

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - DECEMBER 5, 2023- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:00 p.m. Scout Troup 214 led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella, and Mayor Ezzy Ashcraft – 5.
Absent: None.

AGENDA CHANGES

(23-705) The City Clerk noted the Public Art Master Plan [paragraph no. 23-743] and Radium ENA [paragraph no. 23-744] were withdrawn and would not be heard.

The City Attorney suggested the Rent CIP ordinance [paragraph no. 23-737] be moved up to first on the agenda.

Mayor Ezzy Ashcraft suggested the Resolutions of Appointment [paragraph no. 23-706] be called next.

Councilmember Jensen moved approval of hearing the resolutions of appointment next and the Rent CIP ordinance first.

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

REGULAR AGENDA ITEM

(23-706) Resolution No. 16117, “Appointing Andy Wang a Member of the Planning Board.” Adopted; and

(23-706A) Resolution No. 16118, “Appointing Sunny Tsou as a Member of the Planning Board.” Adopted.

Councilmember Herrera Spencer moved adoption of the resolutions_____.

Councilmember Vella seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath of Office to Mr. Tsou.

Mr. Tsou made brief comments.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(23-707) Ashley, Alameda Families and Friends for a Cease Fire, urged Council to agendize a

resolution calling for a permanent ceasefire in Gaza and throughout the West Bank; discussed worldwide policing and militarization.

(23-708) Eyman E urged Council to call a special meeting to adopt a ceasefire resolution; discussed a video and children being affected by war.

(23-709) Amina Hakim, Alameda Families and Friends for a Cease Fire, discussed friends and colleagues losing family members and the emotional toll.

(23-710) Maia Wiitala, Alameda, stated there is need to demand a ceasefire and halt financial and military support to occupying forces.

(23-711) Eric Sells, Alameda, urged Council to issue a resolution calling for a permanent ceasefire in Gaza and throughout the West Bank; discussed his deployment experience overseas.

(23-712) Booke El-Amin, Alameda, discussed her experience living on the border of Palestine and Lebanon; urged Council to agendaize and adopt a resolution for an immediate and permanent ceasefire; discussed war statistics.

(23-713) Shakria Hakim questioned why citizens must ask Council to call for a ceasefire; urged Council to adopt a resolution for a permanent ceasefire.

(23-714) Nasanum Khan urged that her tax money not be put towards the genocide of Palestinians; expressed support for a resolution and for a cease to the oppression of Palestinians.

CONSENT CALENDAR

Councilmember Herrera Spencer requested the agreement with Seth Hamlin [paragraph no. 23-745] be removed from the Consent Calendar for discussion; thanked staff for answering her questions on the warming shelter items [paragraph nos. 23-723 and 23-724]; stated since answers were provided and attached to the agenda items, she is not going to request the items be pulled for discussion.

Expressed support for the Christ Church Warming Shelter; discussed operating partners, supportive housing and day programs for shelter guests; stated the Warming Shelter supports measures which ensure less homelessness: John Brennan, Christ Church Warming Shelter.

Expressed support for Council approving the Warming Shelter hotel vouchers; stated Alameda is a compassionate city: Liz Varela, Building Futures.

Discussed the partnership and program with Christ Episcopal, St. Joseph's, and Twin Towers Methodist Churches: Chris Callandriloo, Episcopal Community Services.

Mayor Ezzy Ashcraft stated Reverend Stephen McHale with Christ Episcopal Church provided comments in support of the Warming Shelter program; noted the program is supported by City funds and in collaboration with community churches; Christ Episcopal Church will be raising approximately \$60,000 to support the shelter, meals, and showers.

Councilmember Jensen moved approval of the Consent Calendar.

Councilmember Jensen expressed support for the Warming Shelter and the Consent Calendar.

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

(*23-715) Minutes of the Special City Council Meeting Held on October 25, 2023; and the Special and Regular City Council Meetings Held on November 7, 2023. Approved.

(*23-716) Ratified bills in the amount of \$2,102,797.77.

(*23-717) Recommendation to Accept the Development Impact Fee and Fleet Industrial Supply Center/Catellus Traffic Fee Report. Accepted.

(*23-718) Recommendation to Accept the Annual Report for the 2013 Local Library Bond Measure. Accepted.

(*23-719) Recommendation to Accept the Police and Fire Construction Impact Fee Annual Report. Accepted.

(*23-720) Recommendation to Accept and File Various Community Facilities Districts (CFD) Reports for Fiscal Year Ending June 30, 2023, including: CFD No. 03-1 (Bayport Municipal Services District); CFD No. 13-1 (Alameda Landing Public Improvements); CFD No. 13-2 (Alameda Landing Municipal Services District); CFD District No. 14-1 (Marina Cove II); CFD No. 17-1 (Alameda Point Public Services District); and CFD No. 22-1 (Alameda Marina). Accepted.

(*23-721) Recommendation to Accept the Biennial Report for the Public Art Fund as Required by the Public Art Ordinance. Accepted.

(*23-722) Recommendation to Accept the Annual Review of the City of Alameda's Affordable Housing Unit Fee Requirements Consistent with Section 27-1 of the Alameda Municipal Code; Accept the Annual Affordable Housing Unit Fee Fund Activity Report; and Find that: 1) Unit/Fee Requirements Set Forth in Local Law Remain Reasonably Related to the Impacts of Development, and 2) the Affordable Housing Units, Programs and Activities Required by Local Law Remains Needed to Support the Production of Affordable Housing in the City of Alameda. Accepted.

(*23-723) Recommendation to Authorize the City Manager to Execute an Agreement with Alameda County to Accept \$60,000 for Partial Funding of the Local Winter Warming Services Program to Provide Hotel Stays for the Most Vulnerable Homeless Individuals; and Authorize the City Manager to Execute an Agreement with Building Futures with Women and Children to Provide Winter Warming Services for \$113,000. Accepted.

(*23-724) Recommendation to Authorize the City Manager to Execute an Agreement with Christ Episcopal Church to Provide Winter Warming Shelter and Related Services in an Amount Not-to-Exceed \$123,385. Accepted.

(*23-725) Recommendation to Approve the Assignment of the Existing Power Purchase Agreement with Ameresco Half Moon Bay, LLC for the Ox Mountain Landfill Power Plant, to the

Lender, HA RNG 1 LENDER LLC, and Delegate Authority to the General Manager of Alameda Municipal Power to Execute the Assignment Agreement. Accepted.

(*23-726) Recommendation to Authorize the City Manager to Execute a Service Provider Agreement with CSG Consultants, for a Five-Year Term in an Amount Not-to-Exceed \$2,000,000 for Third Party Plan Check Services. Accepted.

(*23-727) Recommendation to Authorize the City Manager to Execute an Agreement with the Alameda Journal for the Publication of Legal Notices for the Remainder of Fiscal Year 2023-24. Accepted.

(*23-728) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with NBS Government Finance Group, Inc. for Administration Services of Alameda's Non-Bonded Special Financing Districts for an Amount Not-to-Exceed \$285,951. Accepted.

(*23-729) Recommendation to Accept the Work of McGuire & Hester, for the 2022-23 Pavement Management Project, Phase 41, No. P.W. 05-22-16. Accepted.

(*23-730) Resolution No. 16119, "Authorizing the City Manager to Execute an Emergency Vehicle Access Easement to TH Grand Street, LLC, Across City-Owned Property and Any and All Ancillary Documents and Direct the Recording of the Grant of Easement for Construction of an Emergency Vehicle Access Connection at 2015 Grand Street (former Pennzoil Property)." Adopted.

(*23-731) Resolution No. 16120, "Approving a Final Map and Authorizing the City Manager, or Designee, to Execute Subdivision Improvement Agreement and Affordable Housing Agreement for Tract 8654, 2015 Grand Street (former Pennzoil Property)." Adopted.

(*23-732) Resolution No. 16121, "Amending the Fiscal Year 2023-24 General Fund Budget to Appropriate \$72,500 from General Fund Residual Fund Balance to Conduct a Franchise Fee Cost Review for Collection, Transportation and Processing of Municipal Solid Waste, Recycling, and Organic Materials." Adopted.

(*23-733) Resolution No. 16122, "Authorizing the City Manager to Execute a Second Amendment to a Project Funding Agreement with the Alameda County Transportation Commission for an Amount Not-to-Exceed \$6,376,000 to Complete the Construction Phase of the Clement Avenue/Tilden Way Project and to Extend the Expiration Date to December 31, 2026; and Authorizing Submittal of the Safe Routes to Bay Area Rapid Transit Grant Application to Fund the Full Build-Out of the Clement Avenue/Tilden Way Project, which Primarily Improves the Broadway/Tilden Way Intersection, for an Amount Not-to-Exceed \$3,000,000." Adopted.

CONTINUED AGENDA ITEMS

(23-734) Introduction of Ordinance Authorizing (1) the Transfer of 0.65 Acres to the Alameda Unified School District (AUSD), (2) the Conveyance of an Easement to AUSD for Parking and Access Purposes, (3) the Acceptance of an Easement from AUSD for Parking and Access Purposes, and (4) the City Manager to Execute All Necessary Documents in Connection Therewith to Facilitate the Renovation and Rebuild of Wood Middle School. Introduced.

The Assistant City Manager gave a brief presentation.

Councilmember Jensen stated parks and schools make Alameda a supportive, healthy, and livable community; she understands how closely the School District and City must work together; expressed support for the improvements to Wood Middle School.

Councilmember Jensen moved introduction of the ordinance.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Vella stated the project has complex construction timing to ensure there are no negative impacts to curriculum programs; expressed support for the continued work to coordinate the project.

Mayor Ezzy Ashcraft expressed support for City and School District staff members; stated that she is pleased with the collaboration.

Councilmember Herrera Spencer inquired what will happen with the Little League fields.

The Assistant City Manager responded there are two little league fields on School District property; stated the School District and Alameda Recreation and Parks Department (ARPD) Director are working closely with Little League; one field and the snack bar will be demolished as part of the rebuild of Wood Middle School; the second field would not be demolished until closer to 2028; a new field will be built as part of the sports campus adjacent to Wood Middle School.

Councilmember Herrera Spencer requested clarification that two fields currently exist and only one would be rebuilt in the future.

The Assistant City Manager stated the potential for a second field will be part of the discussion for the design of the sports complex; the School District and ARPD are both looking for and discussing other fields that could be used to keep programming whole.

Councilmember Herrera Spencer stated there are never enough fields; expressed support for the project coming up with a proposal to keep the same number of fields, if not more; expressed concern over parking; stated that she would like to ensure parking is made available to the public and not limited; many schools do not have sufficient parking; it is important that the public has access to the few parking spaces available; discussed tightening the related documents to ensure the parking spaces will always remain public.

The Assistant City Manager confirmed there will be reciprocal public access and the parking lot will always be fully accessible to the public.

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

(23-735) Introduction of Ordinance Authorizing the City Manager to Execute a Lease with the Alameda Transportation Management Association for a Single Office Space in City Hall West at Alameda Point for a Five-Year Lease Term with Base Rent of One Dollar Per Year. Introduced.

The Special Advisor gave a brief presentation.

Councilmember Vella moved approval of the lease including introduction of related ordinance.

Vice Mayor Daysog seconded the motion, which carried by unanimous voice vote - 5.

(23-736) Recommendation to Authorize the City Manager to Execute a Two-Year Agreement with Raimi & Associates in an Amount Not-to-Exceed \$225,000, Including Contingencies, to Update the Climate Action and Resiliency Plan.

Councilmember Herrera Spencer stated the matter allocates up to \$225,000; inquired whether the funding comes from the General Fund.

The Sustainability and Resilience Manager responded in the affirmative; stated the funding was allocated by Council during the budget process.

Councilmember Herrera Spencer inquired how much money has been spent on the entire Plan; stated there is supplemental correspondence from the City Manager on the matter and a chart shows \$606,000 as the running total.

The Sustainability and Resiliency Manager responded the chart shows the amount of the successful proposals for the Plan update.

The City Manager stated the chart indicates all proposals received, including budget amounts; the amounts were totaled.

The Sustainability and Resiliency Manager stated a proposal amount of \$606,000 was not selected.

Mayor Ezzy Ashcraft inquired whether other proposals were similar, to which the Sustainability and Resiliency Manager responded other proposals were close to \$200,000.

Councilmember Herrera Spencer stated the update is not to exceed \$225,000; inquired whether the past amounts spent on the Plan equate to \$378,437 plus \$75,000.

The Sustainability and Resiliency Manager responded in the affirmative; stated roughly \$483,000 has been spent.

Councilmember Herrera Spencer inquired whether the amount consists solely of General Fund money, to which the Sustainability and Resiliency Manager responded a grant was utilized to offset some of the General Fund monies.

The City Manager stated the previous Plan used grant funding.

In response to Councilmember Herrera Spencer's inquiry, the City Manager stated the majority of the original Plan was funded through a grant.

Vice Mayor Daysog stated the first Plan had three possible responses to sea-level rise; one of the responses allowed for the rise to occur versus a hard-scape; expressed support for a future tidal marsh along Crown Memorial Beach and Crab Cove; inquired whether there is anything new regarding the approach to sea-level rise.

The Sustainability and Resiliency Manager responded staff will be returning to Council with an extended update on the approach to sea-level rise; stated staff has been working with 30 regional agencies to collaborate on adapting to sea-level rise; the City has received almost \$4 million in grant funding, has hired a consulting team, and has used grants to fund community partners in Oakland and Alameda; staff is initiating three projects: a long-term shoreline adaptation plan for the Alameda and Oakland shoreline, a Posey-Webster Tube adaptation project, and a Bay Farm Island project; staff is also seeking additional grant funding for construction; a working group meets quarterly and is finding ways to live with and adapt to water.

Expressed support for the hiring of Raimi and Associates; stated the Plan anticipates an update every five years; the scope of work includes a detailed action plan: Ruth Abbe, Community Action for a Sustainable Alameda.

Councilmember Herrera Spencer stated the prior Plan included a ban on gas powered leaf blowers; the ban is not being enforced; inquired about enforcement.

The Sustainability and Resiliency Manager responded Code Enforcement enforces the ban.

Councilmember Herrera Spencer inquired whether the updated Plan will include anything to help with enforcement.

The City Manager responded Code Enforcement has a plan for enforcing the ban; stated staff is actively working towards enforcement; a complaint system is available online; Code Enforcement will respond to complaints; staff has been proactive and will continue to follow up with suggestions.

Mayor Ezzy Ashcraft discussed a meeting in Carlsbad, California; stated the meeting established 2024 priorities; one of the priority areas is to strengthen climate change resiliency and disaster preparedness; read the priority description related to climate change; stated staff will continue to review funding sources; many communities are not as prepared as Alameda; expressed concern over smaller communities that not having resources.

Vice Mayor Daysog moved approval of the staff recommendation.

Councilmember Vella seconded the motion, which carried by unanimous voice vote - 5.

REGULAR AGENDA ITEMS

(23-737) Introduction of Ordinance Amending Article XV of the Alameda Municipal Code, Amending and Enhancing the Rent Control Program's Capital Improvement Plan (CIP) Program and Terminating the Current Moratorium on CIP Applications for Properties that Have 25 or More Rental Units ("Option A") and Making Other Necessary Updates. Introduced; or

Introduction of an Alternative Ordinance Amending Article XV of the Alameda Municipal Code, Terminating the CIP Program and Terminating the Current Moratorium on CIP Applications for Properties that Have 25 or More Rental Units ("Option B") and Making Other Necessary Updates. Not introduced;

(23-737A) Resolution No. 16123, "Repealing Resolution 15138 that Established the Existing

Capital Improvement Plan Policy for Rental Units in the City of Alameda.” Adopted;

(23-737B) Recommendation to Authorize the Creation of a Temporary Relocation Tenant Assistance Program to Provide Emergency Temporary Assistance for Tenants Facing Displacement and Authorize the Program Administrator to Adopt Regulations to Implement the Program; and

(23-737C) Adoption of Resolution Amending the Fiscal Year 2023-24 General Fund Budget to Appropriate \$100,000 from General Fund Residual Fund Balance for the Temporary Relocation Tenant Assistance Program. Resolution No. 16108 was previously adopted on October 25, 2023.

Councilmember Jensen stated the breakdown of housing tiers shows the extent of the Rent Control Program; the City is doing a great job regulating properties; staff has done a lot of work since the CIP program was introduced; inquired the number of units at South Shore Apartments, to which the Administrative Management Analyst responded 451 units.

Councilmember Jensen inquired whether South Shore Apartments is the largest of the City’s multi-unit properties, to which the Administrative Management Analyst responded in the affirmative.

Councilmember Jensen stated the CIP program is not often used; the matter has been brought forth due to one of the largest property owners utilizing the CIP program to pass-through costs; inquired the previous pass-through amount.

The Administrative Management Analyst responded previously, was no cap on pass-throughs; stated some tenants in certain cases would pay 18% or higher.

Councilmember Jensen questioned whether the proposed matter would include a cap.

The Administrative Management Analyst responded in the affirmative; stated a property of the size of South Shore Apartments would not be eligible for the CIP program.

Councilmember Jensen inquired whether the graduated portion of the breakdown would allow for caps from 50% up to 100% depending on the size of the property, to which the Administrative Management Analyst responded in the affirmative.

Councilmember Jensen stated that she previously voted to support an option which was not the staff recommendation; there had been discussion related to how property owners should set aside money to perform property improvements; having a robust rent control option helps the City protect tenants; the original proposal returned to allow her to change her previous vote and to approve the original staff recommendation.

Councilmember Herrera Spencer stated fair return applies when there is no CIP available; inquired whether a fair return cap could be passed through, to which the Administrative Management Analyst responded in the negative.

Councilmember Herrera Spencer inquired whether there are any exceptions for hardship or other caps on fair return, to which the City Attorney responded in the negative.

Mayor Ezzy Ashcraft requested clarification.

The City Attorney stated Option A provides that a low-income tenant can seek exemption from the CIP pass-through; if a fair return petition is filed, it would be governed by the United States Constitution, not local law.

Mayor Ezzy Ashcraft inquired whether staff originally presented two possible ordinances to Council, to which the Administrative Management Analyst responded in the affirmative.

The City Attorney stated the same two ordinances are being presented to Council tonight.

Expressed support for rent control; discussed his living conditions and real estate speculation; stated CIP is a gift to landlords; he opposes CIP; urged Council to abolish CIPs: Garfield Kincross, Alameda.

Expressed concern over the reversal of Councilmember Jensen's vote; questioned the equity of the vote; stated no small landlords have utilized the CIP policy and many speakers are against CIP; Blackstone will benefit from CIP: Eric Kozak, Alameda.

Discussed being legally displaced from rental homes; stated Alameda community members are vulnerable; continual increases are unfair; rent should be used towards property improvements; urged elimination of CIP: Stacey Rodrigues, South Shore Tenants Association.

Expressed concern over not keeping the second-tier category; stated many Victorian houses fall under the second tier; changing outdated systems can be costly and some owners might sell to outside investors; equity does not equate access to funds: Karen Miller, Alameda.

Stated that he is not in favor of CIP due to its lack of use; the fair return process is available: Zac Bowling, Alameda.

Urged Council to eliminate CIP; stated CIP will make housing more expensive for tenants; asking tenants to pay all or most of capital improvements is unfair; expressed concern over no limits to pass-through costs: Kimberly Tyda, Alameda.

Stated that she opposes continuing the CIP policy; urged landlords to sell their property if needed improvements cannot be made; stated CIP is an unpopular and unfair policy; urged Council to do-away with CIP: Laura Woodward, Alameda.

Discussed the tenant hardship exemption; expressed concern over the tenant hardship not being included in the ordinance and buildings on the cusp of a tier changing the CIP percentage: Toni Grimm, Alameda.

Stated the matter is being handled irresponsibly; changes to Council votes should be explained; expressed concern over lowering the CIP threshold: Darcy Morrison, Alameda.

Mayor Ezzy Ashcraft stated the motion to re-hear the matter without explanation was troubling; no new information has been added to the item; bringing the matter forward to another Council meeting during December has impacts; expressed concern over the rejection of the rent control ordinance; stated Alameda has rent control and there appears to be a workaround to rent control; many meetings have been held regarding rent control; staff and Council have heard

from tenants and landlords; Council terminated the Rent Review Advisory Committee (RRAC) and replaced it with the Rent Program; City staff has helped resolve disputes between landlords and tenants by ensuring both parties understand their rights and responsibilities in a neutral forum; CIP is not fair for renters; people are facing housing insecurities; Council has approved the Warming Shelter for those facing housing insecurity; expressed support for programs that help keep people from slipping into homelessness; stated speaker Brennan indicated there is a direct connection between the Warming Shelter and CIP and hopes there will be no change to CIP to stop creating further vulnerable renters; expressed support for the Warming Shelter eventually having less clients; stated there is no reason for anyone to live unsheltered in California and every city has a role to play; California could end homelessness if all cities contribute; every policy decision and vote made by elected bodies impact human beings.

Councilmember Vella stated housing is a priority, as well as expanding investments to prevent and reduce homelessness and increase the supply of affordable housing; the City is committed to doing its part to keep residents off streets and in safe, stable, and affordable housing with partnerships and wraparound services; California cities are supportive of jumpstarting the construction of affordable housing while ensuring retention of local decision-making flexibility; the City needs to ensure it is not increasing the number of constituents in need of housing; the previous motion compromise included information on loan types; there are different types of loans for housing units and buildings; the compromise consisted of moving away from creating tiers; there is a goal of trying to find a way to prevent housing displacement as much as possible; expressed support for Council's reconsideration of the compromise measure; stated there is a reason that multi-units over a certain threshold have commercial loans; the properties are viewed as investments; a higher number of units should be treated as a business that can take out a commercial loan to reinvest in the property in a way which will not adversely impact tenants; the compromise was put forth to a second reading; she questioned the matter being brought back based on her desire to include public information and provide the opportunity for participation; she will not be supportive of the staff recommendation; her preference for the compromise addresses some of the concerns raised by her colleagues.

Councilmember Herrera Spencer stated the current topic is an ongoing issue; she considers the staff recommendation as the next step; inquired the qualifications for the tenant hardship exemption.

Special Counsel responded the hardship exemption will be within a regulation, rather than the ordinance; stated there may be a need for flexibility and revisions; the regulation has been drafted; the tiers will be based on the number of units; provided an example.

Councilmember Herrera Spencer inquired the types of improvements that fall under the CIP policy.

The Administrative Management Analyst responded qualifying improvements would be expanded to include energy efficiency, conservation, fire sprinklers, alarm systems, replacement of stairs or railings, and lead remediation.

The City Attorney stated the list of improvements would also include new roofing, foundation upgrades, seismic retrofitting, new plumbing, electrical, heating, ventilation, and air conditioning (HVAC) systems for all or substantially all of the building, exterior paint, new siding, installation of energy or water conservation devices, repairs to address findings in a wood-destroying pest organisms report, and improvements that exceed or meet disability and access standards;

Councilmember Vella has made a request to incorporate 100% of lead improvements due to Alameda being part of a lead joint powers authority; the request is included in the staff recommendation.

Councilmember Herrera Spencer stated all improvements listed are needed in order for properties to be habitable and safe for tenants; inquired how many CIP applications have been received by the City for 2 to 24 units.

The Administrative Management Analyst responded there have been 14 total applications received and only 1 application was for a property larger than 24 units.

Councilmember Herrera Spencer inquired whether the 14 applications were implemented.

The Administrative Management Analyst responded the four approved applications were for improvements that are now proposed to be removed from the policy and CIP pass-through has only been approved for one application.

Councilmember Herrera Spencer stated CIP has not been utilized often; staff has met with tenants and smaller landlords and provided a compromise; the policy can be revisited at a future date to review efficacy; expressed support for the matter, process, and evolving issue; stated rentals should be shored up and repaired; she would prefer to work with smaller landlords versus Blackstone.

Councilmember Herrera Spencer moved approval of Option A and approval of ending the moratorium.

Councilmember Vella inquired the time period in months for the list of applicable repairs; noted the City has not had rent control or CIP for very long.

The Administrative Management Analyst responded the CIP has been in place since 2016; stated only 14 applications have been received since 2016; two applications were for properties larger than 25 units.

Councilmember Vella inquired whether the timeline includes the moratorium.

The Administrative Management Analyst responded in the affirmative; stated a CIP application could be submitted and tentatively approved but not imposed until after the moratorium.

The City Attorney displayed a presentation slide; stated the City did not accept applications for properties with units of 25 or more during the moratorium period, but continued accepting applications for less than 25 units; the past six months, the City has not been accepting applications for units larger than 25.

Councilmember Vella inquired whether there have been any applications in the intervening time, to which the City Attorney responded in the negative.

Councilmember Vella inquired whether any applications are currently pending, to which the Administrative Management Analyst responded in the negative; stated staff has received various inquiries.

Councilmember Vella inquired the size of properties.

The Administrative Management Analyst responded the inquiries have been from property owners with 20, 16, and 12 units, and a handful of landlords with 2 to 4-unit properties; the inquiries are general and procedural.

Councilmember Vella inquired whether changing from the previous compromise to the current motion would allow the CIP inquiries to become permissible, to which the Administrative Management Analyst responded in the affirmative.

Mayor Ezzy Ashcraft questioned why Council is looking backwards instead of forward; stated the argument for CIP being used infrequently is also an argument to eliminate CIP due to staff and administrative time; expressed concern over the impact on tenants going forward; questioned whether a number of tenants will be priced out of the market and forced to leave Alameda.

Councilmember Vella expressed concern over there being a number of applications above what has been received in a short amount of time; stated households will be impacted at a time where inflation has been at an all-time high; she does not want to wait for harm in order to make a change and course-correct; expressed concern over the number of CIP inquiries and interest being received.

Vice Mayor Daysog stated staff has carefully prepared the CIP program, especially protecting those who are low- and very low-income; the CIP program allows those with low-income to be protected through hardship exemptions; the proposed CIP is aligned with the spirit of Alameda's rent control program; the policy is targeting protections to low-income groups; the alarm raised by the residents in South Shore Apartments initially brought the matter forth and the City has responded in a positive fashion; South Shore tenants were at risk of shouldering \$24 million worth of improvements; expressed support for Option A as well as the hardship exemption protections.

Mayor Ezzy Ashcraft inquired whether the CIP applies to Housing Authority properties, to which the City Attorney responded in the negative.

Mayor Ezzy Ashcraft stated there appears to be confusion related to residents in the low- to very low-income categories in referring to Section 8 voucher holders.

Vice Mayor Daysog stated programs are given as clear indication as de facto low-income households when participating in certain programs like Section 8 or Social Security Income; in order to participate in the programs, households must be very low-income; low-income is not only synonymous with participation in federal or State programs; the definition of low-income is based upon 80% of the median income; whether the City decides to use the area median income for a family of three, low-income equates to making less than \$102,000 annually; there are income specific definitions with respect to eligibility in certain programs, but also related to the income scale.

The Administrative Management Analyst stated the specific requirements and procedures for financial hardships would be established by a regulation; staff looked at San Francisco's program, which includes an 80% area median income amount as well as SSI and means tested public assistance.

Vice Mayor Daysog stated the definition of low-income would be less than 80% of area median income.

Councilmember Jensen stated that she does not desire a work-around to rent control; she is trying to ensure the program is equitable; equity is something to move towards; staff's proposal is equitable; rent should be put towards improvements and supporting tenants; Rent Program staff have indicated that improvements that promote health and safety are allowed; Council's previous action only allowed for buildings with 2 to 4 units apart from lead abatement; the previous action was not equitable; some property owners of larger properties should be able to provide health and safety improvements and have a CIP in order to comply with State or City mandates; expressed support for the staff recommendation; she previously supported the amended compromise proposal, but has since reconsidered her decision; she would like to better understand the distinction between residential and commercial loans any why only 4 units would be eligible for a residential loan; when she joined Council, the Regional Housing Needs Assessment (RHNA) was approved with an expectation that homeowners could be convert large properties to contribute to the housing rental stock; staff has presented scenarios of properties expanding to rentals or adding Accessory Dwelling Units; Councilmembers before her had been thoughtful in considering expanding rental properties and had established the Rent Program to ensure rents could only be increased a certain amount; the City currently has a program that has been working without a tremendous amount of renters being displaced; small landlords should continue to have the ability to make improvements; large, multi-unit buildings should be able to make improvements to allow for additional rental units; established State and local mandates require property owners to make changes and improve properties for various reasons, which is not equitable to all landlords; the City could be losing housing stock if the alternative approval is considered; expressed concern over a deluge of CIP requests; stated there have been CIP inquiries and a suggestion to review the program in the future.

Mayor Ezzy Ashcraft inquired the source of information for the lack of tenant displacement.

Councilmember Jensen responded that she was not on Council when the rent ordinance was passed; stated the rent ordinance was intended to stop renter displacement.

Mayor Ezzy Ashcraft expressed concern over having renters pay for property improvements that only benefit the landlord.

Councilmember Vella stated there has been a question about commercial versus residential lending; there are different and complex rates and borrowing processes with lending; qualifying for a residential loan is different from a commercial loan; the value of the property is considered, as well as collateral; multi-unit properties take out commercial loans and are viewed as businesses and investment properties; property owners may have different approaches; she is looking at the matter from the standpoint of different loan approaches; there is an overarching concern that people who would have been unable to apply are now looking at applying for CIP; the City will quickly find out and see an influx of applications; the magnitude of impacts will be high.

Mayor Ezzy Ashcraft stated landlords are allowed to increase rent even under rent control.

Councilmember Jensen stated landlords can only increase to a certain limit; prior CIP limits could have been much higher and upwards of 10%; the staff recommendation limits the CIP to

be amortized along with regular rent increases at no more than 8%.

Councilmember Herrera Spencer inquired the amount allowed for pass-throughs.

The City Attorney responded staff has proposed different types of caps: a 5% cap on CIP pass-throughs on top of the 5% cap and an 8% overall cap for cost-of-living adjustment (COLA), banking, and CIP together, which cannot exceed 8%.

Councilmember Herrera Spencer inquired whether the total cap equals 13%.

The City Attorney responded in the negative; stated the caps are not mutually exclusive and work together; the maximum 8%; provided an example.

Councilmember Herrera Spencer requested clarification of banking.

The City Attorney stated the banking regulation permits a landlord to forego a rent increase in a particular year in order to implement it in a different year.

Councilmember Herrera Spencer stated the City experienced the scenario during COVID-19; the City encouraged landlords not to increase rent during COVID-19 and landlords still increased rent; there is an option to increase rent later.

The City Attorney stated during COVID-19, Council adopted a moratorium on rent increases; there could be no rent increases during COVID-19 and rent increases could be banked.

Councilmember Herrera Spencer stated improvements should be made; the total increase under the proposal is an 8% increase at most, which includes rent control, banking, and CIP; the 8% increase is reasonable in trying to work with landlords, especially those with fewer units; some Victorian homes have more than 4 units and should be included in the program; she would like to clarify that her motion includes approval of ending the moratorium.

Councilmember Vella requested clarification on the multi-year scenario of allowable rent increases; expressed concern over the misnomer of an at-most increase of 8%.

The City Attorney stated 8% is the cap every year; the allowable increases could be 8% in years one, two, and three; there is a possibility to have an 8% increase every year.

Councilmember Vella stated compounding an 8% increase begins to be costly and is part of the reason Council implemented rent control.

In response to Mayor Ezzy Ashcraft's inquiry related to CIP percentage, the Administrative Management Analyst outlined a hypothetical situation.

Councilmember Jensen inquired the maximum rent increase, including CIP, prior to the pandemic.

The Administrative Management Analyst responded the previous CIP policy had no cap on the pass-through amount.

Councilmember Jensen inquired whether Council approved the CIP to be unlimited.

The City Attorney responded in the affirmative; stated the existing CIP policy does not contain a limit; there is a State law limit of 10%; there is no judicial guidance about whether the limit applies directly to CIP.

Councilmember Jensen seconded the motion.

Under discussion, Vice Mayor Daysog stated the 8% increase breakdown would not occur as-described; a \$1,000 rent and an 8% allowable CIP, the rent could then be increase to \$1,080; the following year would have an increase of the allowable rent adjustment, and not 8%; the rent would only be increased by 8% with a completely new CIP; the base is rebuilt but is not increased by 8% in the subsequent years.

Special Counsel stated landlords cannot use banking twice; landlords must wait 24 months before implementing banking again; there is an overall 8% allowable increase, but reaching the cap may be difficult due to the banking limitation; landlords cannot apply for CIP pass-through more than once every 24 months; there are nuances to the ordinance.

The City Attorney provided a hypothetical scenario; requested clarification of the motion on the table.

Councilmember Vella responded as written the ordinance does not include any of the other recommendations, such as lead remediation.

The City Attorney stated Council previously included 100% for lead; he would like to clarify whether the motion includes the same 100% for lead.

The City Attorney stated the previous motion included 100% pass-through for lead; he would like to clarify where lead falls in the current motion to ensure staff correctly implements Council direction.

Councilmember Herrera Spencer accepted approving the addition of lead in her motion; inquired whether there are any other modifications from the previous meetings motion.

The City Attorney responded in the negative; stated the only modification is 100% lead for the approved categories.

Councilmember Herrera Spencer stated the report also indicates approval of repealing Resolution No. 15138; inquired whether the repeal should also be included in the motion, to which the City Attorney responded in the affirmative.

The City Attorney stated the motion does not include budget resolution that was previously approved even though it is agendized with the current matter; staff is not recommending appropriating additional funds.

Councilmember Herrera Spencer stated the previously approved resolution is for tenant relocation assistance and is another good thing approved by Council.

Councilmember Herrera Spencer stated that she is a tenant; every tenant understands uncertainty; staff is trying to find nuance; many homes need repairs; the CIP matter has built-in

caps and exemptions that are not included in fair return.

On the call for the question, the motion which carried by the following voice vote: Ayes: Councilmembers Daysog Herrera Spencer, and Jensen- 3. Councilmembers Vella and Mayor Ezzy Ashcraft – 2.

Mayor Ezzy Ashcraft called a recess at 9:17 p.m. and reconvened the meeting 9:34 p.m.

(23-738) Workshop to Provide Input on the AC Transit Realign Draft Bus Service Plan Scenarios.

Maria Henderson and Krystal Wang, AC Transit, gave a Power Point presentation.

(23-739) The Planner II requested two additional minutes for his presentation.

Councilmember Vella moved approval of allowing two more minutes for the presentation.

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

The Planner II gave a Power Point presentation.

Vice Mayor Daysog discussed the bunching and splitting of Lines 51 and 51A; stated there will be 10-minute headways with the new approach; inquired how the headways will be achieved.

Ms. Wang responded AC Transit does not have any schedules built, but similar feedback on service reliability related concerns has been consistent.

Mayor Ezzy Ashcraft expressed concern over the difference in reliability in riding Line 20 versus other lines.

Councilmember Herrera Spencer inquired whether the proposal to remove the bus line from Bay Farm to the Oakland Airport would be to have route riders through Fruitvale.

Ms. Wang responded in the affirmative; stated AC Transit has not seen much ridership to the airport on Line 21; the proposal includes a cut to that service.

Councilmember Herrera Spencer stated the Port of Oakland has a future expansion project; expressed concern over the potential impacts of eliminating services; inquired whether an increase in ridership has been considered.

Ms. Wang responded AC Transit can look into and explore the idea of increased ridership; stated the presentation includes proposals based on ridership reports and travel patterns being seen; AC Transit makes changes to services four times per year; if the demand become apparent, a change can be made to add services.

Councilmember Vella inquired how the demand would become more apparent with a cut in service; stated the route through Fruitvale is cumbersome for Alameda riders, to which Ms. Wang responded the need would be heard by AC Transit through the public.

Stated Alameda lacks an end-to-end connection; many proposals look at lines through Alameda as feeders to Oakland; expressed support for not eliminating lines which support the Alameda Transportation Management Demand (ATMA) plan; expressed concern over Line 96; urged inner connections within Alameda: Zac Bowling, Alameda.

Stated transit is not helpful nor reliable and is expensive; expressed concerns over Lines 96 and 76; stated Alameda is supposed to be a transit-oriented and walkable community; expressed support for comments provided by Speaker Bowling and for more local options: Shelby Sheehan, Alameda.

Expressed support for staff recommendations and for Line A20; stated having Lines 20 and 96 service the area would improve connections to Oakland; recommended the northern terminus for Line A21 or Line F39 be at the Chabot Space and Science Center on weekends: Ken Der, Alameda.

Mayor Ezzy Ashcraft inquired whether a student bus pass is available.

Ms. Wang responded in the affirmative; stated there are youth passes and Alameda County Transportation Commission has a student transit pass program; Alameda's has a list of approved schools.

Ms. Henderson stated the Clipper Card can be applied for as a youth for a discount.

Mayor Ezzy Ashcraft stated Alameda did not get rid of Line 78; expressed concern over learning about the AC Transit Board vote the morning-after; the City implored AC Transit not to end the pilot program running mostly during the pandemic; there would likely be service to the area if the line was reinstated.

Councilmember Herrera Spencer stated it is important that the bus service be able to connect to Bay Area Rapid Transit (BART), the airport, and ferries; the City is trying to encourage people to take transportation as part of the ATMA; the more transfers needed, the less likely trips will be made; BART is more reliable than AC Transit; encouraging ridership on public transportation is an important issue; buses need to connect Alameda to the airport, ferries, and BART; discussed a previous shuttle service for seniors; stated it is important to have bus service run from Mastick Senior Center to Bay Farm and South Shore without transferring; expressed support for comments provided by Speaker Der.

Mayor Ezzy Ashcraft stated Line 51 stops in front of Mastick Senior Center; questioned whether senior passes are available; stated the Senior Transportation Coordinator is great at teaching Mastick members how to ride transit.

Vice Mayor Daysog expressed support for the AC Transit Board and staff; stated that he serves on the Inter-agency Liaison Committee, which has discussed difficulties being faced by AC Transit; there is a necessity in rationalizing the existing transit system; he is supportive of the proposed draft letter, but would like to better understand the 10-minute headway for Line 51 during peak hours; noted changes to the termination location for Line 51; stated that he

supports the new part of Line 96 going towards new housing along the estuary and throughout Oakland; Alameda has discussed plans for housing along the northern waterfront; Line 19 has been an important part of the plans; expressed support for future funding going towards Line 19; stated both BART and AC Transit are facing tremendous fiscal challenges; he hopes the proposed measures are temporary; expressed support for Line OX being restored; stated having Line 20 travel up and down Park Street is a vital part of traversing the area.

Councilmember Jensen concurred with Vice Mayor Daysog; questioned whether the consolidation of Lines 51A and 51B will be effective; stated that she agrees with the staff recommendation questioning whether the consolidation will reduce reliability; expressed support for Line 96 being close to Estuary Park; stated the City established its RHNA based on transit corridors; inquired whether the elimination of Line 19 will cause issues.

Ms. Wang responded the balance scenario notes no change to Line 19; stated the frequent scenario changes and eliminates Line 19; AC Transit has been discussing the approach.

Councilmember Jensen expressed concern over retaining Line 19 retention.

Mayor Ezzy Ashcraft stated Line 19 has been paid for in-part by ATMA developer fees and is important.

Councilmember Vella expressed concern over the proposal for Lines 19 and 96 and over ongoing funding and ridership for AC Transit; stated the ATMA is looking at how to make the best use of multimodal and public transit and to encourage developers to invest in and build behaviors; the proposed changes are worrisome; Line O gets full before hitting central Alameda; many times capacity is reached, not allowing for additional passengers; questioned the results of a scenario which accommodates Line OX; stated that she does not want a scenario where riders are lost due to not being able to board a bus on Line O; the modernization project at the Oakland Airport should be considered moving forward along with adding a line to and from the airport; the proposed changes indicate a need to transfer, not offering a one-seat ride; trips to Fruitvale BART often are not considered and alternatives to arrive at the airport are being used; residents will no longer have a direct route to Fruitvale; transfers at South Shore will be necessary; expressed concern over the first and last mile connections through the City; stated many commuters rely on BART and the connectivity changes are major for Alameda's first and last mile; the loss of the bus route will impact many riders; not having one-seat rides will reduce ridership.

Councilmember Herrera Spencer inquired the proposed bus route seniors would take from Bay Farm to Mastick Senior Center, to which Ms. Wang responded Bay Farm service would be maintained by Line W; stated riders would need to transfer from Line W to Line 51.

Councilmember Herrera Spencer inquired the transfer location, to which Ms. Wang responded Broadway and Blanding Avenue is the transfer point.

Councilmember Herrera Spencer stated that she understood the service to be direct from Bay Farm to Mastick Senior Center; concurred with Councilmember Vella; noted many people take Uber versus the bus; expressed concern over the ride duration to arrive at BART; stated Alameda is an island and there are difficulties in traveling on and off Island; she understands the big ask is for bus service to provide routes on and off Island; Oakland Airport is anticipating a future doubling in passengers; stated AC Transit should consider the impacts.

(23-740) Recommendation to Review and Comment on the Port of Oakland's Draft Environmental Impact Report for the Oakland Harbor Turning Basin Widening Project and on City Staff's Draft Response Letter.

The Planning, Building and Transportation Director gave a Power Point presentation.

Councilmember Herrera Spencer inquired what outreach has been performed by the City.

The Planning, Building, and Transportation Director responded staff is still trying to understand the extent of the impacts; stated the nearest neighborhoods, Bay 37 and Tripointe, will be informed of the Environmental Impact Report (EIR) process and more information will be posted on the City's website.

Councilmember Herrera Spencer inquired the reason for the lack of 300-yard radius notice being provided via postcard mailing sooner rather than later.

The Planning, Building, and Transportation Director responded the noticing responsibility falls on the Port of Oakland; stated City staff communicated the responsibility to the Port of Oakland; the Port of Oakland staff has agreed to extend its outreach.

Councilmember Herrera Spencer inquired whether the Port of Oakland has currently performed any outreach to nearby residents.

The Planning, Building, and Transportation Director responded in the negative; stated the Port of Oakland reached out to residents of the West End regarding the community meeting at the College of Alameda; there was little turnout; the nature of the topic is not widely understood.

Councilmember Herrera Spencer expressed concern over the end of the public comment period being too late for members of the community to be involved; stated there have been very few people from nearby areas at the community meetings; she is concerned over the impacts of two years of construction; inquired why the City would not reach out to residents sooner.

Mayor Ezzy Ashcraft stated the Port of Oakland mailed post cards to residents of the area.

The Planning, Building, and Transportation Director stated anybody can write letters to the Port of Oakland and submit comments up until the adoption of the final certification of the EIR; comments can be provided any time after the deadline; staff will indicate that the Port of Oakland needs to perform additional outreach.

The City Manager stated staff will look at addresses that received notices; staff also has contacts with the Homeowners Association for Bay 37 and can contact the association directly to ensure information and the draft comment letter are shared in order to provide a more direct opportunity for input; typically, the applicant performs noticing, but City staff can also reach out.

Mayor Ezzy Ashcraft inquired the date of the community meeting, to which the Planning, Building, and Transportation Director responded November 13, 2023.

Mayor Ezzy Ashcraft stated postcard mailers were mailed between October 3 and October 5.

Vice Mayor Daysog stated the staff report indicates adequate mitigation measures: geotechnical, seismic, construction, and transportation impacts; presentation Slide 4 shows the building space at-risk of being removed; inquired why the fiscal impacts to the City are not being reviewed; stated the occupant of the space could provide an economic transaction yielding sales tax generation; taking away one-third of the building space would result in affecting the sales tax generation by one-third; there will be an impact to real estate transfer tax from the sale of the space; he would like to understand the fiscal impacts to the City's revenue; he would also like to understand the impacts to the revenue streams over the years; there could be indirect impacts to existing businesses.

The Planning, Building, and Transportation Director responded under the California Environmental Quality Act (CEQA), environmental documents have to pertain to any foreseeable, direct, change in the environment; some cities have tried to argue that economic impacts are environmental; generally, the argument is difficult, unless there is a correlation to economic impacts resulting in blight; since the project requires a Master Plan amendment, the City Council would consider the future Master Plan proposal.

Vice Mayor Daysog stated the City can calculate the impact and use it as a leverage point for the mitigations indicated.

Councilmember Vella inquired whether the removal of material and impacts on the Webster/Posey Tube will be mitigated; stated there will be mitigation in water shuttles crossing; questioned whether the planned construction at Alameda Point, as well as overall commercial utilization, will conflict with the proposed widening; inquired whether there are other things being thought of to address mitigation; not many communities share the same constraints of one access point; expressed concern over the timeline, wear and tear and traffic from heavy duty trucks and vehicles going in and out of the Tube; requested clarification about whether the City can address the additional details as part of the mitigation efforts; stated the allowed timing for trucks to enter could be altered in order to mitigate noise.

The Planning, Building, and Transportation Director responded the last appendix to the letter is staff's proposed changes to the mitigation measures report; stated staff recognizes there may be cumulative impacts based on the project over the course of two years, adding 25,000 truck trips to existing traffic; some of the proposals being made are related to access issues for the City contributing to future crossing of the water shuttle and easements from the other side; the responsibility falls on the applicant to come up with mitigation measures; staff's comment letter will put the responsibility back onto the Port of Oakland; comments provided by Council can be added to the letter.

Councilmember Vella expressed support for the forward thought on easement and shuttle access; stated the City's letter may need to clarify the overlapping construction and heavy vehicle equipment utilization; the City has just invested a lot of money into the roads; the proposed wear and tear was not anticipated; the City also has a number of other roads and infrastructure needs; expressed support for addressing the issues and commercial access needs of West Alameda; inquired whether staff can make a more poignant point to address the amount of commercial access.

The Planning, Building, and Transportation Director responded the presentation addresses the impacts of concern to Alameda; a construction traffic control plan should be approved; metering could be adjusted to ensure accounting for different traffic patterns, which can be determined in

the future.

Councilmember Vella inquired whether there is a reason the City is not specifically responding and detailing that metering is not great; stated the strategy seems not to consider the City's current and future needs; Alameda has many upcoming projects and plans which will yield many large vehicles.

The City Manager responded some of the material movement could occur via barge in order to avoid the Tube altogether; stated dredged materials could be brought through the waterway; staff can present the option to the Port of Oakland to avoid the number of trips through the Tube; road mitigation fees could be possible to mitigate the impacts on City roads.

Councilmember Jensen stated the Oakland side has areas that could be expand for the widening which would not affect Alameda; expressed support for including the option of the proposed area expanding further into Oakland.

The Planning, Building, and Transportation Director stated the Port of Oakland proposal is based on several scenarios; shifting the area to the left would affect Bay Ship and Yacht's maritime facility; the shift towards Alameda Landing occurred after concerns Bay Ship and Yacht submitted concerns to the Port of Oakland.

Councilmember Jensen questioned whether the Port of Oakland would be purchasing land from Bay Ship and Yacht.

The Planning, Building, and Transportation Director responded in the affirmative; stated the project area could be proposed to shift towards the Oakland side.

Councilmember Jensen stated the Port of Oakland could ask to purchase Schnitzer Steel; the project is a large burden on Alameda; the Port of Oakland owns more than the proposed project site; Howard Terminal was previously slated to be sold to the Oakland Athletics; expressed concern over the burden on the City; stated the burden will not yield much reward; Estuary Park is nearby; a small, environmentally sensitive marsh will be disrupted and affected by the construction, which causes environmental concerns; expressed further concern over the shoreline integrity not being up to standards post-project; stated construction mitigation and measures should also consider the Alameda Unified School District (AUSD) kitchen.

The Planning, Building, and Transportation Director stated the kitchen location is not shown on the map.

Councilmember Jensen stated the AUSD yard and kitchen are near the North Housing area and Coast Guard Housing; inquired whether the Coast Guard has been involved in discussions, to which the Planning, Building, and Transportation Director responded staff does not know.

Councilmember Jensen stated the Webster/Posey Tube is the oldest vehicular tube; the tube is concrete atop of mud in the estuary; stated the safety of the tube is critical; attention needs to be paid to standards and construction safety.

(23-741) Mayor Ezzy Ashcraft stated a motion is needed to hear items after 11:00 p.m.; stated that she would like to hear up to Oral Communications with a specified stopping time.

Councilmember Vella moved approval of addressing the TEFRA hearing [paragraph no. 23-742], Hamlin agreement [paragraph no. 23-745] and Oral Communications and stopping at midnight.

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

The Planning, Building, and Transportation Director stated staff does not believe that the construction impacts would not affect the Tube but can add the comment into the letter.

Mayor Ezzy Ashcraft questioned whether more Oakland land and Port of Oakland property could be sacrificed; stated the City and Port of Oakland could work with Bay Ship and Yacht to shift the turning radius; she does not see why Alameda is bearing of all the project burden; questioned the outcome if the City denied the expansion; stated the Port is not the only Northern California port; other locations exist; questioned why Alameda would feel a burning need to support the expansion that takes away acres of land and contributes to the instability of the shoreline; stated that she would like to contemplate the possibility of rejecting the proposal; expressed concern over the truck traffic; stated the Port is transitioning to zero-emission trucks; discussed regional support for President Biden's program to provide infrastructure for medium and heavy duty trucks to be zero-emission; questioned whether the City can require a certain percentage of trucks to be zero-emission.

The Planning, Building, and Transportation Director responded in the affirmative; stated the City Council has prerogative to adopt conditions of approval and request mitigations be provided; staff believes road condition and wear and tear are conditions that can be asked for when the project comes before Council.

Mayor Ezzy Ashcraft expressed support for a note regarding the conditions of approval being included in the future staff report to Council; stated previous projects have received complaints regarding heavy trucks speeding; speeding was due to a bonus being given based on the amount of deliveries being made; Alameda Police Department provided enforcement and ticketing; the City subsequently required tracking devices within the trucks in order to monitor speeds; inquired whether the requirement can be made for the proposed project.

The Planning, Building, and Transportation Director responded in the affirmative; stated all recommended options can be included as part of the construction and traffic control plan approved by the City Council.

Mayor Ezzy Ashcraft inquired whether the plan will be heard by the Planning Board first, to which the Planning, Building, and Transportation Director responded in the affirmative.

Councilmember Vella inquired whether the City can require air monitoring and different control mechanisms for dirt and dust control, to which the Planning, Building, and Transportation Director responded in the affirmative; stated many monitors are required by the State to ensure adequate monitoring.

Councilmember Vella expressed concern over violations; inquired what the City can do beyond

the State regulations to help prevent violations and ensure compliance.

Councilmember Herrera Spencer inquired whether noise monitors will be present for the project, to which the Planning, Building, and Transportation Director responded in the affirmative; stated the monitors can be requested as part of the Council approval and EIR comment period.

Councilmember Herrera Spencer inquired whether there is a way to simulate constant construction for two years to better understand the construction impacts.

The Planning, Building, and Transportation Director responded the 24-hour construction portion is related to dredging; stated dredging activity is already happening as part of routine maintenance; noise monitoring can be something the City could impose as a condition of approval.

Councilmember Herrera Spencer inquired how will the City inform residents about the project conditions and impacts.

The Planning, Building, and Transportation Director responded staff has discussed asking the Port of Oakland to provide further outreach as part of the comment period as well as after.

Councilmember Herrera Spencer stated that she is curious about simulating the construction impacts; inquired whether there is a way to provide information on the actual construction impacts; questioned whether project neighbors are currently being impacted by dredging; expressed concern over not communicating the exposure to construction impacts for over two years.

The Planning, Building, and Transportation Director responded the EIR describes that the construction impacts to residents will be shielded by existing buildings and warehouses; stated residents of Bay 37 living on the first two floors would likely not be able to hear construction noise; residents on the third and fourth floors should expect noise levels to exceed the City's noise ordinance by 4 decibels.

Councilmember Herrera Spencer inquired whether the City can prohibit the Port from exceeding the City's noise ordinance limit; stated the limit is the highest maximum allowable noise; there is not an expectation for people to be exposed to noise for over two years.

The Planning, Building, and Transportation Director responded exceeding the limit would occur during the night time scenario; stated staff can require and impose certain limits to construction hours as part of the City Council approval.

Councilmember Herrera Spencer inquired whether the duration will be for two years at night.

The Planning, Building, and Transportation Director responded in the affirmative; stated the construction timeline is something Council could also have some control over as part of the approving the project.

Councilmember Herrera Spencer expressed support for mitigation so people are not exposed to over the maximum sound limit for over two years.

The Planning, Building, and Transportation Director stated staff can provide a comment back to

the Port of Oakland indicating different construction schedules should be reviewed in order to minimize noise impacts.

The City Manager stated the schedule times as well as hours can be reduced.

Vice Mayor Daysog stated there seems to be significant economic impacts associated with the project whether or not related to CEQA; the project will create trauma for Alameda; inquired how wedded people are to two years of having the free public water shuttle; stated the City should be looking beyond two years; Bay Ship and Yacht appear to have ships in the bottom of the project area; inquired what will happen and whether the ships will be moved further away from the wharf.

The Planning, Building, and Transportation Director responded the current warehouse uses are for storage of coffee and staging for tugboats; stated some of the boats identified are related to the tugboat operations which would move if construction proceeds; the construction would not affect Bay Ship and Yacht operations on the opposite side of the basin.

Vice Mayor Daysog inquired whether a portion of the project area is included in the Bay Ship and Yacht footprint, to which the Planning, Building, and Transportation Director responded in the negative; stated the property owned by Bay Ship and Yacht was sold to a private investor years ago; staff reached out to the private investor but did not received a response.

Vice Mayor Daysog inquired whether the portion of the project area would affect the Master Plan in place as well as the prior Development Agreement.

The Assistant City Attorney responded the project would require a Master Plan amendment.

Councilmember Herrera Spencer inquired whether the amount being paid by the Port of Oakland to property owners is public information.

The Planning, Building, and Transportation Director responded that he does not know if such an agreement exists; stated any agreements in place would be directed to the Port of Oakland.

Councilmember Herrera Spencer inquired whether staff can find out how much property owners are getting paid to be part of the project.

The Planning, Building, and Transportation Director responded the EIR includes an estimated amount, but the exact figure is not currently known; stated the EIR has project costs for the entire project and an assumption was made about the cost of purchasing the private property; the figure was published a couple of years ago; staff can find the amount and report back to Council.

Councilmember Jensen concurred with comments provided by Council; stated the City should remain strong in the letter and direct the Port of Oakland to use its own land for the project, not Alameda land.

Councilmember Herrera Spencer discussed the community meeting from the Port of Oakland; stated staff has drafted a solid response.

(23-742) Public Hearing Under the Federal Tax Equity and Fiscal Responsibility Act of 1982 to Consider Resolution No. 16124, “Approving the Issuance of the California Municipal Finance Authority Multifamily Housing Revenue Bonds by an Outside Agency in an Aggregate Principal Amount Not-to-Exceed \$35,000,000 for the Purpose of Financing or Refinancing the Acquisition, Construction, Improvement and Equipping of North Housing Senior Apartments and Certain Other Matters Relating Thereto.” Adopted.

The Community Development Manager and Paris Howze, Housing Authority Project Manager, gave a Power Point presentation.

Stated the Council action perfects many years of commitment from the City; expressed support for Council approval: Sylvia Martinez, Housing Authority.

Councilmember Jensen moved approval of the staff recommendation [including adoption of resolution].

Councilmember Herrera Spencer seconded the motion, which carried by unanimous voice vote - 5.

(23-743) Adoption of Resolution Adopting the Public Art Master Plan. Not heard.

(23-744) Public Hearing to Consider Adoption of Resolution Approving a 12-Month Exclusive Negotiating Agreement with Little Opera House Inc., dba Radium, for the Development of 2.13 Acres of Property on an Am Way at Alameda Point for a Performing Arts Center; and

(23-744A) Introduction of Ordinance Authorizing the City Manager to Execute a 12-Month License for the Temporary Use of the Property for Performing Arts and Special Events. Not heard.

CONSENT CALENDAR - ITEMS REMOVED FOR DISCUSSION

(23-745) Recommendation to Authorize the City Attorney to 1) Execute an Intellectual Property Transfer Agreement with Seth Hamlin, Assigning Intellectual Property Rights in the City's Anchor Logo and the Library Logo from Hamlin to the City in Exchange for the Payment of \$100 to Hamlin, and 2) Seek Additional Intellectual Property Protections for Such Logos.

In response to Councilmember Herrera Spencer's inquiry, the City Manager stated the design was a Love our Island campaign logo; the Economic Development Department uses branding on occasion; there was support for the logo to become official but the matter was not brought to Council for approval.

Councilmember Herrera Spencer expressed concern over the rebranding not being brought to Council for approval; stated that she would prefer to have the public participate in the matter; the process and transparency is important; the campaign has been well-received, but the public could have been provided more input; inquired why the matter is coming to Council with a cost of \$100 for the intellectual property rights.

The City Attorney responded the matter is being brought to Council due to a number of inquiries received by the City Attorney's Office regarding what intellectual property protections are

available; stated staff members have reported potential misuse of the logo; in response to the inquiries, staff conducted the research outlined in the staff report; the creation of the logo does not include written documentation transferring the intellectual property rights from Mr. Hamlin to the City; without the transfer, the City currently has a revokable oral license, which puts the City's intellectual property rights on shaky grounds; the creator of the logo could order the City to stop-use or revoke the license; staff negotiated the best protection possible for the City given the time that has passed; the \$100 fee is necessary due to federal intellectual property law; there is a reduction in protection if the City does not pay for the intellectual property; the payment protects the City's intellectual property rights.

Councilmember Herrera Spencer stated other people have used the logo; inquired whether the intent is to prevent others from using the logo.

The City Manager responded in the negative; stated the logo was misused inconsistent with the City's values; she has no intent on trying to enforce the matter, however the proposed Council action allows the City to discuss enforcement.

Vice Mayor Daysog stated the City has an official flag that was previously adopted by Council; the design is similar; expressed support for separation of the anchor on the official flag from the current logo design.

The City Attorney stated the current matter does not address the City flag in any way and will not infringe on the flag.

Councilmember Jensen requested clarification about whether all designs are copyrighted.

The City Attorney stated that he cannot confirm; staff performed research regarding the logos; he expects the City seal is protected; the City likely uses other graphics at times and rights are unknown.

Mayor Ezzy Ashcraft noted staff can provide Council with the additional information off-agenda.

Councilmember Jensen expressed support for staff reviewing of the City flag and seal.

Vice Mayor Daysog moved approval of the staff recommendation with direction to review the City flag and seal.

Councilmember Jensen seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(23-746) Lean de Leon, Alameda Island Filipinix, urged Council not to turn away from the ongoing genocide occurring and to introduce a resolution calling for permanent ceasefire; stated Alameda needs to join other cities in calling for a ceasefire; discussed murders and displacements in Gaza.

(23-747) Manal Bejaoui, urged Council follow the lead of neighboring cities in agendizing a resolution calling for: immediate ceasefire, end of the United States aid to Israel, the release of Palestinian hostages, unrestricted entry of humanitarian aid into all Palestinian territories, restoration of critical supplies and infrastructure in Gaza and respect for international law.

(23-748) Claudia Lam, Alameda Families and Friends for a Cease Fire, urged Council to issue a resolution calling for permanent ceasefire in Gaza and throughout the West Bank; stated there is difference between anti-Zionist and anti-Semitic.

(23-749) Saara Ahmed, Alameda Families and Friends for a Cease Fire, urged Council to issue a resolution for ceasefire at its next meeting; stated that she cares about the matter as a human; discussed census designations and lack of visualization for Arab-Americans.

(23-750) Cam Bui, urged Council to agendaize a resolution for a ceasefire; discussed City and State funding; noted California sets the standard for the rest of the nation.

CITY MANAGER COMMUNICATIONS

(23-751) The City Manager discussed a community workshop on the Fernside Boulevard traffic calming and bikeways project; announced a second virtual meeting on December 11; stated East Bay Municipal Utility District is restoring pavement on Sherman Street and Atlantic Avenue; the Fire Department is collecting toys for a holiday toy drive; discussed the winter light celebration and urged residents to shop local for the holidays.

COUNCIL REFERRALS

(23-752) Consider Directing Staff to Draft an Ordinance Amending the Sunshine Ordinance to Move to a Hearing Officer Model to Hear Sunshine Ordinance Complaints. (Mayor Ezzy Ashcraft and Councilmember Jensen). Not heard.

(23-753) Consider Directing Staff to Draft an Ordinance Prohibiting Animal Testing and Experimentation on Property Owned or Controlled by the City of Alameda. (Councilmembers Herrera Spencer and Vella). Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

(23-754) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:37 p.m. in memory of the Honorable Judge C. Richard Bartalini.

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- -DECEMBER 5, 2023- -5:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:34 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Jensen arrived at 5:36 p.m. and Councilmember Vella arrived at 5:49 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(23-703) Conference with Labor Negotiators (Government Code Section 54957.6) City Negotiators: Jennifer Ott, City Manager, Jessica Romeo, Human Resources Director, Edward Kreisberg, Outside Counsel, and Doug McManaway, Deputy City Attorney; Employee Organizations: International Association of Firefighters Local 689 (IAFF) Under Negotiation: Salaries, Employee Benefits and Terms of Employment

(23-704) Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a); Case Name: City of Alameda v. Sheehan; Court: Superior Court of the County of Alameda; Case Numbers: 22CV009959, 23CV037442, 23CV038384; Court: In the Court of Appeal of the State of California, First Appellate District, Division Two; Case Number: A168300

Following the Closed Session, the meeting was reconvened, and the City Clerk announced that regarding Labor, staff provided information with no vote taken, and regarding Existing Litigation, staff provided information and Council provided direction by the following vote: Ayes: Councilmembers Daysog, Jensen, Vella, and Mayor Ezzy Ashcraft – 4, Noes: Councilmember Herrera Spencer – 1.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:37 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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