

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JANUARY 19, 2016- -5:30 P.M.

Mayor Spencer convened the meeting at 5:33 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(16-013) Conference with Conference with Labor Negotiators (Pursuant to Government Code § 54957.6) City Negotiator: Elizabeth D. Warmerdam Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), and Alameda Management and Confidential Employees Association (MCEA) Under Negotiation: Salaries and terms of employment.

(16-014) Conference With Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code Number of cases: One (As Defendant - City Exposure to Legal Action).

(16-015) Conference With Legal Counsel - Existing Litigation (Pursuant to Government Code § 54956.9) Case Name: Winger v. City of Alameda, et al. Superior Court of the State of California, County of Alameda Case No. RG15755458.

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced that direction was given to staff regarding all three matters.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:26 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JANUARY 19, 2016- -7:00 P.M.

Mayor Spencer convened the meeting at 7:03 p.m. and led by Boy Scout Troop 3 in the Pledge of Allegiance.

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

[Note: Mayor Spencer left the meeting at 8:01 p.m.]

Absent: None.

AGENDA CHANGES

(16-016) Councilmember Oddie requested the meeting be adjourned in memory of Dr. Arthur Lipow.

Councilmember Daysog requested the meeting also be adjourned in memory of Red Wetherall.

Following Council addressing final passage of the marijuana cultivation ordinance [paragraph no. 16-031], Mayor Spencer requested the Citywide Transit and Transportation Demand Management Plans [paragraph no. 16-032] be addressed first on the regular agenda.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(16-017) Dave Needle, Citizen's league for Airport Safety and Serenity (CLASS), Fernside and the Homeowner's Association (HOA), asked the Council to please reinstate the Airport Operations Committee.

Barbara Tuleja, CLASS, stated the City's strong voice is needed, particularly in Washington; asked the Committee please be reestablished and the City be a voice in Washington.

Walt Jacobs, Airport Noise Forum, stated a new approach is needed with elected officials talking to officials in Washington; a tremendous problem has occurred wherever the Metroplex project has been implemented; noted there are other issues with the Port of Oakland, such as resurfacing and the Super Bowl; stated San Leandro will be meeting with the Federal Aviation Administration (FAA); suggested Red Wetherill be recognized.

(16-018) Mark Klein, Alameda, expressed concern over being prohibited from taking pictures of harbor seals; inquired about the City policy; urged ABM Security and PM Realty correctly enforce the policy.

Mayor Spencer requested staff to follow up on the matter.

(16-019) John Klein, Alameda Renters Coalition, provided examples of Rent Review Advisory Committee (RRAC) cases; expressed concern over the RRAC cases being used to collect data; suggested the City collect data on all rent; stated a definition of mom and pop landlords is needed; there should not be a carve out for mom and pop landlords.

(16-020) Richard Bangert, Alameda, expressed concern over citizens not be allowed to take pictures and people being told to leave areas at Alameda Point; urged City to look into the policy for the area.

### CONSENT CALENDAR

Mayor Spencer announced that the City Manager contract [paragraph no. 16-023] and final passage of the marijuana cultivation ordinance [paragraph no. 16-031] were removed from the Consent Calendar for discussion.

Vice Mayor Matarrese moved approval of remainder of the Consent Calendar.

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

(\*16-021) Minutes of the Special City Council Meeting Held on December 15 and December 18, 2015, the Joint City Council and SACIC Meeting and Regular Meeting Held on December 15, 2015. Approved.

(\*16-022) Ratified bills in the amount of \$2,521,114.89.

(16-023) Recommendation to Approve Agreement Appointing Jill Keimach as City Manager.

Mayor Spencer stated that she pulled the item; she does not plan to support the recommendation by Council; with all due respect to the Council and Ms. Keimach, she respectfully disagrees that this is the correct choice for the City.

Vice Mayor Matarrese moved approval of the contract for Ms. Keimach to be the next City Manager.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated that he is happy with the selection of Ms. Keimach; he feels she will be a City Manager who will work well with the community, City staff and City Council.

Councilmember Oddie stated the community panel agreed that Ms. Keimach is a strong leader and easy to work with; he is excited that she is coming on board.

Mayor Spencer inquired whether it was appropriate for Council to be sharing feedback from the community groups.

The City Attorney responded that she did not hear anything specific, but reminded Council that Closed Session information cannot be shared, such as interviews or information that she received; personal opinions can be shared.

Mayor Spencer stated that she disagrees with the representations made regarding the feedback from the community group.

Councilmember Ezzy Ashcraft stated there are no measures that Council can pass as individuals, it is a majority rule; she is excited to have Ms. Keimach begin her duties as City Manager in March; Ms. Keimach has a lot of experience.

Vice Mayor Matarrese stated four members of the Council voted to give Ms. Keimach the job; the Council could not have done everything without the Interim City Manager; thanked Ms. Warmerdam for her service and stated he is grateful she will be serving in the position of Assistant City Manager.

Ms. Keimach made brief comments.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft, Matarrese and Oddie – 4. Noes: Mayor Spencer – 1.

(\*16-024) Recommendation to Award a Contract in the Amount of \$363,000, Including Contingency, to Nute Engineering for Engineering Design Services for the Rehabilitation of Approximately 2.7 Miles of Sanitary Sewer Main. Accepted.

(\*16-025) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Lagoon Seawall Trunk Sewer Relocation Project, No. P.W.01-12-03. Accepted.

(\*16-026) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Park/Otis Force Main Replacement Project, No. P.W. 10-15-19. Accepted.

(\*16-027) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Park Street Pedestrian Safety Improvements, No. P.W. 06-13-18. Accepted.

(\*16-028) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Park Street Corridor Safety and Operations Improvements, No. P.W. 03-15-03. Accepted.

(\*16-029) Recommendation to Extend the Fourth Amendment to the AMPCO System Parking Agreement for an Additional Six-Month Term for the Operation and Maintenance of the Civic Center Parking Structure in the Amount of \$75,000. Adopted.

(\*16-030) Ordinance No. 3145, "Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Four Year Lease with Five Three-Year Extension Options and Right of First Negotiation to Purchase with Google Inc. for Building 400A Located at 1190 West Tower Avenue at Alameda Point. [In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt under the CEQA Guidelines Section 15301(c) - Existing Facilities.]" Finally passed.

(16-031) Ordinance No. 3146, "Amending Alameda Municipal Code Section 30-5.15 regarding Medical Marijuana Dispensaries to Define and Prohibit the Commercial Cultivation of Medical Marijuana in the City of Alameda to Protect the City's Jurisdiction Regarding Cultivation, While Preserving the Opportunity to Have a Robust Discussion About Medical Marijuana Cultivation at a Later Date." Finally passed.

Councilmember Oddie stated that he voted no when the ordinance first came to Council; he believes there has not been adequate public discussion.

Councilmember Daysog stated if the City of Alameda does not make a decision regarding medical marijuana cultivation, then the State will supersede; medical marijuana is an issue that cities need to look at broadly; he feels that it might be good in terms economic development or personal health.

Mayor Spencer clarified the ordinance is to protect local control.

Councilmember Ezzy Ashcraft noted the title indicates there is opportunity to have a robust discussion about medical marijuana at a later date.

Vice Mayor Matarrese moved final passage of the ordinance.

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

## REGULAR AGENDA ITEMS

(16-032) Recommendation to Award a Contract in the Amount of \$395,000, Including Contingency, to CDM Smith to Prepare the Citywide Transit and Transportation Demand Management (TDM) Plans and to Amend the Measure B and Base Reuse

Department Budgets for Fiscal Year 2015-16 by Appropriating \$100,000 from Each of These Funds to Pay for the Citywide Transit and TDM Plans Contract.

The Transportation Coordinator gave a Power Point presentation.

Councilmember Daysog stated the traffic/transit solutions need to better coordinate; the goal is to encourage people to minimize single occupancy trips and enhance multimodal; urged moving forward with staff's proposal to address traffic concerns around the Posey tube.

Councilmember Ezzy Ashcraft stated that she agrees with Councilmember Daysog; traffic is a concern Councilmembers hear about frequently; urged Councilmembers to move forward to find solutions for traffic concerns.

Councilmember Oddie stated that he hopes the City uses the TDM plans and existing research; there is robust community involvement on the issue; he feels an ad hoc committee is needed to make suggestions and analyze the data; covenants were made with voters to address traffic problems; he is happy that the City is taking a strong step to come up with concrete solutions.

Vice Mayor Matarrese stated that he is ready to support the Citywide approach and feels it is what is needed.

Mayor Spencer stated that she does not support the approach; she would like a specific staff person hired to focus 100% on Alameda; when the issue came before Council the first time, the cost was estimated at \$200,000; now, the cost is almost \$400,000 just for the plan and not any actual work; she would like to honor voters and have something done.

Councilmember Daysog moved approval of the staff recommendation.

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

(16-033) Public Hearing to Consider Resolution No. 15112, "Approving the Alameda Point Adaptive Reuse Tentative Subdivision Map Application. PLN15-0555 - West Tower Avenue Subdivision at Alameda Point – Applicant: City of Alameda. A Proposed Tentative Map Application for a 4-Parcel Subdivision for Conveyance Purposes Only on 31.8 Acres to Implement the Alameda Point Master Infrastructure Plan and Zoning District." Adopted; and

(16-033A) Resolution No. 15113, "Approving the Alameda Point Adaptive Reuse Tentative Subdivision Map Application PLN15-0556 - Hangar Row Subdivision at Alameda Point - Applicant: City of Alameda. A Proposed Tentative Map Application for a

6-Parcel Subdivision for Conveyance Purposes Only on 38.9 Acres to Implement the Alameda Point Master Infrastructure Plan and Zoning District.” Adopted.

Note: Mayor Spencer left the meeting at 8:01 p.m.

The Chief Operating Officer – Alameda Point gave a brief presentation.

Councilmember Ezzy Ashcraft moved adoption of the resolution for the Alameda Point Adaptive Reuse Tentative Subdivision Map Applications for West Tower Avenue and Hangar Row Subdivisions.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 4. [Absent: Mayor Spencer – 1.]

#### CITY MANAGER COMMUNICATIONS

(16-034) The Interim City Manager stated that staff would like to have adequate understanding of what the Council agreed to at the January 5<sup>th</sup> meeting regarding the rent ordinance and would like to have clarification at the February 2<sup>nd</sup> meeting to ensure that the first reading of the ordinance occurs on February 16<sup>th</sup>.

Councilmember Ezzy Ashcraft stated the issue is important and deserves more time to ensure everyone is on the same page.

The Interim City Manager clarified every point would not be brought back to Council, it would just be for specific clarifying questions; staff will have a chance to ask questions of the Council for clarification only.

Acting Mayor Matarrese inquired whether the matter was only for staff to ask questions of the Council for clarification, to which the Interim City Manager responded in the affirmative.

Acting Mayor Matarrese clarified that there will be no action taken at the February 2<sup>nd</sup> meeting.

The Interim City Manager responded in the affirmative; stated there would be very specific questions from staff to Council.

Acting Mayor Matarrese inquired if all Councilmembers were agreeable to the Interim City Manager’s proposal.

Councilmember Ezzy Ashcraft stated there were some items that may have been missed or had no consensus.

The Interim City Manager stated the goal is not to rehash the January 5<sup>th</sup> meeting, but to get clarification.

Councilmember Oddie agreed with Acting Mayor Matarrese; stated there are certain questions; he hopes to have an ordinance on February 16<sup>th</sup> that Council can vote on and have as clean and clear as possible; he feels there are some principles of agreement that the community would be interested in seeing because there is some confusion in the community as to what the Council agreed on.

The Interim City Manager stated the agenda goes out on January 21<sup>st</sup> and the report will not be elaborate; only very high level principals of agreement will be included.

Councilmember Daysog inquired whether decisions made by Council on January 5<sup>th</sup> it will not be coming back to Council; the clarification will be firming up questions.

The Interim City Manager stated after reviewing the minutes and notes from January 5<sup>th</sup>, staff felt there were items which did not have a strong consensus; said items will return to Council.

Councilmember Daysog stated if staff is recommending that the approach will better serve the outcome to deal with excessive rent increases, then he will support it.

Councilmember Ezzy Ashcraft stated she watched the video from January 5<sup>th</sup>; some principals of agreement were missed; she sent a memo to staff.

Councilmember Daysog inquired what Councilmember Ezzy Ashcraft meant by stating "some points needed to be added in."

Councilmember Ezzy Ashcraft responded that she did not mean added in, she meant silence on an issue does not mean consensus.

Acting Mayor Matarrese stated that he wants to focus on a fairly defined set of discussion points and does not want to reopen the hearing; he would like to give input to staff to craft something to bring back for its first reading on February 16<sup>th</sup> and allow the public a chance to comment.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(16-035) Councilmember Daysog announced that he attended the AC Transit/City of Alameda Liaison Meeting; the staff and board members are encouraging the City to



make a decision on the preferred route of three options.

Acting Mayor Matarrese stated the City Council has to make a decision before March 1<sup>st</sup> due to a funding deadline.

The Interim City Manager noted the matter would go to the Transportation Commission and City Council before the deadline.

Acting Mayor Matarrese stated that he hopes the Transportation Commission is aware that the City is not being asked to redesign any of the three options; the City is being asked to pick one of the three options.

(16-036) Councilmember Daysog stated that he and Councilmember Oddie would prepare a Council referral regarding the Airport Operations Committee; the FAA is instituting satellite based routes for all jets taking off and landing throughout all of the United States; in drawing the new routes, there have been many complaints.

(16-037) Councilmember Oddie stated that he serves on the Stop Waste.org Board which has been working for almost a year on expansion of the plastic bag ban; an ordinance should be drafted by the end of the year; a presentation would be brought to Council by March or April requesting endorsement.

#### ADJOURNMENT

(16-038) There being no further business, Acting Mayor Matarrese adjourned the meeting at 8:24 p.m. in memory of Dr. Arthur Lipow and Red Wetherall.

Respectfully submitted,

Lara Weisiger  
City Clerk

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