

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 6, 2015- -6:00 P.M.

Mayor Spencer convened the meeting at 6:02 p.m.

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

Absent: None.

Public Comment

Stated that he assumes the closed session is to address the Del Monte project; the Housing Element was addressed in closed session in the past; the Housing Element was approved based on a threat of being sued and another lawsuit ended up being filed over the Neptune Point property: Former Councilmember Doug deHaan, Alameda.

Stated hearing the Del Monte matter in closed session is willful dismissal of constituents; urged the matter not be addressed tonight; stated the public needs to know the possible costs of litigation: Li Volin, Alameda.

The meeting was adjourned to Closed Session to consider:

(15-001) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of cases: One (As Defendant - City Exposure to Legal Action)

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced the Council received legal advice.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 7:07 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 6, 2015- -7:00 P.M.

Mayor Spencer convened the meeting at 7:14 p.m. Vice Mayor Matarrese led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

(15-002) Mayor Spencer announced that the report accepting the work of Dixon Marine Services [paragraph no. 15-015] would not be heard and that the Pension Board nomination would be addressed as the next item.

COUNCIL COMMUNICATIONS

(15-003) Consideration of Mayor's Nomination for Appointment to the Pension Board.

Mayor Spencer nominated Bruce Edwards.

AGENDA CHANGES

(15-004) Councilmember Ezzy Ashcraft requested that the Wrightspeed lease [paragraph no. 15-019], the resolution accepting a grant from the State [paragraph no. 15-020], and the Agreement for Temporary Assignment of Vehicular Equipment [paragraph no. 15-021] be addressed at the top of the Regular Agenda Items; noted Wrightspeed staff is present from the south bay.

Councilmember Oddie inquired a motion is needed.

Councilmember Ezzy Ashcraft moved approval of changing the order of the agenda items.

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

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(15-005) The Housing Authority Director of Housing and Community Development announced that the Section 8 wait list would be opened on January 29th for the first time in 12 years; noted applications must be completed on line.

In response to Councilmember Daysog's inquiry, the Housing Authority Director of

Housing and Community Development stated January 29th is the opening date; the opening would last 5 days.

ORAL COMMUNICATIONS, NON-AGENDA

(15-006) Al Wright, Alameda Business Owner, stated that he has an outstanding amount due on his business license; the amount is for the Business Improvement Area (BIA), which he is not inclined to pay because the ordinance governing the BIA is incorrect.

Mayor Spencer inquired whether staff could follow up, to which the City Manager responded in the affirmative.

(15-007) Travis Wilson, Alameda, welcomed the new Council; read a letter published in the Alameda Sun Newspaper; stated the Council should work to keep the town unique.

(15-008) Ken Peterson, Alameda, urged that financial reports be summarized on one page, which is clear and easy to understand.

(15-009) Susan Sperry, Alameda, welcomed the new Council; suggested that the Council address mental health issues; provided an example of the Police Department taking someone to a facility; suggested Council work with the Alameda Hospital to create a program; urged something be done to reconfigure barriers on Shoreline Drive.

(15-010) Jon Spangler, Alameda, congratulated the newly elected Councilmembers; discussed the rental housing shortage in Alameda; stated tenants are facing 30% rent increase; urged the Council to take action.

CONSENT CALENDAR

Mayor Spencer announced that the report approving the Park Street Pedestrian Safety Improvements plans and specifications [paragraph no. 15-016] was removed from the Consent Calendar for discussion.

Councilmember Ezzy Ashcraft moved approval of the remainder of the Consent Calendar.

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

(*15-011) Minutes of the Special and Regular City Council Meetings Held on December 2, 2014. Approved.

(*15-012) Ratified bills in the amount of \$5,816,078.58.

(*15-013) Recommendation to Accept the Police and Fire Services Fee Report. Accepted.

(*15-014) Recommendation to Consider the Appointment of Three Members to the Open Government Commission. Accepted.

(15-015) Recommendation to Accept the Work of Dixon Marine Services, Inc., for Alameda South Shore Lagoon Dredging, No. P.W. 11-13-26. Not heard.

(15-016) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the City of Alameda Park Street Pedestrian Safety Improvements, No. P.W. 06-13-18.

Expressed support for the intersection redesign; suggested redesign be considered for other similar intersections: Audrey Lord-Hausman, Bike Walk Alameda.

Stated the Park Street Business Association (PSBA) supports the plan to improve pedestrian safety; urged approval: Robb Ratto, PSBA.

Councilmember Ezzy Ashcraft moved approval of the staff recommendation.

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

(*15-017) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Installation of Pedestrian Push Button Upgrades Proposed for Visually-Impaired Individuals, No. P.W. 12-14-17. Accepted.

(*15-018) Resolution No. 14998, “ Approving Parcel Map No. 10263 - A Parcel Map for the Proposed Subdivision of the Parcel at 2531 and 2533 Clement Avenue into Two Parcels.” Adopted.

REGULAR AGENDA ITEMS

(15-019) Introduction of Ordinance Approving and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of the Lease with Wrightspeed, Inc., a Delaware Corporation for a Lease for Seven Years with Two Five-Year Options and an Opportunity to Purchase Building 41 Located at 650 West Tower Avenue at Alameda Point. Introduced.

The Economic Development Division Manager and Ian Wright, Wrightspeed, gave Power Point presentations.

Vice Mayor Matarrese thanked Mr. Wright for outlining reasons for locating in Alameda; stated the lease is very important to Alameda.

Councilmember Ezzy Ashcraft stated Wrightspeed is doing innovative work and received a grant from the State; Alameda Point is an exciting environment; that she supports the lease.

Councilmember Daysog thanked Mr. Wright for bringing jobs to Alameda.

Councilmember Oddie stated the use is exciting for the Base; Wrightspeed will be spending a significant amount to improve the buildings; commended Wrightspeed's work on reducing greenhouse gas emissions.

Councilmember Ezzy Ashcraft moved introduction of the ordinance.

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

(15-020) Resolution No. 14999, "Accepting a Grant from the State of California, Department of Parks and Recreation, Division of Boating and Waterways in an Amount Not to Exceed \$80,000 for the Purchase of a Patrol Boat and Boat Trailer; Appropriate up to \$80,000 from the General Fund to Purchase Said Patrol Boat and Boat Trailer; and Authorize the City Manager, or His Designee to Execute Grant Funding and Purchase Agreements Necessary to Obtain Reimbursement for Both Expenditures." Adopted.

The Police Chief gave a brief presentation.

Councilmember Ezzy Ashcraft inquired why the Police Department needs a patrol boat.

The Police Chief responded the boat is needed for estuary speed zone enforcement, water rescues, patrolling marinas and harbors, and abatement of derelict vessels.

Vice Mayor Matarrese stated the County has a boat in Grand Marina; inquired whether staff reviewed leasing the boat from the County.

The Police Chief responded in the negative; stated that he did not speak directly to the Sheriff, but heard from Brock de Lappe that the Sheriff is not interested in making the boat available for lease.

Councilmember Oddie inquired whether the total cost of the boat is known, to which the Police Chief responded in the negative; stated boats could range from \$90,000 to \$500,000; that he is looking for a boat in the lower range.

Councilmember Ezzy Ashcraft inquired whether only the \$80,000 grant would be used if the boat costs \$80,000, to which the Police Chief responded in the affirmative; stated the boat price is not known yet; the City would be reimbursed for up to \$80,000.

Councilmember Ezzy Ashcraft inquired whether the price would be closer to \$80,000, to

which the Police Chief responded in the affirmative; stated that he did not want to shop for a boat before receiving approval to accept the grant funding.

Mayor Spencer inquired whether accepting the grant funding requires the City to pay the difference in cost at some point, to which the Police Chief responded in the affirmative; stated the difference would have to come from the General Fund or additional grant funds could be sought.

Mayor Spencer inquired whether the Council is being asked to approve a range, to which the Police Chief responded in the negative.

Mayor Spencer inquired whether an open ended dollar range may come back to Council at some point.

The Police Chief responded the purchase would have to come back to Council.

The City Manager stated if the boat costs \$90,000, the State would pay \$80,000 and the City would pay \$10,000.

Mayor Spencer inquired why the report does not include an estimate for the cost of the boat.

The Police Chief responded that he did not want to shop for a boat until the grant was approved; stated a boat could not be purchased without the grant.

The City Manager stated the Police Chief will go shopping after he receives acceptance from the State; the transaction is not completed until the matter returns to Council to approve the amount above \$80,000; if the Council does not authorize spending the funds, the City would walk away from the grant.

Mayor Spencer inquired whether the City is not committing to the difference, to which the Police Chief responded in the affirmative.

Submitted a letter; stated a coalition was formed to clean up dilapidated boats; approximately \$8 million was spent on the cleanup; agencies involved made it clear maintaining the estuary would fall on the cities; the County opined that the estuary is the responsibility of Alameda and Oakland; expressed support for purchase of a boat that can operate in various weather conditions: Brock de Lappe, Alameda Marina.

Expressed support for the grant: Mark Omel, Ballena Isle Marina.

Stated what was cleaned up is starting to creep back; getting a boat is urgent; boats floating around involve criminal elements: Chris McKay, Oakland Marina.

Stated the police operations in the estuary are highly important; enforcement responsibility appears to fall on the Police Department; urged approval: Tom Charron,

Alameda.

Urged acceptance of the grant; encouraged additional State grants be sought; stated the Police Department needs a new boat: Sean Svendsen, Svendsen Boat Works/Alameda Marina.

Councilmember Daysog moved adoption of the resolution.

Vice Mayor Matarrese seconded the motion, with the comment that appropriations for equipment should come from a capital fund rather than the General Fund to allow the City to begin to be able to manage maintaining the service; staff should review the matter to ensure the City can maintain the service and does not go for years without the service.

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

(15-021) Recommendation to Authorize the City Manager, or His Designee to Negotiate and Execute a Ten Year “Agreement for Temporary Assignment of Vehicular Equipment” with the State of California Office of Emergency Services for a Type 1 Fire Engine to be Utilized for Statewide Mutual Aid Response.

The Interim Fire Chief gave a brief presentation.

Vice Mayor Matarrese moved approval of the staff recommendation.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated approval would require no extra personnel or equipment and would save wear and tear on City vehicles; the equipment could be used in the City; noted the City used its own equipment when assisting in wildfires near Sacramento last summer.

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

(15-022) Introduction of Ordinance Repealing Ordinance No. 3116 which Approved Development Agreement by and Between the City of Alameda and TL Partners, I, LP Governing the Del Monte Warehouse Project for Real Property Located at the Northeast Corner of the Intersection of Sherman Street and Buena Vista Avenue. Not introduced; and

(15-022 A) Introduction of Ordinance Repealing Ordinance No. 3115 which Adopted the Del Monte Warehouse Master Plan and Density Bonus Application for Redevelopment and Adaptive Reuse of the Property Located at the Northeast Corner of the Intersection of Sherman Street and Buena Vista Avenue. Not introduced.

Mayor Spencer stated that she requested the matter be placed on the agenda to give

the new City Council an opportunity to speak on the issue prior to future votes.

Stated having the new City Council reexamine the previous City Council's actions is appropriate to determine if there were problems with the process or if additional studies are needed; however, if there were no problems, it appears to be reneging on a deal; issues were addressed in the year-long process; a hard fought compromise was reached; urged moving forward if nothing grievous occurred: Eric Strimling, Alameda.

Stated the process has been slow and he would hate to see the Del Monte project in jeopardy; the majority of the public are in favor of the project: Don Sherratt, Alameda.

Expressed concern over impacts to traffic and schools; urged going back to the drawing board and renegotiating with the developer: David Mancy, Alameda.

Expressed concern over the rescission; stated rescinding the ordinances does not address concerns and would jeopardize the Del Monte building: Richard Hausman, Alameda.

Stated the Master Plan is legally insufficient because it does not include a preliminary site plan, floor plans and elevations for low income housing; outlined Density Bonus requirements; urged the ordinances be repealed before the Development Agreement is signed: Paul Foreman, Alameda.

Urged Council to reject the proposal to rescind the ordinances; expressed concern over the lack of publication of the rationale for rescinding; showed a video: Bruce Knopf, Alameda.

Stated the project has been through the process; discussed the type of people who would be interested in living at the site; stated that she would prefer to have residents rather than truck traffic: Kathy Moehring, Alameda.

Stated there is more at stake than just traffic; expressed concern over losing the project; questioned whether the item complies with the Sunshine Ordinance: Michael McDonough, Chamber of Commerce.

Stated there have been many opportunities for public comment during the lengthy approval process; the chief concern seems to be the outgoing Council taking action after the election; the outgoing Council was required to continue fulfilling its responsibilities until replaced; outlined the project benefits; urged moving forward: Helen Sause, Alameda Home Team.

Questioned the purpose for the delay; stated everyone has had ample opportunity to weigh in on the project; the developer has been open and has worked with the community: Diane Lichtenstein, Alameda Home Team.

Expressed concern over the rescission; stated the project has been vetted and is

supported by the community; urged moving forward: Nik DeHejia, Alameda.

Expressed support for the process and the developer: Harry Hartman, Alameda.

Stated the project will provide affordable housing; that he has waited 47 years for the Del Monte building to be renovated: Art Lenhardt, Alameda.

Discussed integrity and fear of change; questioned why the decision is being revisited: Kari Thompson, Alameda resident and Chamber of Commerce Government Relations and Economic Development Committee.

Expressed concern over blight and truck traffic: Robert Byrne, Alameda.

Stated the City Council has every right to review the matter; urged the Council to do what is right; expressed concern over the low income housing requirements not being met; stated traffic impacts of all development projects need to be reviewed; urged repeal: Kurt Peterson, Alameda.

Outlined the public process and project benefits; noted a letter was submitted outlining objections to repeal; discussed compliance with Master Plan and Density Bonus requirements: Mike O'Hara, Tim Lewis Communities.

Outlined the key wins of the project; stated there are no documents explaining what is so egregious about the project to warrant appeal; urged the ordinances not be repealed: Alison Greene, PLAN! Alameda.

Outlined the community involvement that formed the project: Heather Little, PLAN! Alameda.

Expressed concern over the project being incomplete; urged the project be deferred until infrastructure matters have been addressed: Red Wetherill, Alameda.

Expressed support for the developer; outlined his history with the Del Monte property; urged the ordinances not be rescinded; outlined project benefits: Peter Wang, Del Monte Warehouse Owner.

Stated that she is opposed to repealing the Del Monte decision; outlined neighborhood involvement; stated it is time to move forward: Anne Bracci, Alameda.

Stated the League of Women Voters is not taking a position on the project; the League stands for open government and transparency; the item is not in compliance with the Sunshine Ordinance; questioned the factual basis for the rescission; urged voting against repeal: Felice Zensius, League of Women Voters.

Stated repeal would not stop the project; development was addressed during the election; stated additional work is needed: Ariane Paul, Alameda.

Expressed concern over how the matter was placed on the agenda; stated residents are left guessing what issues are of concern: Patricia Young, Alameda Home Team.

Provided an example of the City Attorney advising Council; stated the project appears to be irregular and incomplete; stated the ordinance should have been adopted at a regular meeting: Ken Peterson, Alameda.

Stated the project is fantastic and should go forward; discussed waterfront planning, regional planning, and long range planning: Anne Cook, Alameda.

Stated a Community Garden committee has been meeting for 7 months regarding Jean Sweeney Park; discussed the needed fundraising accelerator for Jean Sweeney Park, which the developer will provide: Ron Limoges, Community Garden.

Stated Alameda does not have enough affordable housing; the project will help ease the need; urged moving forward; stated repeal would be the height of insanity: Lois Pryor, Renewed Hope.

Stated Renewed Hope is opposed to rescission; outlined how rescission would violate the Housing Element and Density Bonus ordinance: William Smith, Renewed Hope Housing Advocates.

Expressed support for the repeal; stated that he is not concerned about the truck traffic; questioned why rush the process; expressed concern over noticing and the developer not listening to the public: Jay Ingram, Alameda.

Expressed concern over the ordinances approving the project and the Transportation Demand Management program: Reyla Graber, Alameda.

Showed pictures; expressed concern over the design and proposed height; stated the project should be saved and go forward with design changes: Jim Smallman, Alameda Architectural Preservation Society.

Stated the reason for the repeal has not been given; everyone has had an opportunity to comment on the project; the building needs to be restored; the project will provide needed commercial use, housing and affordable housing: Melinda Hayes, Alameda.

Stated the Theater opposition group improved the Theater project; the Del Monte project has been rushed; urged pausing to get a better project; the only thing guaranteed is traffic problems: Joe Cloren, Alameda.

Stated everyone on the Island is impacted by improper growth; the project does not seem complete; that she is glad the matter is being looked at again: Virginia Bergstrom, Alameda.

Expressed concern over not having a staff report and the reason for rescission; stated there are no advantages to rescinding the project; concerns will be addressed going forward: Jon Spangler, Alameda.

Outlined the process to approve the project; expressed opposition to the repeal: Mike Henneberry, Alameda.

Outlined the affordable housing requirements that have to be met; stated the 55 affordable units will provide needed housing; urged Council not to repeal the ordinances: Laura Thomas, Renewed Hope.

Submitted a newsletter; outlined the project benefits; urged support of the environmentally friendly project: Jeanne Merrill, Alameda.

Expressed disappointment over the rescission ordinance being presented without information; stated everyone had an opportunity to comment on the project; urged Council to vote against rescission: Anne DeBardeleben, Alameda.

Stated that he has been waiting for something to happen to the Del Monte building; expressed his support for the project and outlined his reasons: Doug Linney, Alameda.

Expressed opposition to the rescission; urged that the project move forward: Kevin Gorham, Alameda.

Expressed support for the Del Monte project; stated that she opposed to the repeal; there was no background or reasons for the repeal: Lynette Lee, Renewed Hope/Alameda Home Team.

Stated questions and parking need to be addressed and should be discussed by the new City Council: Lester Cabral, Alameda.

Stated the project affects all residents; expressed her support for the matter being placed on the agenda; stated the project needs to be done right: Gail deHaan, Alameda.

(15-023) Mayor Spencer stated a motion is needed to consider items after 10:30 p.m.; the remaining items are the Council Referrals.

Councilmember Daysog moved approval of considering the remaining items after 10:30 p.m.

Vice Mayor Matarrese seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated that she understands Mayor Spencer would prefer not to have meetings continue past 11:00 p.m.

Mayor Spencer stated that she wants to respect the people present; she is concerned about meetings going on to 2:30 or 12:30 a.m.; she would prefer not to hear the items unless there is a timeline; questioned how long the items will take.

Councilmember Daysog stated the concerns are something to consider; noted the Council might find itself in the same situation at the next Council meeting; inquired whether the Council could decide not to address an item when it is called.

The City Attorney responded in the affirmative; stated another vote would be required to continue the meeting at 11:00 p.m.

Vice Mayor Matarrese suggested moving forward and seeing what occurs.

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

Stated the City has addressed truck traffic by rezoning the property multi-family; affordable housing will be built as required; the Council should seek additional information; the project will still go forward: Former Councilmember Doug deHaan, Alameda.

Stated the Council should have tried to work with the developer; expressed opposition to re-hearing the matter: John Piziali, Alameda.

Expressed concern over delaying the project: Nick Cabral, Alameda.

Stated that she supports the project, but could not find project renderings; discussed the number of housing units continually changing; stated repealing the ordinance would not stop the project; expressed concern over the project area along Sherman Street: Carol Gottstein, Alameda.

Questioned how affordable the affordable housing would be; stated that she appreciates the Jean Sweeney Park funding and that the project is transit oriented development; she supports speakers on both sides of the issue: Irma Garcia, Protect Alameda.

Councilmember Ezzy Ashcraft expressed her support for the staff work; stated that she and staff explained the Density Bonus to concerned members of the public; the following should be considered: 1) what would the City gain from moving forward with the Del Monte development; 2) what the City would lose from rescinding the ordinances and not moving forward; and 3) are there less draconian measures that could be used to address the legitimate concerns raised; moving forward would eliminate blight and truck traffic; noted the increased truck traffic around Thanksgiving was due to labor strikes at other ports throughout the State; stated the City would gain housing; workforce housing is needed; everyone living in the units would not drive through the

Tube; outlined other benefits, including Clement Avenue extension and park funding; expressed concern over the message that rescinding would send to businesses, investors, developers and the neighbors; outlined work done by the neighborhood group; stated finding ways to address traffic concerns, including the Council Referral raised by Councilmember Daysog [paragraph no. 15-031], would be a less draconian way to allow the project to move forward; expressed concern over potential litigation; urged moving forward.

(15-024) Mayor Spencer stated a motion is needed to continue after 11:00 p.m.

Vice Mayor Matarrese moved approval of continuing after 11:00 p.m.

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

Councilmember Oddie stated that he would like to hear Mayor Spencer's rationale for placing the matter on the agenda.

Vice Mayor Matarrese stated that his biggest concern is the project in the context of the Northern waterfront available land inventory; questioned what would happen if the Density Bonus was applied to all available land; stated the 2,245 housing units in the Housing Element would increase to 3,736 units if the Density Bonus is applied; the Encinal Terminals units would increase from 234 units to 398 units under the Density Bonus; to ensure the West End is not gridlocked, he would like Council to direct staff to review placing a moratorium on Density Bonus projects until the numbers are understood and adjusted; the matter is critical for Alameda Point Site A; when he reads the Density Bonus ordinance, there is a list of items that must be in place prior to granting the Density Bonus; the requirements are to protect the City and to ensure the affordable housing is delivered in the best configuration; permits will not be issued until the affordable housing agreement is signed, which accomplishes something similar to the Density Bonus requirements; he would also like Council to direct staff to complete an analysis of the Density Bonus and Planned Development ordinances to clarify language; technically, the notion of a repeal places a halt, but would not stop everything; however, the legal restraints of noticing and the required meeting for a second reading are the same as adopting the ordinance on December 16th; therefore, he will not support the repeal; the staff review should be completed before future projects; that he is interested in Councilmember Daysog's referral; all traffic demands, including Alameda Landing, need to be addressed; data needs to be generated; there will be future votes on the Del Monte project; expressed concern over a homeowners association overseeing the assessment funding that would be used to run the shuttles.

Councilmember Oddie stated the reason for the repeal is not known; provided an overview of the number of people supporting and opposing the project; stated the repeal risks damaging the City's reputation; investors want certainty; expressed concern over

the message that would be sent; stated that he had an opportunity to weigh in on the process and does not need a second bite at the apple; people have concerns, which he shares, especially about traffic; Councilmember Daysog's referral is a positive step for the Council to take responsibility for traffic; the risks of repeal do not outweigh the possible benefits.

Councilmember Daysog stated people are right to be upset about the project being approved on December 16th, which was not right; people are also right to question affordable housing and traffic issues; Mayor Spencer rightfully raised the repeal to hear community questions and concerns; however, his bigger concern is the possibility of litigation; the City needs to be clear when reaching a Development Agreement; that he has raised the concern in the past, specifically with regards to the Mammoth Lakes case; entering into a contract with a developer is high stakes; evaluating the upside benefits against the downside risks means, at best, stymieing the project for the new Council to weigh in and possibly reduce the number of housing units; the benefits have to be contrasted against the downside risks; the downside risk of greatest concern is a lawsuit similar to Mammoth Lakes; outlined the Mammoth Lakes case; stated that he believes the downside risks of rescinding are far out of proportion in an unfavorable manner to the City relative to the possible benefits; traffic issues will have to be addressed outside of the project.

Mayor Spencer stated there was a short window for the new Council to hear the total project; moving forward, Alameda can do it better than having late night decisions and special meetings; good questions have been raised about what the application should look like to gain a Density Bonus; that she agrees everything required was not done; the Council should move forward together; multiple projects will be coming to Council; clarifying the Density Bonus is very important; Councilmember Daysog deserved an opportunity to explain his legitimate concerns regarding transit to the new Council; the State tells the City how many housing units it has to build; the City has to decide what the housing will look like and how to move forward; that she will support the project and looks forward to doing it better; the Council is going to ensure ordinance requirements are met and projects are reviewed in totality; the December 16th vote had legal ramifications; the new Council needed to hear the matter to determine whether future votes on the project would be supported in good faith or whether there were unanswered questions that the new Council did not have the opportunity to address; the new Council plans to address concerns when considering Councilmember Daysog's referral and by looking to staff to completely meet all requirements; expressed concern over late night meetings; stated there are ways to work better; concurred with the League of Women Voters' concern about transparency; stated voting at 2:30 a.m. is not transparent.

Vice Mayor Matarrese moved approval of not repealing the December 16th decision [not adopting the ordinances] and giving direction to staff to return an evaluation of the Density Bonus Ordinance within 45 days, relative to the Planned Development and associated ordinances to allow the Council to provide direction; also within 45 days, having staff return with a moratorium on any new Density Bonus applications until the

ordinance rules are clear and the implications on available land inventory in the Housing Element are discussed in context of additional development across the City.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Daysog inquired whether the motion could be framed in the negative.

The City Manager responded negative motions can be done.

Councilmember Daysog stated that he needs to have clarity that the Council is not directing entering into a moratorium, but would have a discussion about whether a moratorium should be done.

The City Manager stated staff understands the motion as direction to do the research and bring options to Council; the moratorium is not noticed and cannot be voted upon tonight; the work can be completed in 45 days and placed on a Council agenda in 60 days due to the 12 day agenda publication requirement.

Vice Mayor Matarrese agreed that the items could be ready for publication in 45 days.

Councilmember Ezzy Ashcraft expressed that she still seconded the motion.

Mayor Spencer inquired whether staff is clear on the motion, to which the City Manager responded in the affirmative.

Councilmember Daysog stated Council would discuss pros and cons; impacts, such as on the Housing Element, need to be understood.

Vice Mayor Matarrese expressed appreciation for Councilmember Daysog's framing of the motion; stated the matter needs to be addressed in a timely fashion.

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

(15-025) Councilmember Ezzy Ashcraft complimented Mayor Spencer for the way she ran the meeting; moved approval of continuing the Council Referrals to the beginning of January 20th meeting.

The City Clerk noted the order of business for regular meetings is set by resolution; however, on January 20th, the Council could decide to address the Council Referrals first.

Councilmember Ezzy Ashcraft clarified the motion is to continue the Council Referrals to January 20th and the Council would vote to hear the items first at the meeting.

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

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(15-026) Kurt Peterson, Alameda, stated hearing the Del Monte matter was a learning experience that all i's should be dotted and t's crossed in the future; having a traffic plan in place is important.

COUNCIL REFERRALS

(15-027) Consider Directing Staff to Conduct a Study to Review Suggestions to Provide Relief for Traffic on Island Drive. (Councilmember Oddie) Continued to January 20, 2015.

(15-028) Consider Directing Staff to Conduct a Consultant Study to Determine the Feasibility for a Wetland Mitigation Bank at Alameda Point. (Councilmember Oddie) Continued to January 20, 2015.

(15-029) Consider Directing Staff to Install Flashing Pedestrian Crosswalk Signs at Two Locations: 1) Maitland Drive and Mecartney Road, and 2) Mecartney Road and Belmont Place. (Councilmember Oddie) Continued to January 20, 2015.

(15-030) Consider Directing Staff to Collaborate with East Bay Regional Park District on Acquisition and Expansion of Crab Cove. (Councilmember Matarrese) Continued to January 20, 2015.

(15-031) Consider Directing Staff to Create a Comprehensive Transit/Traffic Strategic Plan and Implementation Tool. (Councilmember Daysog) Continued to January 20, 2015.

COUNCIL COMMUNICATIONS

(15-032) Councilmember Daysog stated that he attended a meeting in Oakland on December 6th regarding policing; practical ideas presented could be used in Alameda.

(15-033) Councilmember Oddie complimented Mayor Spencer on running a smooth meeting.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 11:39 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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