

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

Mayor Spencer convened the meeting at 5:31 p.m.

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

[Note: Councilmember Daysog arrived at 5:40 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(16-144) Conference with Conference with Labor Negotiators (Pursuant to Government Code § 54957.6. City Negotiator: Elizabeth D. Warmerdam and Nancy Bronstein. Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW). Under Negotiation: Salaries and Terms of Employment.

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:17 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 5, 2016- -7:00 P.M.

Mayor Spencer convened the meeting at 7:01 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(16-145) Proclamation Declaring April 2016 as Autism Awareness Month.

Mayor Spencer read the Proclamation and presented it to Jody Moore, Alameda Autism Community Network.

Ms. Moore provided a handout and made brief comments.

(16-146) Mayor Spencer made announcements regarding: an upcoming Water Emergency Transportation Authority (WETA) tour and meeting on April 7<sup>th</sup>, the Fire Department receiving a grant for the Emergency Response (CERT) Program and an April 27<sup>th</sup> meeting to address restarting the façade grant program.

ORAL COMMUNICATIONS, NON-AGENDA

(16-147) Robert Lebbert, Alameda, discussed street lights not being repaired and having issues with reporting the outages on SeeClickFix.

Mayor Spencer stated staff would follow up on the matter.

CONSENT CALENDAR

Mayor Spencer announced that the Services Agreement with the Housing Authority [paragraph no. 16-156] and final passage of the ordinance regarding Building 8 [paragraph no. 16-158] were removed from the Consent Calendar for discussion.

Councilmember Ezzy Ashcraft moved approval of the Consent Calendar.

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

(\*16-148) Minutes of the Special City Council Meetings Held on February 24, 2016; the Continued City Council Meeting Held on February 29, 2016; and the Continued and Regular City Council Meeting Held on March 1, 2016. Approved.

(\*16-149) Ratified bills in the amount of \$3,233,486.85.

(\*16-150) Recommendation to Consider the Appointment of Four Members to the Underground Utility District Nomination Board. Accepted.

(\*16-151) Recommendation to Authorize the Public Utilities Board to Sell Obsolete and Unnecessary Personal Property in Excess of Ten-Thousand Dollars Pursuant to the Requirements of Article XII, Section 12-3 (A) of the City Charter and to Recycle or Scrap Obsolete Vehicles and Electrical Equipment. Accepted.

(\*16-152) Recommendation to Award a Contract in the Amount of \$1,582,635, Including Contingencies, to Ranger Pipelines, Inc., for the Construction of the Lagoon Seawall Trunk Sewer Relocation Project, No. P.W. 01-12-03. Accepted.

(\*16-153) Recommendation to Reject All Bids and Authorize a Call for Rebid for the Construction of the Park/Otis Force Main Replacement Project, No. P.W. 10-15-19. Accepted.

(\*16-154) Recommendation to Authorize the City Manager to Enter into an Agreement with ENGEO in the Amount of \$91,500 to Prepare a Geotechnical Report for the Proposed Seaplane Lagoon Ferry Terminal at Alameda Point and Amend the Base Reuse Fund Expense and Revenue Budgets by Increasing Each by \$91,500. Accepted.

(\*16-155) Recommendation to Award a Contract in the Amount of \$70,752 Annually for a Period of Five Years to Accela, Inc. for Accela Automation Land Management and Citizen Access Software Licenses and Managed Service Fees and Mobile Office, and Authorize the City Manager to Execute the Contract and Related Documents. Accepted.

(16-156) Recommendation to: Approve a Nine-Month, \$713,000 Services Agreement between the City of Alameda and the Housing Authority Concerning Program Administrator Services for the Rent Review, Rent Stabilization and Limitations on Evictions Ordinance and Authorize the City Manager to Execute the Agreement; and

(16-156A) Appropriate \$493,000 in General Fund Monies to Fully Fund the Agreement.

Mayor Spencer stated that she is concerned people cannot go into the Housing Authority and speak to a live person; residents are complaining it takes 3 days to get a return phone call; people should be able to stand in line to make an appointment to speak with someone.

Vice Mayor Matarrese inquired if Mayor Spencer is objecting to spending the money to

fund the work that has to be done.

Mayor Spencer responded she is objecting to in person contact not being included; stated tenants are concerned they cannot talk to a person at the Housing Authority.

Vice Mayor Matarrese stated the critique is valid; valid contact will not happen unless the money is allocated.

Vice Mayor Matarrese moved approval of allocating the funding.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, the City Manager stated the critique will be shared with the Housing Authority; staff will suggest ways of being more customer service oriented.

The Community Development Director stated the Housing Authority is currently doing phone appointments; the matter will be reevaluated in 60 to 90 days to assess the volume of activity under the new ordinance; and will include the ability to set up in person meetings at that time.

Mayor Spencer inquired whether a phone appointment means people can only talk to someone on the phone not in person; and whether the people calling would be allowed to make an appointment to speak with someone in person.

The Community Development Director responded the program is set up to take phone appointments; the Housing Authority will reevaluate in 60 to 90 days and start doing in person meetings at that time.

Councilmember Ezzy Ashcraft stated the Rent Review Advisory Committee (RRAC) meetings were previously held in the Council Chambers; the Independence Plaza (IP) Community Room is more accessible to mediation; there is discussion about relocating the RRAC mediations back to Council Chambers; she supports keeping the mediations at the IP Community Room because all parties should be at eye level and live streaming television is not a necessity for the mediations; stated that she concurs with Vice Mayor Matarrese that none of the changes or the ability to be responsive to the tenants or landlords is possible unless Council votes for the funding.

Mayor Spencer stated that she prefers RRAC meetings be held in the Council Chambers and be televised; who is speaking cannot be determined from the audio.

The City Clerk inquired if Council is moving approval of appropriating the funds as well as the service agreement, to which Vice Mayor Matarrese responded in the affirmative.

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.

(\*16-157) Resolution No. 15138, “Adopting a Policy Concerning Capital Improvement Plans for Rental Units in the City of Alameda for Substantial Rehabilitation Pursuant to the Rent Review, Rent Stabilization and Limitations on Evictions Ordinance.” Adopted.

(16-158) Ordinance No. 3150, “Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Ten-Year Lease with Two Ten-Year Renewal Options and an Option to Purchase with Alameda Point Redevelopers, LLC for Building 8, Located at 2350 Saratoga Street at Alameda Point.” Finally passed.

Expressed support for the project; stated the project is of tremendous value to Alameda and will bring permanent jobs and construction jobs to Alameda: Michael McDonough, Chamber of Commerce.

Mayor Spencer stated valuation did not include the work/live units; the units do not count as housing per the City’s Code and do not impact the number of housing units the City is required to have per the State; inquired whether the maximum number of work/live units has changed from 73 to 86.

The Assistant Community Development Director responded the City’s work/live ordinance sets a maximum number of units based on the size of the property; the 73 number is based on the specific amount of land available to the project today; there is a small piece of land that will become a part of the project once the Navy conveys it to the City; once that land becomes available, the number will be 86; the developer cannot construct a single unit without a conditional use permit that needs to be approved by the Planning Board and Council; there cannot be more than 86 units.

Vice Mayor Matarrese stated the number of work/live units does need to be discussed but is not a current agenda item; stated that he would like to call for the question.

Councilmember Ezzy Ashcraft moved final passage of the ordinance authorizing the City Manager to execute documents necessary to implement the terms of a ten-year lease with two ten-year renewal options and an option to purchase with Alameda Point Redevelopers, LLC, for Building 8, located at 2350 Saratoga Street at Alameda Point.

Vice Mayor Matarrese seconded the motion.

Under discussion, Councilmember Daysog stated the buildings are so decrepit that the City needs people willing to take the risk; he is satisfied with the project; stated due diligence has been done on behalf of the residents of Alameda.

The City Attorney stated there is a call for question which eliminates further discussion.

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.

## REGULAR AGENDA ITEMS

(16-159) Response to City Council Referral Regarding a Possible Wetlands Mitigation Bank at Alameda Point.

The Base Reuse Director gave a brief presentation.

Stated the wetlands mitigation bank might not be allowed on public trust land, per the State; the issue of no public access contradicts the vision of a regional park bringing people in contact with nature; another issue is a wetlands mitigation bank is a for profit operation which precludes receiving public tax money, and is not a good fit for Alameda Point: Richard Bangert, Alameda.

Councilmember Oddie stated the wetlands mitigation bank is a 5 to 6 year project; inquired if the City sold the land to the Park District whether the Park District could turn the land into the Wetlands Mitigation.

The Base Reuse Director responded the City cannot sell the property because the City is a trustee of the land and the City must maintain ownership; the maximum the City could do is a 66 year lease; the City could negotiate discretionary terms.

Councilmember Oddie stated the wetlands are a tool to help combat climate change; inquired whether the Veterans Administration (VA) has to provide some mitigation, to which the Base Reuse Director responded in the affirmative.

Councilmember Oddie stated the project could be good for the City and the VA.

The Base Reuse Director noted public access cannot be counted towards the bank.

(16-160) Recommendation to Appoint the Nominated Members to the Mayor's Economic Development Advisory Panel.

The Community Development Director gave a Power Point presentation.

Vice Mayor Matarrese inquired if one nominee from the vote could be excluded so that he could recuse himself; stated the nominee is a client of his and he would like to avoid the appearance of favoritism; he is concerned about an ad hoc committee that has no agenda and no minutes advising the Council on policy; he would like to reinstate the Economic Development Commission (EDC).

The Community Development Director stated staff anticipates the meetings will be noticed, minutes will be kept and the public would be invited.

Councilmember Oddie stated the recommendation is to approve the Mayor's Economic Redevelopment Advisory Panel in lieu of reestablishing the EDC; on April 7, 2015, Vice

Mayor Matarrese moved approval of directing staff to follow the parameters of the referral to reform EDC, which failed; the recommendation to establish the Economic Advisory Panel also failed; Council has not endorsed the advisory panel; he is concerned it is not something Council has authorized.

The Community Development Director stated the request is to appoint the members of the panel.

Councilmember Oddie stated the Council declined to establish the panel.

Mayor Spencer stated Vice Mayor Matarrese's motion to move forward with the EDC failed; therefore, the prior Council's decision of October 1, 2013 stands.

Councilmember Oddie stated Council direction was not to create the ad hoc committee; Council did not give direction.

Councilmember Ezzy Ashcraft stated that she concurs with Vice Mayor Matarrese; if the ad hoc committee can formulate policy about the economic development direction of the City, it should be open to the public.

The City Attorney stated the Committee would not be required by the Sunshine ordinance to notice the public or take minutes; however, staff intends to notice.

Councilmember Ezzy Ashcraft stated there should be a better sense of the noticing which will take place; that she agrees with Councilmember Oddie that it is not what Council agreed upon.

The Community Development Director stated in both instances the referral from Vice Mayor Matarrese to reestablish the EDC was not approved; the original action from October 2013 is why staff has proceeded to set up the advisory panel in lieu of the EDC; the panel is not ad hoc, it is set up to be an advisory panel with members serving 2 years; it is a formal standing panel that has been adopted in lieu of the EDC.

Mayor Spencer inquired whether on October 1, 2013 the Council voted to approve having a Mayor's Economic Development Advisory Council, to which the Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft stated that she is concerned with the way the Committee is structured.

Councilmember Daysog stated the individuals that have been asked to serve on the advisory board are great nominees; he supports having the panel address issues and serve as ambassadors for the City, which will benefit the citizens and businesses of Alameda; that he supports the approach.

Councilmember Ezzy Ashcraft stated her supports hinges on the advisory panel being a

body that follows the Brown Act and Sunshine Ordinance, not as a passive body; stated the City should be transparent.

The Community Development Director stated staff concurs with the process.

Councilmember Oddie stated that he will still vote no; the recommendation to establish the advisory panel was not passed; the City needs to focus on economic development.

Councilmember Ezzy Ashcraft stated the note should specify that the body falls within the requirements of the Brown Act and the Sunshine Ordinance for a policy body.

Councilmember Daysog moved approval of staff's recommendation with the amendments that the advisory panel fully adopt the Sunshine Ordinance noticing requirements and the Brown Act requirements.

The motion failed for lack of a second.

The City Attorney stated an advisory panel is proposed and Council is making it a commission; the advisory panel would be more flexible and not a formal organization; stated the Council is making it more formal.

Councilmember Ezzy Ashcraft stated the advisory board would meet on an as needed basis, unlike a commission that has set meeting dates; noticing requirements similar to a commission meeting should be followed.

The City Attorney inquired who would call the meetings of the panel.

The Community Development Director responded if staff or Council has an item to discuss, a meeting would be called; the idea is to come together as needed; the public could attend; standing monthly meeting would not be done.

Councilmember Ezzy Ashcraft stated the matter should be brought back to Council with the input.

Mayor Spencer inquired if it is possible to have specific direction given; stated her preference is to proceed; it is important to start the committee and get feedback.

Councilmember Daysog inquired if it is possible to go forward with the nominations and have the requirements come back to Council.

Vice Mayor Matarrese stated the advisory panel is creeping closer to a commission, which is what he would prefer; an ad hoc committee is fine on specific issues, but when referring to formulating policy, it needs to be publicly noticed; there is value to having a commission; the previous commission died because there was lack of direction; he is fine with having the advisory panel as long as meetings are noticed, there are minutes and as long as the Committee reports back to Council.



Councilmember Oddie stated if the guidelines are established he would vote for it; he does not feel the direction is there.

Councilmember Daysog stated it is possible that the 9 nominees would also like staff to come back with how the City will be proceeding.

The Community Development Director stated there are actually 10 members because of the *ex officio* seat.

Councilmember Ezzy Ashcraft stated Council is voting on 9 members.

Councilmember Daysog moved approval of appointing 8 members of the advisory panel.

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

[Note: Vice Mayor Matarrese recused himself and left the dais.]

Councilmember Ezzy Ashcraft moved approval of appointing the Penubra member.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft, and Mayor Spencer – 3. Abstention: Councilmember Oddie – 1. Absent: Vice Mayor Matarrese – 1.

Vice Mayor Matarrese moved approval of directing that the structure of the committee come back with the formalities of the Brown Act and the requirements of the Sunshine Ordinance.

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

The Community Development Director stated the advisory panel would never undertake any policy analysis or consideration unless directed to do so by Council; the advisory panel the direction would come back to Council; inquired whether Council agrees with the approach.

Councilmember Daysog stated the members might have some policy ideas that they would like to percolate up to Council.

Vice Mayor Matarrese stated the real value is to have the advisory panel on display with public input and comment; stated the direction can come from the Council or the Committee.

Mayor Spencer thanked staff and the business leaders that have stepped up to serve

the City.

(\*16-161) Introduction of Ordinance Amending the Alameda Municipal Code by Amending, Adding and Deleting Sections of Article VIII (Sunshine Ordinance) of Chapter II (Administration) Concerning Local Standards to Ensure Public Access to Public Meetings and Public Records. Introduced.

The Assistant City Attorney gave a brief presentation.

Stated there is one mistake in the red line version of the ordinance; the minutes of February 2<sup>nd</sup> and March 30<sup>th</sup> explain the conversation of the Commissioners; Section 2-91.17 on Public Comments by Members of Public Bodies should have been deleted; City staff recommended language be added to that provision; the Commissioners did not feel it is conducive to the Sunshine Ordinance; urged Council approval of staff's recommendation with the minor correction: Irene Dieter.

Vice Mayor Matarrese stated that he agrees with the Ms. Dieter and the section should be deleted; he would like a training to be required whenever the ordinance is revised.

The Assistant City Attorney responded that staff agrees with the training being planned once the ordinance is passed.

Councilmember Ezzy Ashcraft inquired whether Section 2-91.17 means a Councilmember can attend any board meeting and express opinions, which could create problems for the City; questioned if the issue is separate from the Sunshine Ordinance.

The Assistant City Attorney responded in the affirmative; stated a Councilmember appears before an advisory body and expresses a viewpoint, the Councilmembers participation could be construed as undue bias if the matter goes to Council; Section 2-91.17 is a different issue.

Councilmember Oddie inquired whether the sentence: "nothing shall be construed to provide rights to appointed policy members beyond those recognized by law or to create any new private cause of action" should be omitted; inquired why the sentence is included.

The Assistant City Attorney responded the sentence is included to express the idea that advisory body members and policy members have a right to express an opinion; stated that he agrees with Councilmember Oddie's suggestion to take out the introductory clause and leave the rest in to protect the City against possible litigation.

Councilmember Ezzy Ashcraft stated it refers to Section 10-9 of the City Charter.

The City Attorney stated the language needs to be clear to have the first reading; inquired whether Councilmember Oddie is suggesting the deleting; "Section 10-9..." to

the 4<sup>th</sup> line down, and adding "...nothing in the section, or in the Charter stating "Nothing shall be construed to provide rights to appointed policy members..."

Vice Mayor Matarrese suggested deleting the entire redline section from 10.9 through "new private cause of action."

Councilmember Oddie stated he is concerned a private cause of action will be created.

Mayor Spencer stated that she also suggests deleting the entire redline section; she supports the Open Government Commission's decision on the issue.

Councilmember Oddie agrees with taking out the part that refers to the City Charter and the mention of the Council being able to remove someone; there should be a protection against cause of action.

Mayor Spencer inquired why including something would be necessary.

The Assistant City Attorney responded the section is not critical, it gives the City the most protection.

Councilmember Ezzy Ashcraft suggested a new sentence: "Nothing in the section shall be construed to provide rights to appointed policy body members beyond those recognized by law or to create any new private cause of action."

Vice Mayor Matarrese moved adoption of the ordinance with the exception of: removing the redline in Section 2-91.17; adding the words "to require training sessions when there are substantial revisions to the ordinance;" and to include clean up changes described by the Assistant City Attorney.

Councilmember Daysog inquired what is staff's recommendation; stated he supports staff's recommendation.

The Assistant City Attorney responded that Councilmember Ezzy Ashcraft's suggestion is a good one for providing support against potential litigation being filed.

Mayor Spencer stated her concern is that it would be unsettling to members of the public to serve or speak.

Vice Mayor Matarrese stated he agrees with Mayor Spencer that the risk is low enough to excise the entire section that is redlined.

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

Councilmember Ezzy Ashcraft moved approval of an identical motion to Vice Mayor

Matarrese made [removing the redline in Section 2-91.17; adding the words “to require training sessions when there are substantial revisions to the ordinance”; and 3) to include clean up changes described by the Assistant City Attorney] with the amendment that the clause she stated in her comments [“Nothing in the section shall be construed to provide rights to appointed policy body members beyond those recognized by law or to create any new private cause of action”] be added.

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

(16-162) Resolution No. 15139, “Adopting an Addendum to the Certified Final Environmental Impact Report for the Alameda Point Project for a New Ferry Terminal at the Seaplane Lagoon at Alameda Point, Approving a Memorandum of Understanding between the City of Alameda and the Water Emergency Transportation Authority (WETA) to Provide a Framework for Collaboration on Funding, Operations, and Maintenance of the Ferry Terminal, and Approving a Ferry Terminal Plan.” Adopted.

The Base Reuse Director gave a Power Point presentation.

Kevin Connolly, WETA, and Joe Ernst made brief comments.

Mayor Spencer inquired about the language: “The City will undertake any initial dredging” in the seaplane lagoon; inquired about the cost of the initial dredging.

The Base Reuse Director responded that the City has retained maritime engineers who did an underwater survey of the seaplane lagoon; stated the engineers designed the ferry terminal to avoid dredging.

Mayor Spencer inquired whether there is a difference between initial dredging versus dredging; and whether there need to be dredging in order to have the ferry operate.

The Base Reuse Director responded there is very little shoaling, or build up.

Mayor Spencer inquired whether initial dredging will be necessary to begin ferry operations.

The Base Reuse Director responded in the affirmative; stated dredging is required to construct the ferry terminal.

Mayor Spencer inquired if the seaplane lagoon does require dredging will the City be solely responsible for the dredging cost.

The Base Reuse Director responded in the affirmative; stated the City has agreed to be responsible for the ferry terminal and the initial dredging.

Mayor Spencer inquired if it is required in the future, who will be responsible for ongoing dredging.

The Base Reuse Director responded the matter would be worked out with WETA; stated ongoing dredging is not expected because minimal shoaling occurs in the lagoon.

Mayor Spencer inquired if the Memorandum of Understanding (MOU) is silent with regards to who is responsible for any future dredging, to which the Base Reuse Director responded in the affirmative.

Mayor Spencer inquired who would decide how parking fees are allocated.

The Base Reuse Director responded the City decides how those dollars would be spent.

Stated ferries are an infrastructure issue and are essential to reduce the traffic; that he strongly supports the new terminal; urged Council approval: Michael McDonough, Chamber of Commerce.

Stated that he strongly supports the project, which is essential to the development of Alameda Point and to alleviate traffic on and off the Island; the ferry will allow residents on the West End to access amenities: Jerry Serventi, Alameda.

Urged approval of the project; stated the ferry will alleviate traffic; a second ferry with good bus connections would alleviate some of the current issues: Kate Quick, Alameda Home Team.

Stated approving the ferry terminal MOU is premature because there are fewer homes; there are no findings that the project would be a good use of transportation funds: Richard Bangert, Alameda.

Stated that she supports the connection that the new seaplane terminal would create; she is concerned with local connections for people who want to bike and walk to the terminal; offered three suggestions: 1) create a protected bike lane, 2) provide secure bike parking for bikers and 3) provide great signage: Ginger Jui, Bike East Bay.

Urged Council approval of the project; stated the ferry is getting more and more packed and the development has not even occurred on Site A: Karen Bey, Alameda.

Mayor Spencer inquired if the waterside assets would become WETAs upon completion; stated the MOU also refers to birthing facilities; inquired whether waterside assets are the same as birthing facilities, to which the Base Reuse Director responded in the affirmative.

Mayor Spencer stated if the MOU is approved, the language should state waterside assets and birthing facilities are the same.

The Base Reuse Director stated there are waterside improvements and land side improvements; the birthing facilities include everything related to getting onto the ferry; public improvements on the eastern side of the control gate would be the City's ownership and responsibility.

Mayor Spencer inquired whether WETA would own everything.

The Base Reuse Director responded that WETA would own everything west of the control gate.

Mayor Spencer inquired whether the area is currently public property.

The Base Reuse Director responded WETA would own the improvements; stated the City would own the water and the submerged property; once improved, the City would turn over ownership of the improvements to WETA, not the water.

Councilmember Ezzy Ashcraft stated that she strongly supports the project; the ferry is an important resource for Alameda; she is ready for the project to move forward.

Councilmember Daysog stated residents want real transit solutions; the City needs to start moving on the ferry terminal as soon as possible; the ferry is a tool to leverage and improve the development at Site B; residents should feel confident that the City is making quality investments in transit solutions.

Councilmember Oddie stated the ferry is a transportation solution to alleviate congestion and traffic on the Island; the City is laying the groundwork to get the funding; he would like to take into account the three suggestions made by the Biking Coalition.

Vice Mayor Matarrese stated the seaplane lagoon is the logical place for a ferry service and ferry terminal; the project cost is \$34.2 million; he is concerned about the \$16 million needed to procure a vessel; he reads it as no vessel means no service; inquired to about the prospects to close the funding gap that; stated that he would like to know if there is better use of the transportation money than buying a boat.

The Base Reuse Director responded that there are three buckets: the first is the terminal construction; the City is going after grants and county funds; the second is procuring a vessel; the City believes WETA will find the funds for a vessel; the last is the operating subsidies; the transbay crisis will cause the subsidies to find other modes of transportation and ferry's will be a big part of that; operating dollars will come from a regional tax or gas measure.

Vice Mayor Matarrese stated as long as the action taken tonight clearly states that the acquisition of the boat is WETAs responsibility, the risk will be mitigated.

Councilmember Ezzy Ashcraft stated Council has not decided that WETA would bear the responsibility of the boat; the cost of the boat acquisition is a concern that should be

addressed.

Mayor Spencer inquired whether the concerns brought up by Mr. Bangert could be addressed; why is the City not waiting for the transportation study; questioned the fate of the Main Street terminal.

The Base Reuse Director responded the plan has been in the works for many years; stated the City felt waiting another 18 months for the study did not make sense; the whole process takes a long time; delays increase the chance of missing the window to take advantage of the ferry service for residents who want the ferry terminal.

Mayor Spencer inquired if the MOU commits WETA to maintaining the Main Street ferry.

The Base Reuse Director responded that WETA will continue the Main Street service.

Mayor Spencer stated there are some ongoing disagreements with WETA right now; if the intent is for WETA to continue the Main Street service, there should be language in the MOU.

The Base Reuse Director stated the last paragraph states that WETA will maintain the Main Street terminal, irrespective of the future seaplane lagoon ferry service being implemented.

Mayor Spencer stated the City is looking at adding parking at the Main Street terminal; inquired whether parking part of the MOU.

The Base Reuse Director responded parking is not part of the current MOU; transit connections to the ferry terminals will come back to Council in July to discuss some of the ferry parking issues; parking is not being discussed tonight.

Mayor Spencer inquired if the City is committing to contributing money to purchasing the vessel.

The Base Reuse Director responded in the negative; stated the City is only committing to evaluate the feasibility of potentially using some of the City's funds towards the vessel; not committing to allocating the funds.

Mayor Spencer stated that she is concerned the City is committing to fund the initial dredging without any limit and the cost being unknown; she would prefer there be a set dollar amount.

Councilmember Ezzy Ashcraft stated setting the amount is premature without knowing the costs; the reason for placing the ferry at the seaplane lagoon location is to avoid the need for dredging.

Mayor Spencer stated there are unanticipated costs and the City would be on the line

for those costs.

Councilmember Daysog stated the conversation regarding the cost for dredging should be brought back to Council.

Mayor Spencer stated the MOU specifically states the City is responsible for the dredging; that she would prefer language that states WETA and the City will work together to secure funding for the initial dredging.

Councilmember Daysog stated the MOU is not a contract, it only sets the framework.

The Base Reuse Director stated the initial dredging is lumped in with the construction costs of the ferry terminal; the City would know the costs of the dredging before construction starts.

Mayor Spencer inquired if that means the City is responsible for the entire initial dredging.

The Base Reuse Director responded the design has been predicated on avoiding dredging.

Mayor Spencer inquired if WETA would be able to hold the City responsible for the costs of the initial dredging.

The City Attorney responded the Base Reuse Director stated the City's obligation to do the construction is contingent on the City securing the funding; stated the City does not have an obligation to move forward unless the City has secured the money.

The City Manager stated the grants the City is going after assume a cost; if the costs is increased because of the dredging, the City will seek additional funds; the project does not require the use of General Fund money; the City wants the approval tonight in order to submit a Tiger Grant for \$18 million.

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Mayor Spencer called a recess at 10:18 p.m. and reconvened the meeting at 10:24 p.m.

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The City Attorney stated the MOU is not a construction contract with the ability to sue and be sued upon the inability to perform; the document establishes the framework for development of the new ferry terminal; read parts of the MOU that states WETA can contribute funds; stated there is nothing in the MOU that would force the City to build something for which it does not have funding.

Mayor Spencer inquired whether staff has anticipated having adequate bike parking; inquired whether the issue could be worked out with WETA.



The Base Reuse Director responded there is a place for bike parking; stated the design review process will determine the number of spaces and will get into the details of the design.

Mayor Spencer inquired whether there is financial risk to the City.

The Base Reuse Director responded there is no risk to the City; stated other fees are being paid by the developer; money would not be spent until sufficient funding it is demonstrated.

Vice Mayor Matarrese moved approval of the seaplane lagoon ferry terminal plan; the MOU and the addendum to the Alameda Point Final Environmental Impact Report.

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

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(16-163) Mayor Spencer stated a vote is needed to consider the items: the budget [paragraph no. 16-164] and the referral [paragraph no. 16-166].

Vice Mayor Matarrese moved approval of considering the items after 10:30 p.m.

Councilmember Daysog inquired if there will be another vote at 11:00 p.m.

The City Attorney stated it is not 10:30 p.m. yet; Council could take the next item and then vote again at 11:00 p.m.

Councilmember Ezzy Ashcraft inquired whether there would be another vote at 11:00 p.m.

The City Attorney responded in the affirmative; stated the vote would not be to take a new item.

Councilmember Ezzy Ashcraft stated the meeting would stop at 11:00 p.m. if there is not a vote to continue, to which the City Attorney responded in the affirmative.

Mayor Spencer stated there is a motion to consider remaining items and there is no second; therefore Council cannot move forward.

Councilmember Ezzy Ashcraft stated there is a question about whether Council would take another vote at 11:00 p.m.

Mayor Spencer stated the procedure is the same all the time; if there is a motion made without a second, it dies a natural death.

Councilmember Ezzy Ashcraft seconded the motion, which FAILED by the following

voice vote: Ayes: Councilmembers Matarrese, Ezzy Ashcraft and Daysog – 3. Noes: Councilmember Oddie and Mayor Spencer – 2.

Councilmember Ezzy Ashcraft inquired if there are time sensitive issues on the agenda.

The City Manager responded in the affirmative; inquired if there is an option for one of the two votes against to reconsider the motion to get the budget approved tonight.

The City Attorney stated there can be a reconsideration if one of the two opposing votes wants to make a motion.

Councilmember Oddie stated the long meetings need to stop.

Mayor Spencer stated she will not agree to proceeding with the meeting.

(16-164) Adoption of Resolution Amending the Fiscal Year 2015-16 Operating and Capital Improvement Program Budget and Approving Workforce Changes in the City Manager's Office and Public Works Departments. Not heard.

#### CITY MANAGER COMMUNICATIONS

(16-165) The City Manager recognized Alameda Municipal Power for being recognized as the #1 safest utility competing against 250 other utilities; stated it is a high level, very impressive reward that Alameda's utility received nationwide.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(16-166) Consider Directing the City Manager to Provide the City Council with a Plan and Timeline to Address: 1) Taking Action with the Water Emergency Transportation Authority (WETA) on Immediate Partial Relief from the Effects of Overflow Ferry Parking, 2) Presenting Mid and Long Term Projects to WETA to Accommodate Increased Ferry Ridership, and 3) Working With and Lobbying Regional Agencies and Legislators to Implement Fixes and Grow the Ferry Service to and from Alameda pursuant to the Agreement between WETA and the City. Not heard.

#### COUNCIL COMMUNICATIONS

(16-167) Councilmember Ezzy Ashcraft stated that she attended the first workshop cosponsored by County Supervisor Wilma Chan and Keith Carson regarding a Countywide affordable housing bond that will be placed on the November ballot.

(16-168) Councilmember Daysog announced that he attended the East Bay League of

California Cities division meeting.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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