

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -APRIL 3, 2018- -6:00 P.M.

Mayor Spencer convened the meeting at 5:30 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(18-175) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivisions (d)(2) and (e) (1) of Government Code Section 54956.9 Number of cases: One (As Defendant - City Exposure to Legal Action)

(18-176) Public Employee Performance Evaluation; Pursuant to Government Code § 54957; Positions Evaluated: City Attorney - Janet Kern and City Clerk - Lara Weisiger

Following the Closed Session regarding Litigation, the meeting was reconvened and the City Clerk announced that direction was given to staff to schedule another two closed sessions.

Mayor Spencer called a recess at 7:03 p.m. and reconvened the meeting at 10:07 p.m.

Following the closed session regarding Performance Evaluation, the meeting was reconvened and the City Clerk announced that direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 10:52 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 3, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:10 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-177) Proclamation Declaring April 2018 as National Autism Awareness Month.

Mayor Spencer read the proclamation and presented it to Beth Kenny, Jennifer Barrett and Jennifer Roloff, Commission on Disability.

Ms. Kenny made brief comments.

(18-178) Mayor Spencer did a reading for the Season for Non-Violence on healing.

ORAL COMMUNICATIONS, NON-AGENDA

(18-179) Christoper Rabe, Alameda, discussed his arrest opposing installation of a Smart Meter; demanded an investigation.

(18-180) Shelby Sheean, Alameda, stated Smart Meters are supposed to be voluntary; Mr. Rabe's arrest was illegal; the City Council should direct the Police not to arrest others; the arrest was a civil rights issues; Council should direct meters not be required to be installed; Alameda Municipal Power (AMP) should be directed to remove the Smart Meters at Mr. Rabe's house; urged the matter be placed on a Council agenda.

(18-181) Nancy Gordon, Alameda, expressed concern over Electromotive Forces (EMFs) bombarding everyone; discussed the history of other substances, such as tobacco, lead paint, nuclear and smog.

(18-182) Connie Roberts, Alameda, suggested casual carpool vehicles be able to use the dedicated bus lane.

CONSENT CALENDAR

Mayor Spencer stated the VEOCI contract [paragraph no. 18-185] was removed from

the Consent Calendar for discussion.

Councilmember Matarrese 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.]

(*18-183) Minutes of the Special City Council Meeting, Joint City Council and Successor Agency to the Community Improvement Commission Meeting, and Regular Meeting Held on March 6, 2018; and the Special City Council Meeting Held on March 9, 2018. Approved.

(*18-184) Ratified bills in the amount of \$1,769,610.43.

(18-185) Recommendation to Authorize the City Manager to Execute a 10 Year Contract, with Two Five-Year Options to Renew, in an Amount not to Exceed \$32,000 Annually for a Total not to Exceed Amount of \$640,000 Over 20 Years, with Gray Wall Software, LLC for the Use of its Virtual Emergency Operation Center Intelligence (VEOCI) Emergency Operations Management Software.

Vice Mayor Vella inquired whether a Request for Proposals (RFP) was conducted for the software and whether any data is shared with the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE).

The Fire Captain responded an RFP was not done; stated vendors did presentations; for the value, staff selected VEOCI; the internal use software does not go out to the public and is not shared with ICE or DHS.

Vice Mayor Vella inquired whether the data is controlled by the City and not transferred externally, to which the Fire Captain responded in the affirmative.

Mayor Spencer inquired whether the information is available to those that are a part of the Community Emergency Response Team (CERT), to which the Fire Captain responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether the Emergency Operations Center (EOC) has established a budget to cover the needs.

The Fire Captain responded staff is working on bringing a budget to Council.

The Deputy Fire Chief stated the item will be in the mid-cycle budget.

Councilmember Ezzy Ashcraft inquired whether Council will receive an overview of what a year's budget would be for the EOC, to which the Fire Captain responded in the affirmative.

Councilmember Ezzy Ashcraft moved approval of authorizing the Acting City Manager to execute a 10 year contract, with two five-year options to renew, in an amount not to exceed \$32,000 annually for a total not to exceed amount of \$640,000 over 20 years, with Gray Wall Software, LLC for the use of its Virtual Emergency Operation Center Intelligence Emergency Operations Management Software.

Mayor Spencer seconded the motion.

Under discussion, Mayor Spencer inquired whether the contract can be terminated with 60 days' notice.

The Fire Captain responded in the affirmative.

Councilmember Matarrese inquired why the City is not just buying a subscription for the next five years.

The Fire Captain responded the length could be five years, but staff would need to return to Council every five years to renew.

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

(*18-186) Recommendation to Consent to a Transfer, Assignment, and Assumption of City Deeds of Trust, Promissory Notes, and Regulatory Agreement, New Housing Authority Loan and Affordability Agreement for the Properties at 920 Park Street (Ann B. Diamant) and 460 Buena Vista Avenue (China Clipper) and Authorize the Acting City Manager to Negotiate and Execute All Necessary Documents. Accepted.

(*18-187) Recommendation to Award a Contract in the Amount of \$333,080, Including Contingencies, to Ray's Electric for Park Street Corridor Safety and Operations Improvements, No. P. W. 03-15-03. Accepted.

(18-188) Resolution No. 15364, "Approving Parcel Map No. 10782 - A Parcel Map for the Proposed Subdivision of Three Parcels at 1955, 2065, and 2095 North Loop Road into Four Parcels." Adopted.

REGULAR AGENDA ITEMS

(18-189) Introduction of Ordinance Approving a Second Amendment to a License with Amber Kinetics, Inc. for Twenty-Four Months for Use of an Unimproved Lot Located at 641 West Red Line Avenue at Alameda Point and Authorizing the City Manager to Execute the Necessary Documents. Introduced.

The Assistant Community Development Director gave a brief presentation.

Mark Stout, Amber Kinetics, gave a Power Point presentation.

Councilmember Ezzy Ashcraft inquired how many employees Amber Kinetics has.

Mr. Stout responded there 50 employees currently.

Councilmember Ezzy Ashcraft inquired whether the company is still growing, to which Mr. Stout responded in the affirmative.

Mayor Spencer inquired where the 50 employees work, to which Mr. Stout responded the employees work in Union City.

Councilmember Ezzy Ashcraft inquired whether Amber Kinetics is contemplating a move to Alameda, to which Mr. Stout responded it is a possibility.

Councilmember Oddie moved introduction of the ordinance.

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

(18-190) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease with Faction Brewing Company, LLC a California Limited Liability Company, for a Ten-Year Lease with Two Ten-Year Extension Options for Building 22, Bay 200 Located at 2501 Monarch Street at Alameda Point. Introduced.

The Assistant Community Development Director gave a brief presentation.

Councilmember Ezzy Ashcraft inquired how the lease amount compares to other properties in the area.

The Assistant Community Development Director responded the comparable properties range from \$0.56 to \$0.78 a square foot; the Faction Lease is \$0.62 a square foot.

Mayor Spencer inquired what other breweries in the area are paying.

The Assistant Community Development Director responded that she is unaware of what other breweries are paying.

Mayor Spencer inquired what comparable means.

The Assistant Community Development Director responded industrial, same size and type of building.

Mayor Spencer inquired whether comparable means brewery.

The Assistant Community Development Director responded in the negative.

Councilmember Matarrese inquired why there is no option to buy.

The Assistant Community Development Director responded the building is multi-tenanted; stated the City Manager chose not to allow either tenant to buy out the other; if one tenant outgrows its space and the space becomes available, Faction can purchase the building.

Councilmember Matarrese stated that he wishes there was a purchase option in the contract; he believes it is important to get out of the business of owning old Navy hangers and have the property generate tax.

Mike McManus, Cushman & Wakefield, stated just because the property is leased does not preclude the ability to sell the property.

Mayor Spencer inquired if the option to sell is available, she would like to ensure Faction Brewery would be able to purchase the building.

The Assistant Community Development Director stated the right of first offer would occur if the other side of the building becomes vacant; if both tenants remain and the City decides to sell the building, Faction Brewery could put in an offer at that time.

In response to Councilmember Ezzy Ashcraft's inquiry regarding the other tenant, Mr. McManus stated the other tenant is Proximo, Hanger One.

Councilmember Matarrese inquired what the cost of having a long term lease on the building is relative to the marketability of the building; and whether prospective buyers would have concerns.

Mr. McManus responded the investor would be buying the income stream.

Councilmember Ezzy Ashcraft moved introduction of the ordinance approving a lease and authorizing the City Manager to execute documents necessary to implement the terms of a lease with Faction Brewing Company, LLC a California Limited Liability Company, for a ten-year lease with two ten-year extension options for Building 22, Bay 200 Located at 2501 Monarch Street at Alameda Point.

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

(18-191) Review and Comment on the City of Alameda 2017 Housing Element Annual Report and Implementation Priorities.

The Assistant Community Development Director gave a Power Point presentation.

Mayor Spencer inquired when Del Monte will pull building permits.

The Assistant Community Development Director responded that he hopes in the next two years; stated he calls about every two months; continued the presentation.

Mayor Spencer inquired whether it is possible for Council to set the number of housing units.

The Assistant Community Development Director responded in the affirmative; stated the number needs to be set in the zoning and make sure the City is not downzoning; continued the presentation.

Mayor Spencer inquired whether sea level rise is being reviewed.

The Assistant Community Development Director responded in the affirmative.

Mayor Spencer inquired whether a sea wall is supposed built to protect homes on Bay Farm.

The Assistant Community Development Director responded that he is unaware of a sea wall on Bay Farm; stated staff is looking into how to protect Bay Farm.

Mayor Spencer stated that she understands the homes on Bay Farm are in a flood zone and a sea wall would be built; no wall was ever built.

The Assistant Community Development Director stated that he has never seen a document which includes said statement.

Mayor Spencer inquired whether a request can be made to the developer.

The Assistant Community Development Director responded in the negative; stated the City can adopt zoning regulations regarding sea level rise; it is much more difficult for existing neighborhoods than future developments; continued the presentation.

Mayor Spencer inquired whether there is an update on North Housing.

The Assistant Community Development Director responded the project is moving forward; continued the presentation.

Mayor Spencer inquired when the Navy Base closed.

The Assistant Community Development Director responded in 1990; continued the presentation.

Expressed concern over the slow progress of affordable housing in Alameda: Laura Thomas, Renewed Hope.

Expressed concern over traffic in Alameda and the lack of housing: Catherine Pauling,

Alameda Renters Coalition.

Expressed concern over the lack of affordable housing in Alameda: Bill Smith, Alameda.

Councilmember Oddie inquired what the implications are if the City is only at 46% of the objective at the end of 2023.

The Assistant Community Development Director responded under current State law, there are no implications; stated requiring a set amount would be such a heavy load it would stop projects.

Councilmember Oddie inquired about the Accessory Dwelling Unit (ADU) statistics.

The Assistant Community Development Director provided an update on applications and being able to use ADUs for the next Regional Housing Needs Allocation (RHNA) goals.

Councilmember Oddie outlined the size of the ADUs; stated the average is 527 square feet; the largest was an existing basement of 1,048 square feet; for backyards, the smallest was 230 square feet and the largest was 738 square feet; he agrees with the staff report about workforce housing; discussions should be held regarding increasing the density bonus to provide some workforce housing; he is intrigued by the City doing a housing bond; the City used half of the County allocation pretty fast; constraints should not be put on inclusionary housing.

Councilmember Matarrese stated the issue is very complex; the Council decided not to refine the MX zoning; baseline data is needed; Site A and 1435 Webster Street both have above 15% inclusionary housing; he would like a budget adjustment of property related tax windfalls, such as the transfer tax, to be used for housing issues and ordinances; Planning should have a staff member not funded by permits to do the people's business; the North Housing project should be assigned top priority; broader policies should be considered; costs are being driven up by high pay; the City needs to address income equality and subsidize more units; the City should maintain control and not remove the Multi-Family (MF) overlay; discussed Measure A; stated Council should make a policy putting affordable housing projects above others and look at income inequality; discussed construction costs and developer profits; stated the City should review Cupertino's project.

Councilmember Ezzy Ashcraft stated that she is not interested in tweaking the percentage of inclusionary housing, but perhaps the categories could be modified to include above moderate income to encompass workers; expressed concern over expedited design review taking 150 days; stated the Council should consider allocating a portion of the property transfer tax to create a fund to help build more affordable housing and address affordability and homeless issues; suggested a public workshop be held on the topic; discussed the Rent Review Advisory Committee (RRAC) and using prefab units as ADUs.

Vice Mayor Vella stated information needs to get out about the constraints being put on the City; traffic cannot be used to prevent housing; the City is committed to finding traffic solutions; discussed inclusionary housing; stated a feasibility study is needed; affordable housing projects have not received needed funding; suggested reviewing Stockton's universal basic income philanthropic fund and working with large scale employers; stated there should be a compressive budget discussion about using City funds for projects; discussed the RRAC numbers; stated funds might be able to be used more efficiently.

Mayor Spencer expressed her support for the RRAC; inquired about prioritizing affordable housing projects.

The Assistant Community Development Director responded a Housing Element policy requires affordable housing projects to be prioritized, but the policy should be clarified.

Mayor Spencer inquired whether staff has outstanding work on any affordable housing projects, to which the Assistant Community Development Director responded in the negative; stated staff is currently working on the public review process for Rosefield and 128 units at Site A are ready to go.

In response to Mayor Spencer's inquiry regarding data collection, the Assistant Community Development Director stated the issue is important; the City should use its own financial feasibility consultants to show requiring units does not make a project unfeasible.

Mayor Spencer stated that she would support a study that provides meaningful insight into a project and figures out the sweet spot; however, the City has fiscal issues and she would want to ensure any study is a good use of funds; inquired whether the City has a list of acceptable manufactured units.

The Assistant Community Development Director responded the designs and industry are transforming very fast in a positive way; stated people can send links and pictures to staff; there have not been a lot yet.

Mayor Spencer requested staff to review allowing carpools in the dedicate bus lane, as well as a traffic signal in Oakland, and do anything that can keep traffic flowing; suggested green housing building standards be considered; discussed workforce housing; stated that she would like to see workforce housing for purchase, rather than rentals; property needs to be preserved for maritime, industry and jobs, which need to be protected.

Councilmember Oddie stated there is a need for rental data; noted a statewide effort to repeal Costa Hawkins could be on the November ballot.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(18-192) Update on Tracking of Council Direction through the Referral Process.

Mayor Spencer announced the City would be holding a work session on May 18th at 9:00 a.m.

The Acting Assistant City Manager/Community Development Director noted department work plans and the budget would be presented at the meeting.

Mayor Spencer called a recess at 9:30 p.m. and reconvened the meeting at 9:37 p.m.

(18-193) Consider Directing Staff to Provide Information on the Citywide Dockless Bike Sharing Program and Return to Council with Additional Safety Requirements. (Mayor Spencer and Vice Mayor Vella)

Mayor Spencer requested an update.

The Acting City Manager/Recreation and Parks Director stated the matter would be addressed, including a Request for Proposals (RFP), at the May 1st meeting.

Mayor Spencer stated children under the age of 13 are not supposed to ride Lime Bikes.

The Acting City Manager/Recreation and Parks Director stated staff would work with Lime Bikes to get out information.

Vice Mayor Vella stated the City does not have a lot of bike stations between the two business districts; inquired whether the RFP process could include the vendor funding more areas to park bikes and making it easy for people to get helmets.

Councilmember Ezzy Ashcraft noted the bikes are dockless in order to be accessible.

Vice Mayor Vella stated that she is not requesting a docking station; people have lined up Lime Bikes near existing racks.

The Acting City Manager/Recreation and Parks Director stated other cities have used

stripping to create an area for dockless bikes.

Councilmember Ezzy Ashcraft noted an advantage of dockless bikes is that the public right of way is not taken for docking stations.

Councilmember Matarrese stated Lime Bike should be penalized if underage kids are allowed to ride Lime Bikes and are not wearing helmets, which should be clear in the contract.

Vice Mayor Vella stated the contract should address liability.

Councilmember Oddie expressed support for having an easy way to use a bicycle in town; stated automobile traffic should be planned to ensure it does not endanger bike riders and pedestrians.

Mayor Spencer stated the City should look at charging more if bikes are not returned within geo fencing; she likes the idea of having bikes available; unfortunately, bikes are ending up obstructing walkways.

(18-194) Consider Banning Motorized Commercial Vehicles, Including Robotic Commercial Vehicles, from Sidewalks and Commercial Drone Aircraft Used for Deliveries. (Councilmember Matarrese)

Councilmember Matarrese made brief comments regarding the referral.

Councilmember moved approval of the referral.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Oddie inquired whether the motion is to move the referral forward, to which Mayor Spencer responded in the affirmative.

Councilmember Ezzy Ashcraft expressed concern over staff time; stated that she would like to hear from the City Attorney's office.

Councilmember Oddie stated the potential is not farfetched; he supports bringing back a ban.

Mayor Spencer stated that she would want a legal analysis.

Councilmember Matarrese stated the analysis should be quick.

The City Attorney stated as with any ordinance brought forward, legal analysis would be done.

Vice Mayor Vella stated the matter is timely; delivery companies are looking at using

robots; there are safety issues.

Vice Mayor moved approval of calling the question.

Councilmember Matarrese second the motion.

Councilmember Oddie stated that he would vote no because the Mayor has not had a chance to weigh in.

Mayor Spencer stated that she is okay with changing the urgency of the matter on May 18th when staff may have a time estimate.

A vote was not taken on the call for the question.

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

(18-195) Consider Clarifying the Maximum Allowable Number of Units per Site and Potentially Removing the Multi-Family (MF) Housing Overlay Designation for Various Sites. (Mayor Spencer)

Mayor Spencer made brief comments on the referral; suggested the Attorney's memo be made clearer.

(18-196) Discuss the Sunshine Ordinance Requirement in Alameda Municipal Code Section 2-91.13(f) regarding Increasing the Number of Regular Meetings of the City Council. (Councilmembers Oddie and Ezzy Ashcraft)

Councilmember Oddie made brief comments on the referral; stated the matter could come back as part of the rules of order discussion.

In response to Councilmember Ezzy Ashcraft's inquiry, the City Clerk said the rules of order would be on the May 15th agenda.

Councilmember Ezzy Ashcraft made brief comments; expressed support for tabling the matter for now.

Mayor Spencer noted the Open Government Commission (OGC) had a thoughtful discussion.

Councilmember Oddie stated that he and Councilmember Ezzy Ashcraft synthesized the OGC and Council subcommittee recommendations.

COUNCIL COMMUNICATIONS

(18-197) Councilmember Oddie called on the City Clerk who recognized the Deputy City Clerk's last meeting.

(18-198) Councilmember Ezzy Ashcraft made an announcement regarding the East Bay Economic Development Alliance innovators award and the City's Spring Egg Scramble.

Vice Mayor Vella made brief comments regarding the Scramble.

(18-199) Vice Mayor Vella announced that she and the Mayor met with staff regarding the cannabis Request for Proposals to have the matter placed on the next Council agenda.

(18-200) Mayor Spencer made an announcement regarding the non-violence speech contest and job fair.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 10:06 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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