressed concern with sea level rise; urged Council to take action: Paul Medved, CASA.

Provided a handout; stated the City needs to do something about climate action and sea level rise: Sylvia Gibson, The Future.

Stated that he would like to see benefits to wildlife: Richard Bangert, Alameda.

Urged Council to support the Climate Action Plan: Ruth Abbe, CASA.

Urged Council to support the Climate Action Plan to reduce Alameda's carbon footprint: Julian Pelsner.

Urged Council to show leadership as a coastal community; stated performance tracking and reporting are essential to the scope: Debi Ryan, CASA.

(17-735) Mayor Spencer stated a motion is needed to consider the remaining agenda items: the two referrals.

Councilmember Matarrese moved approval of considering the remaining items.

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

Expressed concern with sea level rise: Danielle Mieler, Alameda.

Councilmember Ezzy Ashcraft inquired whether there are green design requirements for residential developments.

The Planner II responded the City follows the State enacted Building Code to enforce green building standards for residential developments.

Councilmember Ezzy Ashcraft inquired whether the plan needs to be updated, to which the Planner II responded in the affirmative.

Councilmember Ezzy Ashcraft stated that she attended the Midway Shelter 5K walk/run and styrofoam cups were being used; inquired whether community members can spread the word of the styrofoam cup ban in Alameda to make a difference.

Mayor Spencer noted styrofoam cups were used after the other cups ran out.

Vice Mayor Vella stated that she would like to speak to State representatives regarding the direction in the City's plan; she would like the plan to be user friendly and visible; she would like to hear back in six months on the status as the plan; requested performance tracking and reporting be built into the final plan; stressed the importance of putting the goals in writing; stated that she would like to hear back from the consultant regarding financing to ensure the City is applying for funding.

Councilmember Oddie stated that he would like to do a better job at attracting more jobs in Alameda; the plan should be integrated with the Transportation Demand Management (TDM) and the Economic Development Strategy; he would like to move faster on the plan.

Councilmember Matarrese stated the RFP applicant should have technical expertise; he would like to know what is specifically needed to meet the goals in the current plan; adaptation and sea level rise need to be included in the plan; anything the City uses as supporting information needs to be a published peer review source; the work needs to be done quickly.

Mayor Spencer referred to the handout by Ms. Gibson and expressed concern over the projections and where the City actually is today; stated a status report on the benchmarks should have been brought to Council.

In response to Councilmember Ezzy Ashcraft's inquiry, the City Manager stated the Figure 1 table is in the inventory.

Mayor Spencer expressed concerns with hiring consultants and goals not being achieved; requested language be added to the plan to ensure the issue returns to Council for benchmarks and enforcement.

The City Manager noted climate change is not only up to staff, it also falls on the community.

Mayor Spencer stated that she would like status updates and benchmarks presented to Council.

The City Manager stated staff can do the inventory on a regular basis to check the status of meeting the goals.

The Public Works Director stated the process will address how frequently staff will report to Council.

Mayor Spencer stressed the importance of said language being built into the plan; inquired whether the community and Council comments will be incorporated into the plan, to which the Public Works Director responded in the affirmative.

Mayor Spencer expressed concern with Alameda being referred to as a coastal

community; stated Alameda is an Island and a peninsula and sea level rise needs to be addressed; suggested hiring a consultant that is local or knows Alameda and the needs specific to an Island community.

(17-736) Mayor Spencer stated a motion is needed to continue past 11:00 p.m.

Councilmember Matarrese moved approval.

Councilmember Oddie inquired whether the meeting going late will not matter due to it being the end of the year.

The City Clerk responded the end of the year does not matter, there cannot be more than three meetings in a row that continue past 11:00 p.m.

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

Mayor Spencer stated that she would like a map of sea level rise; the objective needs to be higher paying jobs on the Island; the priority is housing Alamedans; she would like Marine Permaculture added to page 8 and any terms that are specific to Alameda; free public WiFi should be offered to allow people to telecommute.

Councilmember Matarrese moved approval of authorizing the City Manager to award a contract up to \$300,000, including contingency, to prepare for the Climate Action Plan update.

Vice Mayor Vella seconded the motion,

Under discussion, Mayor Spencer inquired whether the motion includes all the comments.

Councilmember Matarrese stated staff needs to consider all the comments, but the comments are not appropriate in the RFP; staff should let the applicant know and encourage them to watch the meeting to evaluate the Council and public direction.

Mayor Spencer inquired whether the motion includes revising the Draft Work Scope to include the comments.

Councilmember Matarrese responded in the negative; stated staff is directed to put the RFP out and inform and evaluate the respondents based on the comments from Council and the community.

Mayor Spencer inquired why the information would not be included in the Work Scope

and instead the consultant would be asked to review the video.

Councilmember Matarrese stated a good consultant would watch the video.

Mayor Spencer inquired whether Council is not going to ask staff to revise the document; the document is a draft.

Mayor Spencer requested a friendly amendment to the motion to have the Draft Work Scope document be modified to include the comments made by Council and the community.

Councilmember Matarrese stated the expansion of the scope should include adaptation and sea level rise; he will accept the friendly amendment.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer inquired whether the comments would also be included in the motion.

In response to Councilmember Ezzy Ashcraft's inquiry, Mayor Spencer stated comments from the public should be incorporated.

Councilmember Oddie stated not all comments should be incorporated.

Councilmember Matarrese stated the largest expansion of the scope should be broadened to include the greater sustainability specifically with sea level rise.

Mayor Spencer stated that she would like to be as specific as possible; the consultant can come before Council to explain what can and cannot be incorporated.

The City Manager stated the Climate Action Plan team is here tonight and has heard the comments from the public and Council; if a consultant is asked to be too specific, they will not review anything.

Mayor Spencer stated staff indicated specific requests would be incorporated.

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

Councilmember Ezzy Ashcraft moved adoption of the resolution amending the General Fund, Measure B and BB Funds, Integrated Waste Fund, Stormwater Fund, Sewer Fund, Community Development Fund and Capital Projects Fund budgets.

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

CITY MANAGER COMMUNICATIONS

(17-737) Update on Tracking of Council Direction through the Referral Process.

(17-738) The City Manager made an announcement regarding the Fire Station 3 Grand Opening.

Councilmember Oddie inquired whether completed referrals would age off the list.

The City Manager responded the completed referrals will age off at the annual priority goal setting meeting.

ORAL COMMUNICATIONS, NON-AGENDA

(17-739) Gaby Dolphin, Alameda, stated AMP and Public Utilities Board (PUB) need to be involved in the climate plan change; expressed concern with having a nuclear research station in Alameda.

Mayor Spencer suggested staff correct the word in the press release from nuclear to renewable energy.

COUNCIL REFERRALS

(17-740) Consider Providing Direction to Staff on Alameda Municipal Power's (AMP) Smart Meter Program, Including Opting Out, City Manager Voting, Radio Frequency (RF) Radiation, Maintenance and Inspection. (Mayor Spencer and Vice Mayor Vella)

Vice Mayor Vella and Mayor Spencer made brief comments regarding the referral.

Expressed concern over AMP's Smart Meter program causing serious threats to health; discussed scientific studies and opting out: Christopher Rabe, Alameda.

Expressed concern over RF emitting from the Smart Meters; suggested a moratorium on installations: Shelby Sheeham, Alameda.

Expressed concern over having to pay to opt out of the Smart Meter program: Lisa Zapata, Alameda.

Expressed concern over AMP not listening to the requests of Council and the community: Gaby Dolphin, Alameda.

Expressed concern over the safety of Smart Meters and the cost of opt out feature: Heather Curtis, Alameda.

Expressed concern over fire and safety of Smart Meters: Nancy Gordon, Alameda.

The AMP General Manager stated due to the concerns expressed by the public, the

sunset provision will be going before the PUB, as well as a low income provision; the emissions associated with the meters meet all standards.

Mayor Spencer inquired whether a moratorium was adopted in other cities regarding Smart Meters.

The AMP General Manager stated that he is not familiar with other cities adopting moratoriums.

Mayor Spencer inquired what the low income discount will be, to which the AMP General Manager responded the low income discount is 25%; noted the eligibility requirements were updated to be in line with the Bay Area.

Mayor Spencer inquired whether the discount is already available.

The AMP General Manager responded the matter is going before the PUB on Monday.

Councilmember Oddie inquired whether the City WiFi omits the same frequency as the Smart Meters.

The AMP General Manager responded that he cannot speak to the WiFi omission.

The Assistant City Attorney addressed the jurisdictional authority of Council; stated the PUB supersedes the Council.

Mayor Spencer inquired whether Council could give feedback without giving direction.

The Assistant City Attorney responded Council could weigh in as individual members, but not direct PUB to take action.

Mayor Spencer inquired whether there is a way for Council to receive the agenda in advance and provide feedback without going to the PUB meetings.

The Assistant City Attorney responded in the affirmative; stated the PUB agendas are public.

Councilmember Matarrese inquired whether Council could make a request regarding the scientific information regarding Smart Meters as part of the referral.

The Assistant City Attorney responded Council could request information informally as individuals, not as a body.

The City Manager stated the Council and every citizen can request the information; once received, the information should be made public.

Councilmember Matarrese stated the risks need to be evaluated based on science.

The City Attorney stated the Council cannot request the information as a body.

Mayor Spencer stated that she would like copies of the information.

Vice Mayor Vella inquired whether information can be requested relative to the City's liability exposure.

The Assistant City Attorney responded said information can be provided in closed session; for the PUB to be invited into closed session, there would need to be a real threat of litigation.

The City Attorney stated Council would have authority if there is a claim or litigation,.

Vice Mayor Vella inquired who does the risk assessment.

The City Attorney responded there is a determination of risk for any decision that is made.

Vice Mayor Vella inquired who assesses the legal claims being made and at what point does the issue go before Council; inquired what the lead up is to the litigation being filed.

The Assistant City Attorney responded if the lawsuit is filed, the City Attorney's Office would have the PUB meet with Council in closed session; noted the City Manager can relay information to PUB.

The City Attorney stated no municipal body has the ability to determine the health risk; there are agency's that assess the health risks; the health assessments done have not shown that there is a problem to justify a claim.

The Assistant City Attorney stated the body charged with whether there are health risks is the Federal Communications Commission (FCC) who sets omissions standards; the Smart Meters are well below the standards set by the FCC.

Vice Mayor Vella inquired whether if that is the reason the City Attorney's Office believes there is no legal liability, to which the Assistant City Attorney responded in the affirmative.

Vice Mayor Vella inquired whether Council would be included in analysis if the standards change.

The Assistant City Attorney responded if a lawsuit is filed, staff would meet with Council to receive direction; stated the issue is constantly being studied and there is no scientific backed proof that there is risk.

Vice Mayor Vella inquired what is available online if the public or Council has a request.

The AMP General Manager responded under the Energy Review section online, there is a Frequently Asked Questions (FAQ) section that is fairly detailed.

Vice Mayor Vella inquired whether Council could request information that AMP has relied on to help inform Council's policies decisions which are within the Council's jurisdiction.

The AMP General Manager responded in the affirmative.

Vice Mayor Vella inquired whether the PUB has done anything about the concerns regarding multi-family buildings.

The AMP General Manager responded AMP does not differentiate between multi-family buildings and single family homes.

Councilmember Ezzy Ashcraft requested the information used to make the PUB decisions be shared.

Vice Mayor Vella inquired how the public could contact PUB members.

The AMP General Manager responded anything that comes in goes to the individual PUB members.

Vice Mayor Vella inquired whether the PUB members can be set up with City emails, to which the AMP General Manager responded in the affirmative.

Mayor Spencer suggested AMP find out which other cities have a moratorium; inquired whether AMP has discussed a moratorium or the health concerns.

The AMP General Manager responded not to his knowledge.

Mayor Spencer stated a petition can be started by the public regarding the matter; inquired whether something can be added to the Smart Meters to reduce the risk.

The AMP General Manager responded that he can look into the request.

Mayor Spencer stated that she would like to hear about anything that can reduce the exposure.

(17-741) Consider Creating a Police and Crime Citizens Oversight Advisory Committee.
(Mayor Spencer)

Mayor Spencer made brief comments regarding the referral.

Expressed concern over the Police Department's License Plate Readers (LPRs) being accessed by Immigration and Customs Enforcement (ICE), which does not seem consistent with being a Sanctuary City: Gaby Dolphin, Alameda.

Councilmember Matarrese stated that he does not believe the City is big enough to warrant an oversight committee; the Council is immediately accessible to the public; the Council holds the City Manager accountable; requested staff to respond to the LPR database being used by ICE.

The Police Chief stated ICE is one of the 28 or 29 agencies that is part of the Northern California Regional Intelligence Center (NCRIC); the LPR policy addresses the data going to NCRIC; data is purged every six months; LPRs do not photograph the occupants of the vehicle; information on the license plate has to be accessed through the Department of Motor Vehicles (DMV); the way the readers operate should not be a problem; noted four LPRs are mounted on four patrol cars.

Councilmember Matarrese stated that he does not support an oversight committee; the Council is the oversight committee; issues can be discussed with the City Manager; that he would not want to relinquish his Councilmember role of dealing with said issues.

Councilmember Oddie briefly discussed the LPR scenario; stated the City is really not providing any information that federal agencies cannot already access; stated the matter will be discussed in more detail at another time; read from an email Council received regarding the matter; stated the Police Department is responsible for oversight; the City Manager reports directly to Council; the City is small enough to react quickly; discussed racial profiling and a recent neighborhood meeting; stated that he has not seen data showing there is a profiling issue; he is not sure the committee is needed at this point.

Vice Mayor Vella stated the LPRs could capture patterns and habits; her concern is agencies will use the City's data to track patterns and habits; the Sanctuary City resolution addresses actively deciding whether or not to enable ICE; she does not have enough information on the issue; stated the City did have a Police Commission at one point in the early 1900s, which was in the City Charter and decided upon by the voters; discussed the historic information and suggested it be reviewed prior to forming a committee.

Councilmember Ezzy Ashcraft stated the City has an outstanding Police Department; discussed the current police climate; stated that she does not see a need for the committee.

Mayor Spencer inquired whether the public can anonymously report issues, to which the Police Chief responded in the affirmative.

In response to Mayor Spencer inquiry how the public can do so, the Police Chief stated online, via letter, or on a complaint form; stated all anonymous complaints are

investigated.

Mayor Spencer inquired whether online and the forms can indicate anonymous filing is allowable, to which the Police Chief responded said information is already included.

Mayor Spencer requested staff to get the word out that anonymous reporting is allowed.

The Police Chief noted third party complaints can also be filed.

Mayor Spencer stated the data can be reviewed in the future.

The City Manager noted data would be presented at an upcoming workshop.

COUNCIL COMMUNICATIONS

(17-742) Consideration of Mayor's Nomination to the Planning Board. Not heard.

(17-743) Stopwaste Topic Brief for November 2017. (Councilmember Oddie)

Councilmember Oddie stated that he provided the monthly update to share the information.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:42 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF
THE CITY COUNCIL AND SUCCESSOR AGENCY TO
THE COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -DECEMBER 5, 2017- -6:59 P.M.

Mayor Spencer convened the meeting at 7:04 p.m. and led the Pledge of Allegiance.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

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

(*17-711 CC/17-14 SACIC) Minutes of the Special Joint City Council and SACIC Meeting Held on September 19, 2017. Approved.

(*17-712 CC/17-15 SACIC) Recommendation to Accept the Fourth Quarter Financial Report for the Period Ending June 30, 2017. Accepted.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk and Secretary, SACIC

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