

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -MAY 16, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:00 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

(17-305) Mayor Spencer inquired whether Council would agree to move the Mastick Annual Report [paragraph no. 17-307] after the Proclamation [paragraph no. 17-306].

The City Manager stated there is a request to move the rent item [paragraph no. 17-325].

Mayor Spencer inquired about the number of speakers for each item.

The City Clerk responded there is one speaker under Oral Communication, over 40 speakers on the rent item, two speakers on the Straws on Request referral [paragraph no. 17-328] and one speaker on the Main Street Neighborhood Request for Proposals (RFQ) [paragraph no. 17-324] item.

Mayor Spencer inquired whether Council would like to hear items in order or move the rent item above the Alameda County Transportation Commission (ACTC) item [paragraph no. 17-322]; proposed the order of be: Mastick Annual Report, ACTC, rent and Main Street Neighborhood RFQ.

Councilmember Oddie stated that he would like to hear the rent item first.

Mayor Spencer inquired if Councilmember Oddie would like to hear rent above the Mastick Annual Report.

Councilmember Oddie responded the rent item is more important because it is an ordinance.

Councilmember Ezzy Ashcraft noted staff from ACTC is present.

Councilmember Matarrese stated ACTC staff is present to give a presentation; the citizens of Alameda are also present and should take precedence; he would like to hear the rent item first.

Vice Mayor Vella and Councilmember Oddie concurred with Councilmember Matarrese.

Mayor Spencer inquired whether the ACTC item needs to be heard or if it could be moved to the next Council meeting.

The City Manager responded staff is fine with postponing the Public Hearing [paragraph no. 17-323] and the Main Street RFQ.

Mayor Spencer inquired whether ACTC staff could wait to present after the rent item.

The City Manager responded staff would rather postpone the ACTC presentation rather than hear it after the rent item.

Mayor Spencer inquired whether a consultant present for the ACTC presentation, to which the City Manager responded in the affirmative; stated the consultant would return when the issue is heard.

Mayor Spencer inquired whether Council would like the ACTC presentation to come back or hear it tonight.

Councilmember Ezzy Ashcraft inquired how long is the ACTC presentation; questioned if the item could be less than the estimated 30 minutes, to which the City Manager responded the presentation could take 10 minutes.

Councilmember Ezzy Ashcraft stated the ACTC presentation is important to Alamedans.

Mayor Spencer suggested the order be as follows: Mastick Annual Report] after the Proclamation, the ACTC presentation and then rent.

Council agreed.

Councilmember Oddie stated he would like to hold the Public Hearing tonight.

Mayor Spencer stated staff does not want to wait until after the rent item; the Public Hearing and Main Street Neighborhood RFQ are moved to a later date.

The City Manager stated the budget will be adopted at the next meeting.

The Base Reuse Director stated the RFQ will not be released until fall; staff can return with the full RFQ in September.

Mayor Spencer stated that she would prefer the RFQ return to Council; inquired what Council would prefer.

The Base Reuse Director stated the RFQ would not be issued without Council approval; changes can be made when the item is brought to Council.

Councilmember Ezzy Ashcraft stated that she is concerned that the Public Hearing

requires a zoning amendment; inquired whether the matter is time critical.

The City Manager responded staff is okay with postponing the matter; the item will be on the June 6<sup>th</sup> agenda.

Councilmember Oddie inquired if the item could be heard after the budget on the May 17<sup>th</sup> meeting, to which the City Manager responded in the affirmative.

Mayor Spencer noted that Councilmember Matarrese will be leaving the May 17<sup>th</sup> meeting at 10:00 p.m.

The City Attorney stated the item is a first reading and needs to be heard at a regular meeting.

Councilmember Oddie withdrew his request.

Mayor Spencer inquired whether Council understood what was discussed, to which the Council responded in the affirmative.

Councilmember Oddie inquired how many speakers are there for the rent item, to which the City Clerk responded there are 47 speakers.

Councilmember Oddie inquired whether Council would consider adjusting the speaking time to two minutes per speaker.

Mayor Spencer stated that her preference would be to keep three minutes for each speaker; speakers have not spoken on the present issues.

Councilmember Ezzy Ashcraft stated that she agrees with Mayor Spencer; the issue is very important.

#### PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(17-306) Proclamation Declaring May 2017 as Older Americans Month.

Mayor Spencer read the proclamation and presented it to Paul Hauser, Mastick Senior Center Advisory Board.

The Recreation Manager and Mr. Hauser made brief comments.

Mayor Spencer urged citizens 50 years old and older to sign up to receive the many community benefits from being a Mastick Senior Center member.

#### REGULAR AGENDA ITEM

(17-307) Recommendation to Accept the Mastick Senior Center 2016 Annual Report.

The Recreation Manager gave a presentation.

In response to Mayor Spencer's inquiry about the disc golf program, the Recreation Manager stated disc golf is an intergenerational program with teens and seniors.

#### PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(17-308) Mayor Spencer announced the City budget challenge tool is available online at [www.alameda.budgetchallenge.org](http://www.alameda.budgetchallenge.org) to receive community input on how to prioritize issues and how to spend the budget.

#### ORAL COMMUNICATIONS, NON-AGENDA

(17-309) Sharon Golden, Alameda Island Cannabis Community, stated because of rent issue she would not make her comments.

#### CONSENT CALENDAR

Mayor Spencer announced that the Association of Bay Area Governments item [paragraph no. 17-321] was removed from the Consent Calendar for discussion.

Councilmember Matarrese recused himself from the Island Landscaping and Lighting District Resolution [paragraph no. 17-319].

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.]

(\*17-310) of the Continued April 4, 2017 Regular City Council Meeting Held on April 7, 2017 and the Special and Regular City Council Meetings Held on April 18, 2017. Approved.

(\*17-311) Ratified bills in the amount of \$3,603,878.21.

(\*17-312) Recommendation to Set June 20, 2017 for a Public Hearing to Consider Collection of Delinquent Business License Taxes and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills. Accepted.

(\*17-313) Recommendation to Authorize the City Manager, or Her Designee, to Enter into a Memorandum of Understanding (MOU) with the Alameda Unified School District to Accept \$78,000 for Crossing Guard Services; and Recommendation to Authorize the City Manager, or Her Designee, to Execute a First Amendment to Agreement with All

City Management Services Incorporated Extending the Term 10 Months and Adding the Amount of \$284,486.40 for a Total Contract Amount of \$523,501.40 for Crossing Guard Services. Accepted.

(\*17-314) Recommendation to Award Emergency Police & Abandoned Vehicle Tow Contract to Ken Betts Towing Service; and Authorize the City Manager, or Her Designee, to Negotiate and Execute a Contract with Ken Betts Towing Service for Zero Compensation From the City (Provider to be Compensated Through Towing Fee) and a Term of Five Years. Accepted.

(\*17-315) Recommendation to Approve a Consent to Amend the Lease and Leasehold Deed of Trust with Safe Harbor Marina Ballena Isle at Ballena Marina to Change the Credit Facility. Accepted.

(\*17-316) Recommendation to Authorize the City Manager to Purchase and Install Playground Equipment and Safety Surfacing from GameTime for Woodstock Park in an Amount Not To Exceed \$260,000. Accepted; and

(\*17-316A) Resolution No. 15261, "Amending the Recreation Fund and Capital Improvement Fund Budget for Fiscal Year 2016-17." Adopted.

(\*17-317) Resolution No. 15262, "Accept a Planning Grant in the Amount of \$300,000 from the Division of Boating and Waterways, Harbor and Watercraft Revolving Fund and Authorize the City Manager to Manage the Planning Grant Agreement." Adopted.

(\*17-318) Resolution No. 15263, "Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 20, 2017 - Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

(\*17-319) Resolution No. 15264, "Preliminarily Approving the Annual Report Declaring the City's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 20, 2017 - Island City Landscaping and Lighting District 84-2 (Various Locations)." Adopted.

[Note: Councilmember Matarrese recused himself.]

(\*17-320) Resolution No. 15265, "Approving the Application for Grant Funds for California Climate Investments Urban Greening Program for 0.9 Miles of the Cross Alameda Trail Project between Main Street and Constitution Way." Adopted.

(\*17-321) Recommendation to Direct the Association of Bay Area Governments (ABAG) Delegate(s) to Vote on the ABAG and Metropolitan Transportation Commission (MTC) Consolidation Budget and Work Plan.

Mayor Spencer stated direction being given to the delegate to vote at the joint

ABAG/MTC meeting; she has concerns that the staff recommendation and the letter being sent have different wording; Council is directing the delegate to oppose the current proposed budget and work plan and approve the budget in the report; inquired whether Councilmember Matarrese has any questions regarding the matter.

Councilmember Matarrese responded in the negative.

Mayor Spencer moved approval of the staff recommendation.

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

### REGULAR AGENDA ITEMS

(17-322) Receive Presentation from Alameda County Transportation Commission on the Oakland Alameda Freeway Access Project.

The Base Reuse Director made brief introductory comments.

Chadi Chazbek, HNTB, gave a Power Point presentation.

Mayor Spencer inquired whether the project includes adding ventilation in the Posey Tube, to which Mr. Chazbek responded the air quality in the Posey Tube has been tested and is fine.

Mayor Spencer stated the air quality is not fine in the Posey Tube; better air quality is needed.

Mr. Chazbek stated the air quality will be evaluated during the design aspect of the project; continued the presentation.

Councilmember Oddie inquired whether the loop coming out of the Posey Tube would not have a stop before getting on to Interstate 880, to which Mr. Chazbek responded in the affirmative.

Councilmember Oddie inquired whether a stop would be added at 6<sup>th</sup> Street and Harrison Street, to which Mr. Chazbek responded in the affirmative.

Councilmember Matarrese inquired whether funding in place meets the project schedule, to which Mr. Chazbek responded in the affirmative.

Mayor Spencer inquired whether Mr. Chazbek is looking for Council feedback on the project; stated the estimated time for the presentation has been exceeded; inquired whether Council wants to continue the presentation.

Council agreed to allow five more minutes.

Mr. Chazbek continued the presentation.

Mayor Spencer inquired when the matter will return for Council feedback.

The Base Reuse Director responded updates will be provided to Council prior to the matter being brought back in the fall or winter.

Mayor Spencer inquired whether Council agrees with the matter returning in the fall.

Councilmember Oddie inquired whether Council input would change the project.

The Base Reuse Director responded ACTC will evaluate comments and potentially change the project; Council can work with ACTC on changes.

Councilmember Ezzy Ashcraft inquired whether stakeholders are closer to buy-in than prior years.

The Base Reuse Director responded stakeholders are on the same page and a lot closer than prior years.

Mr. Chazbek stated the stakeholders are close to a buy-in.

Councilmember Ezzy Ashcraft inquired whether the Oakland Chinatown Chamber of Commerce supports the project, to which Mr. Chazbek responded the feedback has been positive.

Councilmember Ezzy Ashcraft inquired when is the deadline to get buy-in from stakeholders.

Mr. Chazbek responded the timeline for buy-in from stakeholders is the end of 2019 when the environmental document has to be approved.

Vice Mayor Vella requested an update on the Central Avenue Complete Streets project, the timeline for ACTC construction and the impact the construction will have on traffic.

The Base Reuse Director responded as of July 1<sup>st</sup>, funding will be available for the Central Avenue Complete Streets project; stated the project plans will be finalized soon after July 1<sup>st</sup>.

Mayor Spencer inquired whether staff has a date to return to Council, to which the Base Reuse Director responded in the negative.

Mayor Spencer inquired whether the matter will come back to Council, to which the Base Reuse Director responded in the affirmative.

Vice Mayor Vella inquired what impact ACTC's construction will have on the West End crossing.

Mr. Chazbek responded work will be done mostly in off-peak hours; stated signage and outreach will address closure times and how to maneuver around the construction.

Councilmember Oddie inquired whether part of the funding is Senate Bill 1 (SB1) money, to which the Base Reuse Director responded in the affirmative.

Councilmember Oddie stated the SB1 gas tax just passed a few weeks ago; inquired whether ACTC can be mindful of the current problems with going through the Posey Tube during the development phase, to which Mr. Chazbek responded in the affirmative.

Councilmember Matarrese stated that he has three requests: 1) that the City receive plenty of notice on construction dates and schedules, 2) whether the speed limit could be reduced in the Posey Tube before the Central Avenue project returns to Council, and 3) the Webster Street issue between the Webster Street Business Association (WABA) and Bike Alameda be resolved.

Mayor Spencer inquired whether ACTC received feedback from the City's Transportation Commission; stated the bicycle community has concerns about bicycle access, ventilation and ensuring that the focus is multi-modal, which are serious issues that need to be addressed; requested better visuals in the presentation; inquired whether there is a way to make one of the four available lanes for bicyclists only.

Mr. Chazbek responded in the negative.

Mayor Spencer inquired whether there is any way to make the commute better for bicyclists.

Mr. Chazbek responded ACTC can review the matter; the challenge would be the separation between bicyclists and motorists; bicyclists need some type of protection.

Mayor Spencer inquired whether the multi-modal issue can be reviewed, to which Mr. Chazbek responded in the affirmative.

Vice Mayor Vella stated working in off-peak hours might be a concern for weekend events and beach traffic; requested the multi-modal analysis include more information on the different types of vehicles that utilize the Posey Tube and how the new design will affect traffic.

(17-323) SUMMARY TITLE: This Ordinance facilitates shared living facilities in certain zoning districts, with a discretionary use permit, to allow private living quarters without private kitchen facilities.



Public Hearing and Introduction of an Ordinance Amending Chapter XXX of the Alameda Municipal Code (Zoning Ordinance) to Allow Shared Living with Approval of a Use Permit in the Neighborhood Business, Central Business, and Community Commercial Districts. [The proposed amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations]. Not heard.

(17-324) Recommendation to Provide Direction on an Outline for a Request for Qualifications and Form of Exclusive Negotiation Agreement for a New Development Site in the Main Street Neighborhood at Alameda Point. Not heard.

(17-325) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Various Sections of Article XV of Chapter VI Concerning (1) Review of Rent Increases Applicable to All Rental Units and Rent Stabilization Applicable to Certain Rental Units and (2) Limitations on Evictions and the Payment of Relocation Assistance Applicable to all Rental Units. Introduced.

The Community Development Director gave a Power Point presentation; stated there is a typographical error in Section 6-58.200(3): “descriptive” should read “declaratory.”

Mayor Spencer inquired what it would mean if the governmental order to vacate language is not changed now.

The Community Development Director responded the existing language does not distinguish between the reasons for a governmental order to vacate; stated relocation benefits are required if there is a governmental order to vacate; staff is recommending the current language be maintained to allow staff time to study the language and return with a recommendation.

Mayor Spencer inquired whether the governmental order to vacate includes a natural disaster, to which the Community Development Director responded in the affirmative; continued the presentation.

Mayor Spencer inquired whether no cause and no fault evictions are for property sale.

The Community Development Director responded the data collection?? is strictly for no cause evictions, not for going out of the rental business or owner move-in.

Councilmember Oddie inquired what the incentive would be for an eviction prior to a property sale rather than after.

The Community Development Director responded that the eviction would probably occur in the event a property owner wants to sell an empty unit versus a property with an in-place tenant.

Councilmember Oddie inquired whether staff found that any of the no cause eviction

cases are due to the tenant being a nuisance.

The Community Development Director responded that none of the no cause evictions were for a tenant being a nuisance.

Councilmember Oddie inquired whether any cases were no cause evictions for a problem tenant, to which the Housing Authority Rent and Community Programs (HARCP) Director responded in the negative.

Councilmember Oddie inquired whether any no cause evictions were caused by the tenant being an alleged drug dealer, to which the HARCP Director responded in the negative.

The Community Development Director noted there were none for the 14 cases which staff was able to get information.

In response to Mayor Spencer's inquiry regarding about how many cases staff does not have any information, the Community Development Director stated ten cases; continued the presentation.

Councilmember Oddie inquired whether anything would preclude the Council from addressing no cause eviction protections today.

The City Attorney responded in the negative; stated the item is agendaized for rent stabilization possible amendments; the matter can be included as long as there is language available to do a first reading of the ordinance.

Councilmember Oddie inquired whether Council could include the amendment today and have the ordinance second reading at the June 6<sup>th</sup> meeting.

The Community Development Director responded in the affirmative; continued the presentation.

In response to Councilmember Oddie's inquiry about what adding the no cause eviction language would entail the Community Development Director stated the City Clerk has draft language available.

Mayor Spencer requested the language be shown on the overhead projector.

Councilmember Oddie inquired whether the amendment affects any other changes that were discussed in April, to which the Community Development Director responded in the negative.

Councilmember Oddie expressed concern about temporary tenancy; questioned whether a tenant has the option to remain if a temporary tenancy expires when the just cause provision would it be effective and whether there are current pending 60 day

notices to vacate; stated that he would like to ensure tenants who have current notices are protected.

The Assistant City Attorney continued the presentation.

Vice Mayor Vella inquired how the process would work for eviction notices that have already been served.

The Assistant City Attorney responded if the ordinance is introduced tonight and the second reading is on June 6<sup>th</sup>, it would go into effect 30 days later; assuming a referendum petition is not filed, the ordinance would go into effect July 6<sup>th</sup>; eliminating no cause evictions after July 6<sup>th</sup> would prevent a landlord from bringing any action to recover possession or be granted possession of a rental unit based on no cause; until the ordinance goes into effect, no cause provisions would be applicable.

Councilmember Oddie inquired whether there is case law regarding the matter; if a notice expires on July 3<sup>rd</sup> and the ordinance does not go into effect until July 6<sup>th</sup>, is there case law that would be an iron clad defense for tenants.

The Assistant City Attorney responded in an unlawful detainer action, the landlord must prove compliance with the ordinance.

Councilmember Oddie inquired whether a landlord could argue the law was not in place when the notice expired on July 3<sup>rd</sup>.

The Assistant City Attorney responded courts typically apply the law that is in effect at the time the court considers the decision; he is not aware of a vested right issue in the current situation.

Councilmember Oddie inquired whether there is a way to bulletproof the ordinance to have any notice after June 6<sup>th</sup> become invalid; and how the City can protect tenants that were served a previous 60 day notice.

The Assistant City Attorney responded there is no bulletproof method; the court would interpret the ordinance in the way he described.

Councilmember Oddie stated he would like to include language in the ordinance to read: "any notices that terminate after June 6<sup>th</sup> are null and void."

The Assistant City Attorney responded the Council could add the language in the ordinance; he cannot say it will be absolutely bulletproof.

Vice Mayor Vella inquired how the amendment interacts with the fixed term lease provision; and whether the fixed-term lease would act as a loophole.

The Assistant City Attorney responded under the current ordinance, a fixed-term lease

requires a tenant to vacate the unit at the end of the lease; the proposed amendments entitle the tenant to relocation benefits at the end of that fixed-term lease.

Vice Mayor Vella inquired about withdraws from the rental market under the current amendments.

The Assistant City Attorney responded the current provision in the ordinance is that the landlord has to file a form with the Program Administrator that he or she is withdrawing the unit from the rental market.

Councilmember Ezzy Ashcraft stated the public should be allowed to speak now.

Councilmember Oddie requested staff to work on providing protections for fixed-term lease expiring with tenant who wants to stay and landlords who wants to rent the unit to a new tenant at a higher rate.

Stated that he voted for Measure L1; expressed concern with the amendments to Ordinance 3148; the ordinance is working; rental income is a source of financial security for landlords; creating a fair and balanced method for stabilizing rents is imperative; the proposed amendments resemble strict rent control: Robert Schrader, Alameda.

Expressed concern over the ordinance being rewritten; urged the Council to reconsider changes: Camille Khazar, Alameda.

Stated no cause eviction is inhumane; urged Council to get just cause done: Rob Hayes, Alameda.

Stated that she is not a rich property owner; read stories from different mom and pop landlords about the effects of rent control; stated the rent she charges is well below market value; the proposed amendments will cause her to leave the rental market: Barbara Rasmussen, Alameda.

Stated no cause evictions cause fear in renters; thanked Council for the ordinance amendments: Catherine Pauling, Alameda Renters Coalition (ARC).

Expressed concern for relocation fees and the elimination of no cause evictions; stated Council is going against the vote of the people when the people voted for Measure L1: Jane Friedrich, Alameda.

Stated that she voted for Measure L1; Council should let Measure L1 run for one full year before making amendments: Susan Aschwanden, Alameda.

Expressed concern for renters; stated most renters have less financial stability in their lives than homeowners; the burden should not be put on those with the least stability: Hans Kramer, Alameda.

Stated no cause eviction causes fear in tenants; expressed support for just cause evictions: Gaby Dolphin, Alameda Progressives.

Stated small landlords do not evict a tenant just to raise the rent; he supports, and voted for, the current ordinance: Bruce Carnes, Alameda.

Stated the income from his rental units is his retirement; he voted for the current ordinance with the understanding that Council could make changes when necessary; the amendments being made are not necessary: Ken Gutleben, Alameda.

Discussed the Ellis Act; stated the Ellis Act is a loophole: Cross Creason, Alameda.

Stated voters approved Ordinance 3148; concerns and conditions have not changed to justify Council making the proposed amendments: Joe Loparo, Alameda.

Stated any city that has implemented rent control has lost up to 20% of the rental units on the market; Alameda will lose more rental housing because the amendments will cause landlords to sell their properties: Eric Grunseth, Alameda.

Submitted information; stated the amendments to Ordinance 3148 transform Measure L1, which was passed by voters: Alan Teague, Alameda.

Urged Council to consider working together to protect all Alamedans, not just one group; stated votes show that many Alamedans do not want rent control: Lori Moe, Alamedans for Better Rent Control.

Expressed concern for no cause evictions; stated tenants do not bring up necessary repairs for fear of being evicted: Eric Strimling, ARC.

Stated that he does not support the current amendments to Ordinance 3148: Carl Searway, Alameda.

Stated the current amendments turn Measure L1 into Measure M1; the voters passed Measure L1: Dennis Cox, Alameda.

Stated that he represents several tenants from 1602 Sherman Street; the building conditions are unsafe and unacceptable; tenants are being harassed by the landlord: Brad Hirn, ARC.

Stated that she was evicted from her apartment for no cause; she would like her case reviewed; she submitted paperwork to the Housing Authority: Maria Neri.

Stated that she faces health issues because of a negligent landlord; she received an 11% rent increase with no notification of a Rent Review Advisory Committee (RRAC) hearing; requested a meeting with the City, the Housing Authority, the tenants of the building and the landlord to ensure the apartment complex is up to Code: Crystal Chan,

Alameda.

Stated that he received a no cause eviction notice from his landlord; requested the City to intervene; stated the tenants in his building are being harassed by the landlord: Rommel Laguardia, Alameda.

Stated that he lives in Bayview Apartments; he was served with a 60 day notice to vacate; no cause eviction is not fair: Christian Munoz, Alameda.

Stated Council can help the vulnerable community and working class feel secure and know they have a place to call home; just cause eviction is justice: Mariele Dacaron, Filipinos Advocates for Justice and Bayanihan Youth Group.

Submitted information; urged Council to end no cause evictions: Fred Pinguel, Filipinos Advocates for Justice.

Stated tenants are afraid to show up for fear of retaliation; no cause evictions cause fear in tenants: Lester Dixon, Alameda.

Urged Council to pass just cause eviction and protect vulnerable community members; stated RRAC hearings should be more meaningful and more equal for renters and tenants: Carrie Rosenbam, Alameda.

Submitted information; read a letter from a co-tenant, Mrs. Brown; urged Council to factor in small landlords who will have difficulties paying relocation fees; stated tenants live in fear of no cause evictions: John McKean, Alameda.

Stated that she strongly supports just cause eviction: Toni Grimm, Alameda.

Stated that she supports just cause evictions; many people have had to move out of Alameda due to no cause evictions: Jenya Cassidy, Alameda.

Stated that she would not appear before the RRAC for fear that her personal information will be made public; she lives in fear that she will be given a notice of eviction: Mari Perez-Ruiz, ARC.

Urged Council to support vulnerable community members; eliminating no cause eviction will bring justice to Alameda: Austin Tam, Alameda.

Urged Council to pass just cause protections: Maria Dominguez, ARC.

Urged Council to allow Ordinance 3148 to have a full year to see what does and does not work; stated more data is needed to assure the RRAC works effectively: Marilyn Schumacher, Alameda.

Stated tenants are afraid of no cause evictions; Council has the opportunity to assure

tenants do not feel like less simply because they do not own property: Jeanne Nader, Alameda.

Stated her voice as a landlord also need to be heard, not only the voices of the tenants: Dometer Lamb, Alameda.

Stated that he lives in fear of no cause evictions; he feels like a second class citizen as a renter; Measures M1 and L1 were confusing to voters: Matt Langwerowski, Alameda.

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(17-326) Mayor Spencer stated a motion is needed to consider the referral [paragraph no. 17-328].

Councilmember Matarrese moved approval of hearing the remaining item.

Councilmember Ezzy Ashcraft stated that she would not support the motion.

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

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Stated Ordinance 3148 is working; the amendments are too strict; tenants with issues should be allowed to meet with the RRAC immediately; the Council needs to come up with a solution for everyone, not only one side: Lester Cabral, Alameda.

Stated the RRAC process works well; just cause evictions are not fair for housing providers: Eunice Edwards, Alameda.

Stated just cause evictions make it difficult to evict problem tenants; the majority of voters voted for Measure M1; Ordinance 3148 is working: Malcolm Lee, Alameda.

Stated just cause evictions will cause problems for small mom and pop landlords; he is also a minority and has worked hard to become a landlord: Daniel Lee, Alameda.

Stated the voters of Alameda voted for Measure L1 by an overwhelming margin; Ordinance 3148 has not been given a chance to work: Tony Charret, Alameda.

Urged the landlords and tenants to listen to the other side; stated Council should vote bearing in mind the children that are involved: Nghi Lam, Alameda.

Stated that she voted for Measure L1; good landlords are being punished because of a few bad landlords: Karen Bey, Alameda.

Stated there are already plenty of tenant protections in place; the eviction process is difficult: Chunchi Ma.

Stated there is fear among renters; he is a coach at the local high school and sees fear in children; urged Council to see what just cause will do for the vulnerable people of the community: Nelson Layag, Alameda.

Stated rent control has not worked in other cities; rents will only increase with the amendments to Ordinance 3148: Jose Cerda-Zeen, Alameda.

Stated that she fears her involvement in renters rights will jeopardize her housing security; urged Council to protect the most vulnerable citizens: Julie, Alameda.

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Mayor Spencer called a recess at 10:53 p.m. and reconvened the meeting at 11:00 p.m.

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(17-327) Mayor Spencer stated a motion is needed to continue the meeting past 11:00 p.m.

Vice Mayor Vella moved approval of continuing the meeting.

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

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Councilmember Oddie stated the issue is very emotional on both sides; families are still being faced with losing their homes; landlords and tenants will never be on equal footing, which is the reason for additional renter protections; Measure M1 had some very controversial provisions; he would rather be on the side of justice than the side of popularity by implementing just cause evictions; stated none of the data shows tenants were evicted for dealing drugs; suggested the landlord community develop a trust fund to help other landlords; stated everyone deserves due process; property owners may own the properties, but they are people's homes and Council has a right to protect people's homes.

Councilmember Oddie moved introduction of the ordinance with just cause provisions.

Councilmember Ezzy Ashcraft stated people cannot afford to live in Alameda; the Council has the right to make amendments to the ordinance; the impact to renters is greater with no cause evictions; urged landlords to give the amendments a chance to work; stated that she supports the ordinance with the amendments; tenants and landlords should sit down together and discuss solutions; there needs to be more protections for tenants.

Mayor Spencer stated the amendments will be the detriment to the long term health of the community; the result will be fewer housing units and more conversions of



Victorians; she supported Measure L1 to promote a balanced community; if mom and pop landlords get out of the rental market, more corporate landlords will come in and the result will be worse for renters; the data does not support the change; as a renter, she is concerned about the unintended consequences.

Vice Mayor Vella stated a number of provisions already in the ordinance are exempted from the just cause provision; Ordinance 3148 has been in place and tenants are still going through evictions; in many ways, Ordinance 3148 is not working because evictions are still happening; Council taking action is important; rent control and just cause eviction are two different things; the amendments to the ordinance do not make it strict rent control.

Vice Mayor Vella seconded the motion, with amendments: 1) she would like staff to present language as to units being withdrawn from the market, Ellis Act language, 2) she would like to hire a consultant for an in depth analysis to have more holistic feedback and analyze the data, 3) to remove Subsection A, relative to the just cause evictions, should include the 470 Central Avenue tenants.

Councilmember Ezzy Ashcraft requested clarification on the first amendment regarding the Ellis Act.

Vice Mayor Vella responded that she would like to include language for instances in which rental units are being permanently withdrawn from the market.

Councilmember Ezzy Ashcraft inquired whether Vice Mayor Vella is requesting staff to gather data and return to Council or add another amendment; stated that she does not support another change to the ordinance that Council has not discussed.

The City Manager stated Vice Mayor Vella is requesting staff return with the pros and cons.

Vice Mayor Vella stated staff should also return with potential language.

Councilmember Ezzy Ashcraft inquired if the reason for the potential language is to have a cost imposed on a potential landlord who withdraws from the rental market.

The Assistant City Attorney responded an Ellis Act Policy provides a lengthier notice before the tenants have to leave if the tenant is older, disabled or has children; stated staff would return to Council with language.

Councilmember Ezzy Ashcraft stated the issue needs to be studied before language is added.

Vice Mayor Vella stated that she is requesting information on an Ellis Act policy.

The Community Development Director stated if Council is interested in an Ellis Act

policy, it would not be an amendment to the ordinance; the ordinance has provisions that say policies can be adopted that further implement the intent of the ordinance.

Councilmember Matarrese inquired what the City can do about the living conditions of certain properties and the harassment at 470 Central Avenue; stated the activities are criminal and the City has an obligation to ensure people are being housed safely; he would like the City Manager to report back on addressing the testimonies that people are being threatened; stated he is unclear why when there is a fixed-term lease which the tenant would like to extend beyond the fixed-term, the landlord can increase the rent higher than 5% and the parties do not need to appear before the RRAC; he would like there to be a revision to ensure the intent matches the interpretation of the law.

The Assistant City Attorney responded that one of the amendments does so.

Councilmember Matarrese stated there should be a mediation process prior to a just cause eviction; he has been told by the Assistant City Attorney there is no way to legally do mediation; he does not believe the amendments serve the long term interest of the City; the price of relieving the fear is that owners will get out of the rental market; there should be an exemption for owners with less than 10 units with stipulation that everyone has to record why a tenant is evicted; data needs to be gathered and evaluated.

Councilmember Oddie requested language that would bulletproof for the 470 Central Avenue tenants.

The Assistant City Attorney stated language could be added to read: "in addition to any substantive provisions of this ordinance, the effect of this ordinance shall render null and void any action that a landlord has taken between May 3, 2017 and the effective date of this ordinance to terminate any tenancy, including but not limited to, serving any notice to quit or other eviction notice, bringing an action to recover possession of a Rental Unit, or being granted possession of a Rental Unit, based on Section 6-58.140.A of Ordinance No. 3148."

Mayor Spencer requested clarification for the reason for the May 3, 2017.

The Assistant City Attorney responded May 3, 2017 is the date the notices to vacate were served on the 470 Central Avenue tenants.

Councilmember Ezzy Ashcraft inquired whether the date is going to be considered arbitrary.

The Assistant City Attorney responded staff tried to arrive at a date that would be appealing to Council.

Councilmember Ezzy Ashcraft expressed concern over the legislation appearing to be directed towards a particular party.

The Assistant City Attorney stated staff heard a particular concern from Council and addressed said concern.

Councilmember Ezzy Ashcraft inquired whether the language would be upheld in court.

The Assistant City Attorney responded staff believes the provision is not without legal risk but is defensible and will preclude the evictions from moving forward.

Councilmember Ezzy Ashcraft inquired what can be done about the harassment of 470 Central Avenue tenants.

The Assistant City Attorney responded staff will look into the matter and report back to Council.

Councilmember Oddie inquired whether the language can read any 60 day notice that expires on or after June 6<sup>th</sup>, which would be less specific to one particular group.

The Assistant City Attorney responded the 60 day notice to vacate will not expire until July 3<sup>rd</sup>; inquired what the June 6<sup>th</sup> date refers to.

Councilmember Oddie stated June 6<sup>th</sup> is the second reading of the ordinance; the date would be going forward instead of backwards.

The City Attorney stated the June 6<sup>th</sup> date would go back to April and add additional parties.

Councilmember Oddie inquired whether language could be added to allow a tenant under a fixed-term lease to receive first right of refusal or the opportunity to take a rent increase to the RRAC.

The Assistant City Attorney responded he is unaware of any law or ordinance the Council could adopt that would require the landlord to offer a new lease to a tenant whose lease has expired.

Councilmember Oddie inquired whether a landlord could call any lease a temporary lease and not fall under the 5% rent increase limit or have to pay relocation.

The Assistant City Attorney responded a temporary tenancy has been addressed in the amendments; landlords can enter into a one year fixed-term lease and not have to pay relocation benefits.

Councilmember Oddie inquired how tenants know if a one year lease will protect them or if they are eligible for relocation fees.

The Community Development Director responded the ordinance amendments make a distinction between a temporary tenancy and a fixed-term lease and contain language

to address fixed-term leases.

Under discussion, Councilmember Oddie stated that he accepts the amendment to the motion regarding an in depth analysis; he would also be open to hearing the language for an Ellis Act policy.

Councilmember Ezzy Ashcraft stated both landlords and tenants need to be considered; she believes landlords need to be given an opportunity to adjust to the current changes before adding more; she would like to work with the community and have landlords and tenants come together to discuss options.

Vice Mayor Vella stated other cities have adopted Ellis Act policies and she would like to hear options; she is concerned about closing a loophole; she heard staff recommend looking into the Ellis Act policy due to adding a just cause provision.

Councilmember Ezzy Ashcraft stated Alameda is unique and the City has done a good job with Ordinance 3148; she would like to wait to see how the current amendments work.

Councilmember Oddie stated that he agrees with Councilmember Matarrese's suggestion to gather data on all evictions to see if provisions are needed.

The Community Development Director stated reporting is not required on for cause evictions; data is only collected for owner move-ins, withdrawing from the rental business and previously for no cause evictions; further stated taking on for cause evictions would be a large effort; there is a cost associated with gathering data.

Councilmember Matarrese stated that he would like information on the reason for the for cause evictions due to the abuse by large building owners; he would like mandated oversight to gather the data to know if there needs to be a next step.

Councilmember Ezzy Ashcraft stated the problem is not only large building landlords; she would like to have a discussion with landlords and tenants; she would like collection of data prior to any exemptions being added.

Mayor Spencer inquired if a motion is made, can other provisions be reviewed at a later date.

Councilmember Oddie stated his motion is to accept staff recommendation and add the just cause provisions, the May 3<sup>rd</sup> provision and the in depth analysis.

The City Attorney inquired whether Councilmember Oddie accepted the friendly amendment to the motion.

Councilmember Oddie repeated his motion to accept the staff recommendation of the amendments [introduce the ordinance], add the just cause provisions and the two

friendly amendments: to add the May 3, 2017 provision and the in depth analysis that Vice Mayor Vella suggested.

The City Attorney inquired what the in depth analysis is pertaining to, to which Vice Mayor Vella responded there are numerous instances listed in the staff report that still need to be reviewed; she would also like a report back in one year; the data needs to be collected and a consultant hired to provide a report on the activity in one year.

The City Manager stated data is not collected on just cause evictions.

Councilmember Oddie stated he is fine with data being collected only for owner move-ins and withdrawing from the rental business.

The City Attorney inquired whether the request for data collection is part of the ordinance or direction to staff.

Vice Mayor Vella responded the request for data collection was previously made in the April meeting.

The Community Development Director inquired whether Council is requesting a more robust study to assess and track changes in the rental market so that when the ordinance is set to sunset in 2019, there is more data showing the impact of the ordinance.

Council concurred.

Vice Mayor Vella seconded the motion.

Mayor Spencer inquired whether Council would agree with adding the exemption for in-law units.

Councilmember Ezzy Ashcraft responded in the negative; inquired whether accessory units are included.

The Assistant City Attorney responded a permitted accessory unit is considered part of a single-family residence and not subject to rent control provisions.

Councilmember Ezzy Ashcraft inquired whether the accessory units are included for eviction protections, to which the Assistant City Attorney responded in the affirmative; stated if the unit is a non-permitted second unit, the unit will be considered a duplex and be subject to the rent control provisions.

Councilmember Oddie stated that he does not agree with the provision; Council was previously told the accessory units were included as a typo and were taken out.

The Assistant City Attorney responded as long as the units are permitted, accessory

units they are not subject to the rent control provisions.

The Community Development Director stated accessory dwellings are covered by the ordinance; inquired whether Mayor Spencer is requesting accessory dwellings not be subject to rent control but still be under the eviction protections.

Councilmember Ezzy Ashcraft stated that she would be hesitant to add the exemption; she would like staff to review the implications of adding said provision.

Mayor Spencer requested if clarification could be added regarding fixed-term leases and the tenant leaving voluntarily; inquired whether language needs to be added about tenants leaving voluntarily not being entitled to relocation benefits.

The Assistant City Attorney responded at the end of the first fixed-term lease, the tenant would not be entitled to relocation fees.

Councilmember Ezzy Ashcraft clarified the question is regarding if the tenant were to leave voluntarily.

The Assistant City Attorney responded that the end of a lease the tenant leaves, no notice is required at the end of a lease.

The Community Development Director responded that relocation benefits are for no fault evictions, owner move in or withdrawing from the rental market or if a tenant enters into a subsequent fixed-term lease and that lease ended.

The City Attorney stated the question is if the tenant decides to leave, not the landlord making the tenant leave.

The Community Development Director responded in the event that the tenant decides to leave, they are not being terminated.

Mayor Spencer stated that she would like to add language to clarify if a tenant leaves voluntarily, relocation benefits are not needed.

Council and staff concurred.

Mayor Spencer inquired whether a landlord has to pay relocation benefits in the event of a natural disaster.

The Community Development Director responded in the affirmative; stated in the event of a governmental order to vacate, relocation benefits need to be paid to a tenant; staff is requesting to have the language remain until staff can return with new language.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Oddie and Vella – 3. Noes: Councilmember Matarrese

and Mayor Spencer – 2.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(17-328) Consider Directing Staff to Create a “Straws on Request” Ordinance. Not heard.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:38 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 CITY COUNCIL MEETING  
TUESDAY- -MAY 16, 2017- -5:00 P.M.

Mayor Spencer convened the meeting at 5:00 p.m.

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

Absent: None.

Public Comment

The meeting was adjourned to Closed Session to consider:

(17-302) Conference with Real Property Negotiators (54956.8); Property: Chuck Corica Golf Complex, 1 Clubhouse Memorial Road, Alameda, CA 94502; City Negotiator: Jill Keimach, City Manager and Amy Wooldridge, Recreation and Parks Director; Organizations Represented: Greenway Golf Associates, Inc. Issue Under Negotiation: Real Property Negotiations Price and Term of Payment

(17-303) 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).

(17-304) Public Employee Performance Evaluation Pursuant to Government Code § 54957 Positions Evaluated: City Manager – Jill Keimach, City Attorney – Janet Kern and City Clerk – Lara Weisiger

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced that regarding Real Property, discussion was deferred to allow staff to obtain additional information and direction was given to staff; regarding Anticipated Litigation and Performance Evaluation, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:46 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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