

MINUTES OF THE SPECIAL JOINT MEETING OF THE
CITY COUNCIL AND SUCCESSOR AGENCY
TO THE COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -JANUARY 16, 2018- -6:59 P.M.

Mayor Spencer convened the meeting at 7:03 p.m. and led the Pledge of Allegiance.

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

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

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

(*18-015CC/18-001SACIC) Minutes of the Special Joint City Council and SACIC Meetings Held on December 5 and 19, 2017. [City Council and SACIC]. Approved.

(*18-016CC/18-002SACIC) SUMMARY: Issue Certificate of Completion to Wind River Pursuant to the DDA.

Recommendation to Authorize the City Manager to Issue a Certificate of Completion to LVA4 Alameda WRW, L.P. and LVA4 Alameda WRW II, L.P. pursuant to the Disposition and Development Agreement (DDA) with the former Community Improvement Commission of the City of Alameda. [City Council and SACIC]. Accepted.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk and Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 16, 2018- -7:00 P.M.

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

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

Absent: None.

AGENDA CHANGES

(18-017) Mayor Spencer announced the rent increase matter [paragraph no. 18-040] was withdrawn.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-018) Mayor Spencer read and presented a proclamation to Jim Franz.

ORAL COMMUNICATIONS, NON-AGENDA

(18-019) Andrew Blyholder, Porsche Club of America, submitted a letter and requested events at Alameda Point be permitted.

(18-020) Sharon Aminy, Eden I&R, outlined Eden I&R's services and thanked the Council for its support.

(18-021) Denise Sicat Wong, Filipino Advocates for Justice, discussed the situation at 470 Central Avenue and urged Council to pass a moratorium.

(18-022) Emily Hills, Alameda, discussed her living conditions, lack of response by her landlord, and requested that the City provide assistance.

(18-023) Matt Lang, Alameda, stated that he is a tenant; expressed concern over evictions; asked the Council to help.

(18-024) Brad Hirn, Alameda Renters Coalition, further discussed Ms. Hills tenancy; stated she received an unlawful detainer; outlined issues with the landlord; stated immediate intervention is needed.

(18-025) Lily Conable, Encinal High School, announced a Political and Proud event to encourage women and girls to be involved in politics and advocate for their rights.

CONSENT CALENDAR

Mayor Spencer announced the Transportation Choices Plan [paragraph no. 18-030],

Parcel Map resolution [paragraph no. 18-033] and final passage of the ordinance [paragraph no. 18-036] were removed from the Consent Calendar for discussion.

The City Clerk noted the salary amount in the salary schedule resolution [paragraph no. *18-034] is the correct amount, rather than the amount in the staff report.

Councilmember Oddie moved approval of the remainder of the Consent Calendar.

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

(*18-026) Minutes of the Special City Council Meetings Held on December 19, 2017. Approved.

(*18-027) Ratified bills in the amount of \$10,910,812.64.

(*18-028) Recommendation to Authorize the City Manager to Execute an Amendment to an Agreement with Ninyo and Moore to Add the Amount of \$15,900, for a Total Agreement Amount of \$138,504, and to Extend the Term to February 28, 2018 for Geotechnical Testing and Inspection Services for Estuary Park. Accepted.

(*18-029) Recommendation to Accept the Work of GoodLand Landscape Construction Inc. for Estuary Park Site Improvements Phase 1, No. P.W. 02-16-01. Accepted.

(*18-030) Recommendation to Adopt Draft City of Alameda Transportation Choices Plan.

Stated that she supports the staff recommendation to remove the proposed bus lanes on Island Drive: Dawn Jaeger, Community of Harbor Bay Isle Owners Association (CHBIO).

Stated that he supports the plan as amended with removal of the proposed bus lanes on Bay Farm Island: Charles Hodgkins, CHBIO.

Stated that she would like to be involved in the shuttle exploration project with staff: Pat Potter, Bike Walk Alameda.

Stated everyone can be proud of the plan; suggested a shuttle continue to be explored; discussed changes in traffic in the Tube: Former Councilmember Tony Daysog, Alameda.

Expressed his gratitude to Council for having staff revisit the shuttle matter and to staff for working on making the shuttle the top priority; clarified the suggestion is not the final blue print; urged approval: Tony Kuttner, Greater Alameda Business Association.

Mayor Spencer requested clarification on the priority of the shuttle.

The Base Reuse Director responded the shuttle is listed as a high priority; stated staff is balancing all of the high priority projects with other deadlines.

Mayor Spencer stated there are 12 high priorities listed under near term completion.

Councilmember Ezzy Ashcraft discussed the importance of meeting with stakeholders ahead of making a proposal; stated that she would like specific numbers for the benefits to AC Transit and riders regarding the changes being made to the Westline Drive bus lane; requested staff seek feedback from Harbor Bay Farm residents on what would work best.

Councilmember Oddie stated that he is thankful to staff for moving the shuttle up to high priority; the City needs to ensure lower wage earners in the area are not harmed.

Vice Mayor Vella expressed appreciation for including Bike Walk Alameda and all community partners; stated that she would like staff to be careful on how resources are allocated.

Councilmember Ezzy Ashcraft inquired why the Miller Sweeney multimodal Bridge is not a high, rather than a midterm, completion priority.

The Base Reuse Director responded the bridge is a high priority; stated the priority is midterm due to the price and time it takes to design a new bridge.

Councilmember Ezzy Ashcraft inquired whether the City would be looking to receive funding from Regional Measure 3.

The Base Reuse Director responded the project is a County project; staff will look at all possible funding sources.

Councilmember Ezzy Ashcraft inquired whether the completion date will be closer to 3 years, rather than 8 years.

The Base Reuse Director responded closer to 8 years.

Mayor Spencer stated that she is not happy with AC Transit being on time only 80% of the time; commuters need to arrive to work on time; the community was surveyed and would like a shuttle service; expressed concern with the bike share program not providing helmets to youth and parking the bicycles in the middle of the sidewalk; stated that she would like staff to work with community members to make the plan successful.

Councilmember Ezzy Ashcraft moved approval of adopting the draft City of Alameda Transportation Choices Plan.

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

(*18-031) Recommendation to Award a One Year Contract, with the Option of Two One-Year Extensions, in the Amount Not to Exceed \$274,378, Including Contingency, to BKF Engineers to Finalize the Design of the Ralph Appezato Memorial Parkway and Atlantic Gap Segments of the Cross Alameda Trail (between Main Street and Constitution Way). Accepted.

(*18-032) Recommendation to Award a Contract for an Amount, Including Contingency, not to Exceed \$367,940, to Schaaf & Wheeler for the Preparation of Engineering Documents for the Upgrade of the City of Alameda Sewer Pump Stations, Phase 4. Accepted.

(18-033) Adoption of Resolution Approving Parcel Map No. 10275 - A Parcel Map for the Proposed Subdivision of the Parcel at 1700 Harbor Bay Parkway (Hampton Inn and Suites) into Two Parcels. Not adopted.

Stated the issues being raised by the opposition are not related to the Parcel Map; the matter is not a union issue: Zack Wasserman, Applicant's Attorney.

Stated the applicant needs to separate the parcel to get financing; submitted a handout to Council: Ty Hudson, Unite Here.

The Planning Services Manager gave a Power Point presentation.

Mayor Spencer inquired whether the issue came before the Planning Board in August 2014, to which the Planning Services Manager responded the issue came before the Planning Board, but not Council, at said time.

Mayor Spencer inquired why the issue is coming before Council now and not in 2014.

The Planning Services Manager responded the project has been approved; stated the applicants are pulling building permits; what is currently before Council is the request to split the parcel into two lots.

Vice Mayor Vella inquired why the parcel needs to be split.

The Planning Services Manager responded the financing criteria requires the hotel to be on its own lot.

Vice Mayor Vella inquired whether the Planning Board ever looked at the subdivision of the lots.

The Planning Services Manager responded the Planning Board did review the subdivision of the lots.

Vice Mayor Vella inquired whether the item would still need to be approved by Council, to which the Planning Services Manager responded in the affirmative; stated the Planning Board made a recommendation three years ago that the Council approve the parcel map.

Councilmember Oddie inquired how the project site is not subject to the 0.5 FAR [Floor Area Ratio].

The Planning Services Manager responded the suggestion that Planning Board Resolution 1533 lifted the language of Bay Edge Road and made it applicable to the entire business park is not correct.

Mayor Spencer inquired what is the FAR.

The Planning Services Manager responded FAR is the ratio of the building gross square footage to the site.

Mayor Spencer inquired what the building would look like in a lower FAR versus a higher FAR.

The Planning Services Manager responded the lower FAR means more land compared to a higher FAR having more building compared to land area.

Mayor Spencer inquired what the definition means pertaining to the current project.

The Planning Services Manager responded the approved plans for the current project have an FAR of 1.32, which means the amount of hotel building is 1.32 of the lot area; the proposed lot area is approximately 4,000 square feet, the proposed building area is 53,000 square feet.

Mayor Spencer inquired whether the height issue is what is being raised, to which the Planning Services Manager responded in the affirmative.

Mayor Spencer inquired whether staff is submitting that the ratio does not pertain to the height concerns.

The Planning Services Manager responded in the affirmative.

Mayor Spencer inquired whether the parking concern is being addressed.

The Planning Services Manager responded the project meets the parking requirements set forth in the zoning requirements.

Councilmember Oddie requested clarification of Exhibit D, page 5 Planning Board Resolution 1203, Condition 44.

The Planning Services Manager stated Conditions 44 and 46 references the FAR limit; stated staff's opinion and how the City consistently applies the standard is that the 0.5 FAR limit pertains to the area between the lagoons and San Francisco Bay, and does not apply to the other portion of the business park.

Councilmember Oddie inquired whether the condition does not apply to the business park portion even though the section refers to Tract 4500, to which the Planning Services Manager responded in the affirmative.

Mayor Spencer inquired whether Council can deny the request if a majority believes the conditions are not consistent with the General Plan, zoning or parking.

The Planning Services Manager responded the Council's discretion is very limited; stated under the Subdivision Map Act, the Council must approve the parcel map if the findings can be made; if any one of the findings cannot be made, Council must deny the parcel map; staff's position is clear; the findings can be made set forth in the draft resolution; the recommendation is that Council approve the parcel map.

Mayor Spencer stated that she will not support the request; community members have legitimate concerns regarding the height and parking.

Councilmember Matarrese stated the table shows the FAR that are applicable to each area and the hierarchy described in the resolution.

Councilmember Matarrese moved adoption of [the resolution approving] the recommendation approved by the Planning Board, approving the Parcel Map and proposed subdivision at 1700 Harbor Bay Parkway.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Vice Mayor Vella expressed concerns with the lack of clarity in the Development Agreement (DA) and how it is being interpreted.

The Planning Services Manager noted the Abbot Lab building also exceeds the 0.5 FAR.

Vice Mayor Vella inquired whether staff has the resolution for the Abbot Lab building.

The Planning Services Manager responded that he does not have the documents with him.

Councilmember Matarrese inquired whether the approval is based on the table in the exhibits, to which the Planning Services Manager responded in the affirmative.

Mayor Spencer stated the proposal is not consistent with the General Plan' she is opposing the request.

Councilmember Oddie stated that he concurs with Vice Mayor Vella; requested that staff return with a DA that is clearer.

On the call for the question, the motion failed by the following voice vote: Ayes: Councilmember Ezzy Ashcraft and Matarrese. Noes: Mayor Spencer – 1. Abstentions: Councilmembers Oddie and Vella – 2.

[The matter was opened for reconsideration after final passage of the ordinance [paragraph no. 18-036].]

(*18-034) Resolution No. 15340, “Amending the Management and Confidential Employees Association (MCEA) Salary Schedule Establishing the Salary Range for Park Maintenance Supervisor Effective January 16, 2018.” Adopted.

(*18-035) Resolution No. 15341, “Providing Written Confirmation of Previous City Council Authorization of a Portion of the City Base Allocation and Required Match Amount for Site A Eden Affordable Senior Project for Application to County Rental Housing Development Fund.” Adopted; and

(*18-035A) Resolution No. 15342, “Providing Written Confirmation of Previous City Council Authorization of a Portion of the City Base Allocation and Required Match Amount for Site A Eden Affordable Family Project for Application to County Rental Housing Development Fund.” Adopted.

(18-036) Ordinance No. 3208, “Amending the Alameda Municipal Code by Deleting Section 30-4.17C “G Special Government Combining District,” and Amending the Zoning Map to Ensure Consistency Between the City of Alameda Municipal Code, Zoning Map and the Naval Air Station (NAS) Alameda Community Reuse Plan for the North Housing Property Located on Singleton Avenue on the Former Naval Air Station in Alameda in Order to Convey the Property to CP VI Admirals Cove, LLC, Habitat for Humanity, and the Alameda Housing Authority. [The Proposed Zoning Amendments, which Remove the 435-Unit Housing Limit, Would Not Result in Any New Environmental Impacts or More Severe Environmental Impacts Than Those Previously Identified with the Adoption of the Community Reuse Plan Environmental Impact Report (EIR) 2009 Addendum, and the Housing Element 2012 EIR Addendum].” Finally passed.

Stated that he supports the project: Austin Tam, Alameda.

Stated removing the cap is not a good idea: Dorothy Freeman, Alameda.

Stated retaining the cap would increase the chances of developing affordable housing: Joseph Woodard, Alameda Citizens Task Force.

Urged Council to make affordable housing a reality for all Alamedans: Katie Derrig, Operation Dignity.

Stated the cap is against the City's Housing Element; urged Council to support the proposal to alleviate the housing crisis: Toni Grimm, Alameda Renters Coalition (ARC).

Thanked Council for removing the cap and supporting affordable housing: Liz Verela, Building Futures.

Stated the notice in the paper that stated that Carmel Partners requested the cap be removed, which is incorrect: Irene Dieter, Alameda.

Urged Council to not impose a new cap: Doug Biggs, Alameda Point Collaborative.

Urged Council to support the project to provide much needed housing: Gaby Dolphin, Alameda.

Councilmember Ezzy Ashcraft stated that she does not agree with the statement that removing the cap will reduce the number of affordable housing; she is ready to support the ordinance.

Councilmember Matarrese stated the project needs to be 30 units per acre for affordable housing; the City needs leverage to trade with a developer to receive more affordable housing; he would like to replace the resolution language with 15 units on the parcel that will be privately owned and make it 30 units on the parcel from the Housing Authority and Habitat from Humanity to deliver affordable units.

Mayor Spencer requested clarification regarding how staff can obtain a higher percentage of affordable housing.

The City Manager stated if the parcel is sold and a new developer requests to build more than 15 units per acre, staff could request additional benefits from the developer; staff can request additional affordable housing units or any items that would benefit the community.

Councilmember Matarrese stated affordable housing is expensive to build and he would like to ensure the value the City is giving the private owners is leveraged.

Vice Mayor Vella stated that she raised the point previously and staff stated it would be possible but difficult to do; she would like to remove administrative road blocks to affordable housing; she is in support of moving forward on the project.

Councilmember Oddie requested clarification on a hypothetical; inquired whether Carmel Partners could purchase the property then sell it in the future and the developer could tear the entire structure down and build something else.

The City Manager responded in the affirmative; stated the hypothetical pertains to the private property, not the Housing Authority parcel.

Councilmember Oddie stated that he disagrees with Councilmember Matarrese's comments; he plans on supporting the item.

Councilmember Oddie moved final passage of the ordinance.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Spencer inquired whether Carmel Partners could sell the property and not rehab the units.

The City Manager responded Carmel Partners could sell or remodel the property.

Mayor Spencer inquired whether, now that the cap is removed, Carmel Partners could reassess the value and decide to either proceed with the rehab or sell the property at the increased value.

The City Manager responded Carmel Partners has a right to build 30 units per acre.

Mayor Spencer inquired whether Carmel Partners could do something different than rehabbing the property because they will own the property, to which the City Manager responded in the affirmative; stated the request would go through the normal process of having community input and appearing before the Planning Board and Council.

Mayor Spencer inquired whether nothing legally binding Carmel Partners to rehabilitate the units, to which the City Manager responded in the affirmative.

Mayor Spencer inquired whether maximizing the number of units would have significant more retail value to Carmel Partners as a private developer.

The City Manager responded in the affirmative.

Mayor Spencer requested an outline of the community benefits that will be received from Carmel Partners.

The City Manager responded the two primary benefits are the connection of Singleton and Mosley Avenues, which adds access to Estuary Park, and cleaning out the storm water and upgrading the storm drain; stated other terms are still being discussed.

Mayor Spencer inquired whether the community will still receive all the benefits if Carmel Partners does not rehab the units.

The City Manager responded in the affirmative.

Mayor Spencer inquired whether the community would still receive the benefits if the property was sold to a different developer.

The City Manager responded the community would most likely receive more benefits if the project was a not remodel; stated a new project with a higher density would be reviewed just like any other project and additional community benefits would be requested if there is an additional profit margin.

Mayor Spencer inquired whether the developer would have to agree to the terms.

The City Manager responded the process is a negotiation with the ultimate approval being either the Planning Board or City Council.

Mayor Spencer inquired whether Tim Lewis Communities (TLC) contributed to Jean Sweeney Park.

The City Manager responded TLC donated \$2 million to Jean Sweeney Park.

Councilmember Ezzy Ashcraft inquired whether Council would still have a say in the terms if the property went to another developer.

The City Manager responded only certain actions trigger the item returning to Council; stated Council could always call the item for review.

Councilmember Ezzy Ashcraft inquired whether one advantage to building new developments is having new infrastructure, to which the City Manager responded in the affirmative; stated an advantage to the current project is that the units will be available sooner.

Councilmember Ezzy Ashcraft inquired whether the 25% housing requirement at Site A was a requirement of the U.S. Navy, to which the City Manager responded in the affirmative.

Vice Mayor Vella inquired whether Carmel Partners has indicated to staff that they plan on redoing the plan and building 30 units, to which the City Manager responded in the negative; stated Carmel Partner's plan is to remodel the current units.

Vice Mayor Vella moved approval of calling the question.

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

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.

Mayor Spencer called a recess at 9:08 p.m. and reconvened the meeting at 9:12 p.m.

(18-033 REOPENED) Resolution No. 15343, “Disapproving Parcel Map No. 10275 - A Parcel Map for the Proposed Subdivision of the Parcel at 1700 Harbor Bay Parkway (Hampton Inn and Suites) into Two Parcels.” Adopted.

The City Attorney stated an issue needs to be clarified on the Parcel Map matter.

The Assistant City Attorney stated the map act requires the City Council to either approve or disapprove the Parcel Map if findings are made.

Vice Mayor Vella inquired whether Council could move for reconsideration, to which the Assistant City Attorney responded in the affirmative.

Councilmember Matarrese moved approval of reconsideration.

The City Attorney stated the motion needs to be done by one of the abstainers.

Vice Mayor Vella moved approval of reconsideration.

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

Councilmember Matarrese moved [adoption of the resolution] approving of the Parcel Map.

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

The Assistant City Attorney stated to disapprove the Parcel Map, Council needs to make a finding that the map is inconsistent with the General Plan.

Mayor Spencer stated that she would like the findings to enumerate the multiple reasons the map is inconsistent with the General Plan.

The City Attorney stated if Council wishes to take action tonight, it needs to be based on the findings to disapprove the Parcel Map not being consistent with the General Plan; if Council would like staff to work through other findings to disapprove the matter, it will have to be brought back.

Mayor Spencer stated the reasons should be enumerated.

Councilmember Oddie stated there is a problem with the General Plan and the Development Agreement (DA).

Vice Mayor Vella stated the findings are that the map is inconsistent with the General Plan and there are issues with the DA; the findings should be clear.

Mayor Spencer stated that she does not believe the matter needs to return to Council; the findings can be made that the map does not meet the list in the General Plan.

The City Attorney stated only one finding needs to be made.

Councilmember Ezzy Ashcraft inquired whether Councilmember Oddie's request for clarification of the DA is the same thing as saying the findings are inconsistent with the General Plan.

The City Attorney responded Councilmember Oddie is suggesting changes could be made and the matter could return with clarifications to make compliance with the DA and General Plan clearer and more consistent.

The Assistant City Attorney stated the requirement would be an amendment to the General Plan because the relevant finding is that the proposed map is not consistent with the General Plan; suggested making some changes to revise the resolution; stated the title should delete the word "approving" and replace it with the word "disapproving."

Mayor Spencer stated the first two findings do not adhere to the General Plan.

The Assistant City Attorney stated the first two findings speak to the same topic.

Councilmember Matarrese stated there is no design in front of Council; inquires how the second finding can be included if there is no design yet.

The Assistant City Attorney stated the finding is referring to the design or improvement that is on the map, not the actual design that would be approved by the Planning Board.

Councilmember Ezzy Ashcraft inquired whether the improvement could be the division of the parcel, to which the Assistant City Attorney responded in the affirmative; stated both findings one and two are inconsistent with the General Plan.

The Assistant City Attorney read the changes to be made.

Councilmember Oddie moved adoption of the resolution as revised.

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

REGULAR AGENDA ITEMS

(18-037) Public Hearing to Consider Approving the Housing and Community

Development Needs Statement for the Community Development Block Grant (CDBG)
Annual Plan for Fiscal Year 2018-19.

The Housing Authority Management Analyst gave a Power Point presentation.

Submitted survey results regarding the needs of community, facilities, social services, businesses, job services and housing services: Jennifer Hastings, Social Service Human Relations Board (SSHRB).

Urged Council to address the homeless issues in Alameda: Liz Varela, Building Futures.

Urged Council to fund programs to serve Alameda's most vulnerable: Audrey Hyman, SSHRB.

Urged adoption of the needs statement; stated legal services for people with housing issues should be adequately funded: Rasheed Shabazz, Alameda.

Councilmember Oddie agreed with Mr. Shabazz that funds should be set aside to assist people with housing issues; stated he is happy to move forward with approval.

Vice Mayor Vella stated that she concurs with Councilmember Oddie; she supports setting aside funds to assist the public with legal needs regarding housing issues and being proactive to meet needs.

Mayor Spencer stated that she would like the survey to break down the moderate versus the high need responses from the community; stated transfer tax money could also be used for affordable housing.

Councilmember Ezzy Ashcraft moved approval of the needs statement for the CDBG Annual Plan.

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

(18-038) Recommendation to Accept Report on Interim Inspection, Testing, Preliminary Analyses and Reporting Services for Rehabilitation of Piers 1, 2, and 3 at Alameda Point.

The Assistant Community Development Director gave a Power Point presentation.

Councilmember Ezzy Ashcraft inquired what makes up the chemical deterioration.

Sam Yao, Simpson Gumpertz and Heger (SGH), responded the Bay water and sulfates caused the chemical deterioration.

The Assistant Community Development Director continued the presentation.

Councilmember Ezzy Ashcraft inquired whether the severe and major deterioration is shown by the different colors on the presentation, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft inquired what the difference is between major and severe.

The Assistant Community Development Director responded the description is on page 5 of the presentation; continued the presentation.

Councilmember Oddie inquired whether the funds will be out of Base Reuse and future lease revenue.

The Assistant Community Development Director responded in the affirmative; stated the funds will depend on who the partner is on the piers; continued the presentation.

Gayle Johnson, SGH, continued the Power Point presentation.

Mayor Spencer inquired whether staff would schedule the work if the City is interested in doing the replacement, to which staff responded in the affirmative.

Councilmember Ezzy Ashcraft stated Alameda is an Island with a working waterfront and she cannot wait to see the kind of tenants that the City will attract; she is prepared to accept the report.

Councilmember Oddie moved approval of accepting the report.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated the most alarming thing is that he saw the City's MARAD ship at the Port of Oakland; being birthed there, not in Alameda, reduces revenue; he believes the report is timely, extensive and necessary in assessing what to do with the property.

Mayor Spencer inquired whether the cost of the dredging is the reason the MARAD ship was moved.

The Assistant Community Development Director responded the cost of dredging have gone up; stated the City does not have commercial activity which would help fund the cost; lobbyists have gone to Washington D.C. to try to bring resources to Alameda and make it a non-issue for MARAD for years; staff has been working on the issue.

Mayor Spencer thanked staff for the report.

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

(18-039) Mayor Spencer stated a motion is needed to consider the referrals.

Councilmember Ezzy Ashcraft inquired whether Council would be agreeable to limiting the speaker time to two minutes.

Mayor Spencer inquired whether the limit can only be done on the referrals and not oral communications.

The City Clerk responded oral communications has been limited in the past.

The City Attorney responded there is no prohibition on limiting speaker time for oral communications/non-agenda.

Councilmember Ezzy Ashcraft moved to limit public comment on the remaining items with more than five speakers.

The motion failed for a lack of second.

Mayor Spencer inquired whether Councilmember Ezzy Ashcraft is proposing to hear all of the referrals.

Councilmember Ezzy Ashcraft stated that she will not support going past 11:00 p.m.

Mayor Spencer stated a motion is needed to consider any remaining items.

Councilmember Matarrese moved approval of hearing the tobacco referral [paragraph no. 18-047].

Councilmember Ezzy Ashcraft second the motion.

Under discussion, Mayor Spencer requested a friendly amendment to the motion to add the rent fee [paragraph no. 18-049].

Councilmember Matarrese accepted the friendly amendment.

Councilmember Ezzy Ashcraft requested a friendly amendment to the motion to limit items with more than five speakers limit to two minutes.

Councilmember Oddie requested the friendly amendment to the motion be to limit all speakers to two minutes.

Councilmember Ezzy Ashcraft and Matarrese accepted the friendly amendment.

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

(18-040) Recommendation to Review the Rent Increase Concerns at 3315 Willis Lane and Consider Whether to Authorize the Mayor to Send a Letter Encouraging the Owner to Comply with the Rent Review Advisory Committee's (RRAC) Decision. Not heard.

CITY MANAGER COMMUNICATIONS

(18-041) The City Manager stated that she met with Wilma Chan's office to review ways to have a warming center for the homeless; next steps were identified and the matter will be coming to Council; new art in City Hall will be up for three months; then, another lottery will be done to display art from additional local artists.

ORAL COMMUNICATIONS, NON-AGENDA

(18-042) Erik Strimling, ARC, discussed the rent increase case that was not heard [paragraph no. 18-040]; requested a rent cap for Alameda; stated Alameda needs a moratorium.

(18-043) Catherine Pauling, ARC, stated legal protections for tenants are needed; requested that the City contract with a tenant legal group to provide a resource for tenants.

(18-044) Anthony Brown, ARC, stated that he is an Operation Dignity resident; residents living at Alameda Point Collaborative (APC) deal with a lot of safety and maintenance issues being brought up and ignored; the tenants are afraid due to retaliation; requested protection for tenants.

Mayor Spencer requested staff to look into safety concerns and habitability at APC and provide an update of who suffered injuries or was impacted from the water concerns.

(18-045) Nyiah Andrews, APC Tenant, requested immediate intervention and protections from retaliation for reporting uninhabitable living conditions; stated eviction proceedings were started due to her reporting uninhabitable living conditions.

Mayor Spencer inquired what can be done regarding unlawful evictions at APC to allow Council time to review the allegations; stated that she has brought the issue regarding maintenance not being done to staff's attention in the past.

The City Attorney stated staff will reach out to APC and find out the status.

Mayor Spencer stated the inquiry would be regarding the unlawful eviction and retaliation; inquired what would be the pathway to do a moratorium on the evictions.

Councilmember Ezzy Ashcraft stated that she is satisfied with the City Attorney's answer to have staff look into the matter and determine the next step.

The City Manager stated staff has the contact information from the last two public speakers and will reach out to them to see what can be done.

COUNCIL REFERRALS

(18-046) Update on Tracking of Council Direction through the Referral Process.

(18-047) Consider Directing Staff to Draft an Ordinance Requiring the Licensure of Tobacco Retailers, Including a Ban on the Sale of Menthol Cigarettes and Other Flavored Tobacco and Enacting an Annual Fee. (Councilmembers Matarrese and Oddie)

Councilmembers Oddie and Matarrese made brief comments regarding the referral.

Urged Council to support the referral; submitted and read a letter from Peralta Community College: Marlene Hurd, Merritt College Tobacco-Less Club.

Urged Council to ensure tobacco retailer licensees' are not granted to pharmacies: Bob Gordon, Alameda County Tobacco Control Coalition (ACTCC).

Urged Council to remove flavored tobacco and menthol from tobacco retailers: Philip Gardner, African American Tobacco Control Leadership Council (AATCLC).

Stated banning does not work; statistics show that education ensures better control over underage sales of tobacco: Teresa Harborth, Alameda.

(18-048) Mayor Spencer stated a motion is needed to continue the meeting past 11:00 p.m.

Councilmember Matarrese moved approval of continuing the meeting.

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

Stated tobacco is killing the African American community; urged Council to make the right decision: Kwesi, AATCLC.

Submitted information; showed packages of flavored tobacco and discussed how the packaging encourage underage tobacco use: Vy Vo, ACTCC.

Note: Vice Mayor Vella left the dais at 10:58 p.m. and returned at 11:00 p.m.

Urged Council to support strong tobacco retail licensing for the City of Alameda; distributed candy samples to show similarity to the tobacco packaging: Rosalyn Moya, Alameda County Tobacco Free Coalition.

Expressed concern with the marketing of tobacco products to youth; urged Council to restrict the sale of flavored tobacco: Rachel Gratz-Lazarus, Alameda.

Urged Council to create strong laws to protect youth from accessing flavored tobacco products: Kelsey Norman, ACTCC.

Urged Council to protect youth in the retail environment and support the licensure: Limairy Rodriguez, ACTCC.

Stated banning the products from retailers will not solve the problem and would only create a black market: Yazeed Dames, Alameda Retailer.

Stated that he opposes the measure; the City will lose tax dollars; discussed flavored tobaccos being used for cannabis: Raed Abdallah, Alameda Retailer.

Discussed Senate Bill 1400; stated other cities are working with retailers to devise a program and work together and find a solution: Bob Sekhon.

Stated retailers do not sell to minors; the black market and adult family members give tobacco to minors; the tobacco tax goes to education of youth; urged Council to give the tax a chance to work: Ann Sekhon.

Urged Council to have a plan to reduce youth access to tobacco: Serena Chen, Alameda.

Stated licensing allows for cities to decide the standards for retailers selling tobacco products and holds retailers accountable: Paul Cummings, Alameda County Public Health.

Urged Council to limit access to flavored tobacco products: Lizzie Velten, American Heart Association.

Read a poem he wrote about addiction to tobacco in the Black community: Rasheed Shabazz, Alameda.

Stated that he is a retailer and does not sell to minors; urged Council to allow the tobacco tax initiative to work: Paul Sekhon.

Vice Mayor Vella stated the public health cost is too much of a risk; she would like to know how many other licensing fee structure are coming before staff and what department the licensing will be through to understand the impact on the department; how many man hours will be associated with the licensure is an important calculation; allowing flavored tobacco in certain shops will create a monopoly and be difficult to enforce.

Councilmember Ezzy Ashcraft stated that she would like staff to inform Council where the item would fit in with all the matrix of other work, like homelessness; any ordinance will have an enforcement mechanism, which needs to be taken into account; the health and well-being of youth is important; she supports directing staff to return to Council with an ordinance.

The City Manager listed the items that are higher priority ahead of the tobacco referral.

Councilmember Oddie stated more discussion needs to be done before an actual ordinance.

Councilmember Matarrese stated the priority is less urgent than homelessness and rent control; staff should be given direction; he is confident that the City Manager will work with staff to put the item in its proper place; he would like more discussion with the community and Council.

Mayor Spencer stated that she would like data based discussions, with input from Alameda's youth, on where they are purchasing tobacco products; she would like to have more education at the School District; data needs to be recent.

Councilmember Oddie moved approval of moving forward with the referral with consideration of the Council comments.

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

(18-049) Consider Directing Staff to: 1) Determine Whether Council Can Enact an Ordinance to Pass Through a Portion of the Housing Program (Rent) Fee to Tenants; 2) Clarify the City's Collection Efforts for Landlords who do not Pay the Fee by December 31, 2017; and 3) Clarify that the Fee May be Passed Through as Part of a Rent Increase. (Mayor Spencer and Vice Mayor Vella)

Mayor Spencer made brief comments regarding the referral.

Stated ARC would like to be involved with staff on the issue; questioned what the fee will cover and whether enforcement will be considered: Catherine Pauling, ARC.

Vice Mayor Vella stated staff should be directed to review the data which has been collected; inquired whether there are people that staff has not heard from or who are

refusing to pay; what are the numbers and what is the plan for enforcement; requested clarification regarding a separate ordinance relative to the fee and what would be included or the scope of that ordinance; stated that she would like different community groups involved in the discussion; inquired what the fees will go towards and the specific breakdown; is there value in drop in clinics; stated how other cities are structuring fees should be reviewed.

Mayor Spencer stated that she does not believe Vice Mayor Vella's comments are a part of the referral.

Vice Mayor Vella stated her original proposal has been the impact relative to Ordinance 3180 and can there be a stand-alone ordinance for some clarification regarding the fee; stated her proposal is a part of the referral.

Mayor Spencer read the referral.

Vice Mayor Vella stated that she is requesting clarification and would like to direct staff to look into whether the ability to draft an ordinance is even possible.

Councilmember Ezzy Ashcraft stated that she cannot support the referral; the staff report states the work will be done by the spring of 2018 and she does not see the urgency of directing staff to accelerate the matter.

Councilmember Oddie stated the City should look at some type of legal services or support for the community; the fee is not considered rent so he does not agree with making the fee go into the base rent.

Councilmember Matarrese moved approval of not directing staff to do the points in the referral.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Vice Mayor Vella inquired what is advice regarding the pass through is included in the frequently asked questions on the City website.

The City Attorney responded the landlord has to pay the full amount of the fee, but can pass along half the fee to the tenant as part of the 5% rent increase.

Vice Mayor Vella inquired whether the report on fees will include any clarification relative to Ordinance 3180 instructions that were given in terms of splitting the fee.

The City Attorney responded in the affirmative; stated staff has to return with an audit of the fees.

Vice Mayor Vella inquired if staff is monitoring whether or not there is a pass-through.

The City Attorney responded there is a laundry list of fixes for Ordinance 3180 to make the program work better; stated staff will come back to Council with suggested changes.

Vice Mayor Vella inquired what is the legal basis for the matter returning to Council if Ordinance 3180 has been rescinded.

The City Attorney responded Ordinance 3180 did not address the establishment of the fee itself, which was done by resolution.

Vice Mayor Vella requested clarification on the fixes to Ordinance 3180 that will return to Council.

The City Manager responded staff will return to Council after the year [from the referendum] is up.

Vice Mayor Vella inquired whether staff is saying there will be two presentations from staff and the one in the spring is relative to an audit.

The City Manager responded the one in spring is the Nexus study.

Vice Mayor Vella inquired whether the other presentation will not be until a year from the date the ordinance was rescinded.

The City Attorney responded that she is unaware of the timing but she envisioned all the items returning at the same time.

Mayor Spencer stated the items go outside the scope of the referral.

Councilmember Oddie stated dredging is outside the scope of piers and yet dredging was discussed.

On the call for the question, the motion failed by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft and Matarrese – 2. Noes: Vice Mayor Vella and Mayor Spencer and – 2. Abstention: Councilmember Oddie – 1.

Mayor Spencer moved approval of the referral.

Vice Mayor Vella second the motion with a friendly amendment that Council direct staff to provide clarification on what can and cannot be done.

The City Attorney stated that she answered the question; the fee can be collected.

Vice Mayor Vella stated Ordinance 3180 clarified administration of the fee.

The City Attorney stated Vice Mayor Vella is correct; but the clarification is not in play; staff would return to Council after the year mark.

Mayor Spencer inquired whether Vice Mayor Vella would like that to be a friendly amendment to the motion, to which Vice Mayor Vella responded in the affirmative.

Councilmember Ezzy Ashcraft requested clarification on the motion.

Vice Mayor Vella clarified that she does not want to look at the new fee structure for the next year without knowing what Council could be considering relative to administration of the fee.

Councilmember Ezzy Ashcraft inquired whether Vice Mayor Vella is requesting to know said information by the spring, to which Vice Mayor Vella responded in the affirmative.

The Community Development Director stated that prior to July 1st, staff will update the fee study; she is hearing there might be an interest in looking at what are the components of the work activity that goes into administering the program; pass-through has to wait for one year from the date of the referendum; if the ordinance is incorporated in the City Charter, staff and Council's abilities may be determined in November and Council could be precluded from doing the pass-through.

Mayor Spencer requested clarification if the City Attorney's position is that if the Charter amendment passes, there cannot be a subsequent action by Council in regards to pass-through.

The City Attorney responded in the affirmative.

Mayor Spencer and Vice Mayor Spencer agreed to withdraw the referral.

No vote was taken on the motion.

(18-050) Consider Directing Staff to Provide Information on the Citywide Dockless Bike Sharing Program and Return to Council with Additional Safety Requirements. Not heard. (Mayor Spencer and Vice Mayor Vella)

(18-051) Consider Banning Motorized Commercial Vehicles, Including Robotic Commercial Vehicles, from Sidewalks and Commercial Drone Aircraft Used for Deliveries. Not heard. (Councilmember Matarrese)

COUNCIL COMMUNICATIONS

(18-052) Mayor Spencer noted that she and Councilmember Matarrese attended the Martin Luther King ceremony held in City Hall.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:15 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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