



City of Alameda

Staff Report

File Number:2016-3266 (60 minutes)

City Council

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

Summary Title: Public Hearing to Consider Parcelization and Acquisition of Oakland Inner Harbor Tidal Canal From the Army Corps of Engineers and Disposition of 94 Parcels to Individual Property Owners and Related Environmental and Zoning Amendment Actions.

Public Hearing to Consider: (A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter 30, Section 30-4.21 E, Estuary District (Requires 3 affirmative votes);

(B) Adoption of Resolution Approving a Negative Declaration and Tentative Map #8337 for a 99 Lot Subdivision Located Along the Oakland Inner Harbor Tidal Canal from Approximately 1,800 Feet Northwest of the Park Street Bridge to Approximately 2,300 Feet South of High Street (Requires 3 affirmative votes); and

(C) Introduction of Ordinance Authorizing the City Manager to: (1) Execute a Memorandum of Understanding, Quitclaim Deed and All Other Necessary Documents Between the City of Alameda and the United States of America Acting By and Through the U.S. Army Corps of Engineers to Acquire 94 Parcels of Semi-Submerged and Submerged Land On the Alameda Side of the Oakland Inner Harbor Tidal Canal ("Tidal Canal"); (2) Execute Purchase and Sale Agreements, Quitclaim Deeds and All Other Necessary Documents Between the City of Alameda and Various Purchasers to Sell Approximately 92 Parcels on the Tidal Canal at Fair Market Value. A Draft Negative Declaration has been prepared for the proposed actions consistent with the California Environmental Quality Act (CEQA). (Requires 4 affirmative votes) (Community Development 481005)

To: Honorable Mayor and Members of the City Council

From: Jill Keimach, City Manager

Re: Public Hearing to Consider: (A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter 30, Section 30-4.21 E, Estuary District (Requires 3 affirmative votes);

(B) Adoption of Resolution Approving a Negative Declaration and Tentative Map #8337 for a 99 Lot Subdivision Located Along the Oakland Inner Harbor Tidal Canal from Approximately 1,800 Feet Northwest of the Park Street Bridge to Approximately 2,300 Feet South of High Street (Requires 3 affirmative votes); and

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

(C) Introduction of Ordinance Authorizing the City Manager to: (1) Execute a Memorandum of Understanding, Quitclaim Deed and All Other Necessary Documents Between the City of Alameda and the United States of America Acting By and Through the U.S. Army Corps of Engineers to Acquire 94 Parcels of Semi-Submerged and Submerged Land On the Alameda Side of the Oakland Inner Harbor Tidal Canal ("Tidal Canal"); (2) Execute Purchase and Sale Agreements, Quitclaim Deeds and All Other Necessary Documents Between the City of Alameda and Various Purchasers to Sell Approximately 92 Parcels on the Tidal Canal at Fair Market Value. A Draft Negative Declaration has been prepared for the proposed actions consistent with the California Environmental Quality Act (CEQA). (Requires 4 affirmative votes)

BACKGROUND

Overview of the Problem: The U.S. Army Corps of Engineers ("Army Corps") has been trying to relieve itself of ownership for the past 25 years. To encourage the City of Alameda ("City") to accept the transfer of the Alameda side of the Oakland Inner Harbor Tidal Canal ("Tidal Canal"), the Army Corps instituted a permitting moratorium in 2000, which has prohibited any construction, maintenance, repair or improvement of the waterfront along the OIHTC, except for emergency repairs. The Army Corps will not lift the permitting moratorium until the property has been transferred. As a result, regulating agencies with jurisdiction over the area, including the City, BCDC and the SF Regional Water Quality Control Board ("RWQCB"), have been unable to enforce regulations for code enforcement due to federal supremacy. Likewise property owners have been unable to legally make waterfront improvements and repairs (except emergency repairs) because they can't get permission from the Army Corps. In addition, the Army Corps' ownership and moratorium have created a cloud on title for the adjacent property owners. They own the improvements but the Army Corps owns the land upon which those improvements sit. In at least one instance, an Alameda realtor was sued over title confusion related to Tidal Canal ownership.

Approximately 90 residential and 8 commercial properties have been directly affected by the situation. Residential owners on the Alameda side have formed a voluntary homeowner's association to lobby the City and the Corps to complete the transfer in order to remove the permitting moratorium. In March 2015, the City Council acknowledged this as a problem and authorized City staff to work with the property owners and the Corps to identify a transfer strategy.

On September 15, 2015, the City Council by unanimous vote directed the City Attorney to pursue a real estate transaction whereby the Army Corps would transfer the Alameda side of the Tidal Canal to the City and the City would then immediately sell some of the property to adjacent private property owners or other purchasers. To minimize the City's potential liability and costs, the City Attorney determined that the best way to fulfill the conditions set by the City Council was to structure the transaction so that the City is in the chain of title for the shortest period possible. Thus, staff proposes to subdivide the Tidal Canal into 99 parcels while it is still in Army Corps ownership. 94 of the 99 parcels will be transferred from the Army Corps to the City. Once transferred, the plan is to

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

immediately transfer most of the 94 new parcels to the adjacent property owners or other purchasers, at fair market value.

On July 11, 2016, the Planning Board held a noticed public hearing and unanimously approved resolutions, with added conditions, recommending that the City Council approve a Negative Declaration, approve an Estuary District zoning text amendment, and approve Tentative Map #8337 to implement the City Council's September 15, 2015 direction.

DISCUSSION

The City Council is being asked to consider approval of the following items:

1. Negative Declaration.

In June 2016, staff circulated the following documents: A draft Negative Declaration (Exhibit 1), evaluates the potential environmental impacts of the proposed zoning amendments, tentative map, and land conveyance on the environment as required by the California Environmental Quality Act (CEQA). The Negative Declaration finds that the proposed actions will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The proposal results in the simple transfer of land from a federal agency to a combination of public and private entities. No new development of the land is being proposed or contemplated as part of the project, and the project is not being pursued to facilitate new development of the primarily submerged lands. Further, any future development proposed on any of the proposed parcels will be subject to a discretionary decision by the City, which will require a review of potential environmental impacts. The Negative Declaration and other key documents can be found at <https://alamedaca.gov/tidal-canal-project>.

2. Estuary Zoning District Amendments.

Draft amendments to the Estuary Zoning District designed to ensure that the submerged lands can only be used for maritime structures and uses, such as docks, piers, and boathouses, and that all future proposals will be subject to discretionary review by the City and the Bay Conservation and Development Commission (BCDC).

3. Tentative Map #8337.

A draft Tentative Map #8337, which depicts a proposed subdivision of the Army Corp land into 99 individual lots. As proposed, the Army Corps will retain five lots: the Oakland side of the canal (Unsurveyed Remainder Area 1), property adjacent to the federally owned Navy Operational Support Center (Parcel 3) bridge footings for the High Street Bridge (Parcel 97), the Miller-Sweeney Bridge and the Fruitvale Rail Bridge (Parcel 98), and the Park Street

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

Bridge (Parcel 99). The City will retain the two open water lots (Lots 2 and 96), which will be preserved for open navigation through the Tidal Canal. The City will offer at fair market value the remaining 92 lots (Lots 4 through 96) to the adjacent property owners. These 92 lots have historically been used by the adjacent property owners through leases, license agreements or other approvals with the Army Corps to support their docks, piers, boathouses and/or commercial activities. The proposed Tentative Map is attached as Exhibit 3.

The Tentative Map retains all known and recorded easements, including a pedestrian easement on Parcel 10 behind the Nob Hill shopping center. The proposed subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivisions. All existing public access easements are to be retained. As described above, the City will retain the open water lots along the Oakland/Alameda city line to ensure that the navigable portion of the Tidal Canal remains open to recreational and commercial traffic. The Army Corps plans to convey the Oakland portion of the Tidal Canal to the East Bay Regional Parks District in a separate transaction.

In addition to the adoption of the above documents, the community and the Planning Board have raised questions about how this project effects existing public access.

The City of Alameda currently owns three small public properties along Fernside Boulevard between High Street and Fairview Avenue that are designed to provide public access from Fernside Boulevard to the water's edge. The public access lands are 10 feet wide at Fernside Boulevard and then "bulb out" to approximately 35 feet at the water's edge. At its July 2016 public hearing, the Planning Board recommended that the City Council add three (3), 35-foot wide public access easements across six of the new submerged lots created by Tentative Map #8337 to preserve opportunities for the Alameda community to build future public water access facilities, such as a floating dock for public use, at the foot of three existing public access points located along Fernside Boulevard. Although it is outside of the project area, this project has renewed interest in the community for resolving the encroachment issues on the City-owned properties landside and in increased public access to and into the water.

In response to stakeholder input, staff revised the Tentative Map presented to the Planning Board in order to retain as part of the open water parcel (Parcel 2) those submerged areas adjacent to the public access lands extending to the next nearest adjacent property line.

The portions of Parcel 2 in question include:

- A 108-foot long segment behind the existing City owned waterfront land extending behind 3227 and 3229 Fernside. This area is between Parcels 64 and 65 on the Tentative Map.
- A 100-foot long segment behind the existing City owned waterfront land extending between 3267 and 3301 Fernside. This area is between Parcels 75 and 76 on the Tentative Map.

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

- An 89-foot long segment behind the existing City owned waterfront land extending behind 3335 and 3341 Fernside. This area is between Parcels 85 and 86 on the Tentative Map.

Staff made the changes in light of the following considerations:

- Staff agrees that the City should preserve opportunities for future public improvements to improve public water access where feasible for all Alameda residents.
- It is not in the City's long-term interest to retain ownership of the submerged areas in question along Fernside because these areas have existing docks associated with the adjacent properties. However, staff believes that in light of the community's renewed interest in resolving the encroachment issues on City-owned property and the City's interest in increasing public access, staff needed more information and time to discuss these issues in more detail with the affected adjacent homeowners and the community. Once staff has more information, staff can return to the City Council with a proposal for increased public access, resolution of the encroachment issues and disposition (whether through sale, license or lease) of the remaining property, if any, not needed for public access.
- At the three Fernside locations, staff believes that an 18-foot wide easement is adequate to accommodate a 14-foot wide floating dock with 2 feet of open water on each side to step into a kayak or canoe or onto a paddle board. Furthermore, the 10-foot width of the land-side public lands limits the use of the floating docks to watercraft that can be carried or rolled down to the future floating docks. These docks will not have automobile access for launching large boats.
- By retaining the entire area in question at the foot of the three public access easements, the City Council is giving staff sufficient time to craft a fair and equitable solution for all concerned instead of the City Council having to make a decision on those areas without exploring all of the possibilities and hearing from the citizens on both sides of the issue.
- Although the City Council has not budgeted any funds at this time to make any physical improvements that could include floating docks and access ramps from the City-owned land into the water, it is within the City Council's purview to reserve some of the proceeds of this transaction for this purpose should the remainder of the Project move forward.

In addition to the issue of creating new public access to the water, there is also the issue of long term code enforcement issues all along the Tidal Canal. The proposed real estate transaction does not waive, forgive, approve or condone unlawful activity including code violations. The property owners will be responsible for ensuring that they have or will obtain permits necessary for their waterfront structure.

Transactional Agreements

In addition to approving the Negative Declaration, Zoning Amendments, and Tentative Map, staff is

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

requesting that the City Council authorize the City Manager to execute: 1) a Memorandum of Understanding between the City of Alameda and U.S. Army Corps of Engineers for the City's acquisition of 94 lots of semi-submerged and submerged land along the Alameda side of the Oakland Inner Harbor Tidal Canal (collectively the "Subject Property"); 2) Purchase and Sale Agreements with various purchasers for the disposition of the Subject Property at fair market value; and 3) any and all documents necessary and convenient to consummate these transactions. These and other documents will be placed into escrow until all of the conditions for closing have been met. The City Manager would have the authority to determine if the conditions precedent to close have been met, to waive minor defects in compliance with the conditions precedent and to postpone the entire transaction if conditions precedent (except minor defects) have not occurred.

With this authorization, staff will be able to continue to work with the Army Corps and the adjacent property owners to ensure that all of the necessary land transfers are able to occur. Staff will return to the City Council at a noticed public hearing for approving a Final Map (creating the necessary parcels).

Major Terms of the Real Estate Transaction

The parcels will be sold by the City at fair market value based upon an independent appraisal report dated August 2016 and prepared by Watts, Cohn and Partners, Inc. (The appraisal was based on 90 residential parcels not 84. However, since the appraisal value was on a per parcel basis the value does not change.) The 84 residential parcels will be sold for \$10,000 per parcel plus normal closing costs up to \$1,000. The City will cover any normal closing costs in excess of \$1,000. It is anticipated that these additional costs will not exceed \$42,000. The 8 commercial parcels will be priced as follows (plus closing costs):

1.	Lot 4	\$280,000
2.	Lot 5	\$20,000
3.	Lot 6	\$90,000
4.	Lot 7	\$160,000
5.	Lot 8	\$25,000
6.	Lot 9	\$50,000
7.	Lot 10	\$110,000
8.	Lot 11	\$70,000

As a condition of sale, the City requires that there be 100% participation for the residential parcels. The residential owners have formed a voluntary homeowners' association which has pledged to purchase any "holdout" residential parcels. The parcels (residential and commercial) will be sold "AS IS" and "With All Faults" via quitclaim deed. An exemplar purchase and sale agreement with the

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

terms of transaction is attached as Exhibit 4. Transactional and Environmental documents related to this transaction can be found on the City's website at <https://alamedaca.gov/tidal-canal-project>.

FINANCIAL IMPACT

In September 2015, the City Council authorized \$350,000 General Fund funding allocation for the Tidal Canal project. It is anticipated that the City will recoup the project costs as well as internal staff time costs when properties are sold to the individual property owners as discussed above. It is anticipated that if all parcels are sold that the City would recognize positive cash flow in the range of \$7-900,000. However, if not all of the commercial parcels are sold immediately, then the City will incur the carrying costs and liability risk for those parcels until sold which will further reduce this amount. It is anticipated that a portion of these proceeds would be available for public access improvement and maintenance projects along the Tidal Canal.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed conveyance and Tentative Map is consistent with the City of Alameda General Plan Open Space and Land Use Policies, as well as the Alameda Municipal Code.

ENVIRONMENTAL REVIEW

A Draft Initial Study/Negative Declaration ("IS/ND") for the Project was published on June 1, 2016, in accordance with the California Environmental Quality Act (CEQA), which addresses all potential environmental impacts associated with the proposed transfer and subsequent transfers into private ownership, amendments to the Estuary District Zoning, and the proposed subdivision map. The IS/ND concludes that the proposed project would not cause any potentially significant environmental impacts, and accordingly, no mitigation measures would be required as part of the Project. Any proposed future improvements along the Tidal Canal will be subject to separate review and discretionary approval by the City.

RECOMMENDATION

Hold a Public Hearing and

- A) Adopt the First Reading to Introduce an Ordinance Amending Chapter 30 of the Alameda Municipal Code Section 3-4.21 E, Estuary District,
- B) Approve Tentative Map #8337 (PLN16-0240) for a 99 lot subdivision Located along the Oakland Inner Harbor Tidal Canal from approximately 1,800 Feet Northwest of the Park Street Bridge to approximately 2,300 Feet South of High Street Bridge, and
- C) Authorize the City Manager to: (i) execute a Memorandum of Understanding and Quitclaim Deed between the City of Alameda (City) and U.S. Army Corps of Engineers (Corps) for the

City Council

Agenda Date: 9/20/2016

File Type: Regular Agenda Item

Agenda Number: 6-D

City's acquisition of 94 parcels of semi-submerged and submerged land along the Alameda side of the Oakland Inner Harbor Tidal Canal (collectively the "Subject Property"); (ii) execute Purchase and Sale Agreements and Quitclaim Deeds with various purchasers for the disposition of the Subject Property at fair market value; and (iii) execute any and all ancillary documents necessary and convenient to consummate these transactions.

Respectfully submitted,
Janet C. Kern, City Attorney

By,
Andrico Q. Penick, Assistant City Attorney

Financial Impact section reviewed,
Elena Adair, Finance Director

Exhibits:

1. Negative Declaration
2. Zoning Text Amendment
3. Tentative Map dated September 7, 2016.
4. Purchase and Sale Agreement Exemplar

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 20, 2016- -7:00 P.M.

Mayor Spencer convened the meeting at 7:04 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

(16-441) Mayor Spencer announced that the Bay Day proclamation [paragraph no. 16-443] would not be heard.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(16-442) Proclamation Declaring September 15 through October 15, 2016 as National Hispanic Heritage Month.

Mayor Spencer read and presented the proclamation to Claudia Medina, Alameda Unified School District and Alameda Latino Community Achievement Network Cultivating Education (ALCANCE).

Ms. Medina introduced ALCANCE members, provided a handout and made brief comments.

(16-443) Proclamation Declaring October 1, 2016 as Bay Day. Not heard.

(16-444) Presentation by Alameda County Housing and Community Development on the County Housing Bond.

Linda Gardner, Alameda County Housing and Community Development, gave a Power Point presentation.

Councilmember Ezzy Ashcraft inquired whether the allocation is based on the population of a particular city.

Ms. Gardner responded the allocation is a blend of the assessed property values and total population; stated the regional pool is a blended formula based on current poverty level and the projected regional housing needs for very low- and low-income housing.

Councilmember Oddie stated County Supervisor Wilma Chan has been a leader in the effort for affordable housing; urged voters to support the measure.

Mayor Spencer inquired if a 23 year parcel tax would be created.

Ms. Gardner responded after all the bonds are issued, the total length will be 20 years; the process will take 3 and 6 years to start up.

Councilmember Ezzy Ashcraft clarified the measure is a bond measure not per parcel; the bond is based on the assessed value of the property, not appraised.

Mayor Spencer stated the cost is a property tax, not a parcel tax.

Councilmember Ezzy Ashcraft urged Council to support the bond measure; stated Alameda is in great need of more funding for affordable housing.

Urged Council to support the proposed bond measure; stated the bond will provide the means to assist homeowners, renters and the most vulnerable; more information on the bond measure is available on affordablealameda.org: Patricia Young, Alameda Home Team.

Urged Council to support the bond measure: Liz Verella, Building Futures with Women and Children.

ORAL COMMUNICATIONS, NON-AGENDA

(16-445) Luann DeWitt, Alameda, and Nan Rideout, Alameda, urged Council to reconsider its September 6, 2016 decision overturning the Planning Board's decision to allow a senior facility at Harbor Bay.

(16-446) John Milhar-Kyono, PEEPS SDIT, thanked the City Council for supporting the Drive 25 campaign.

(16-447) Cyndy Johnsen, Bike Walk Alameda; Denysa Trepnier, Bike Walk Alameda (submitted information); Brian McGuire, Bike Walk Alameda; and Malia Vella, Bike Walk Alameda; urged Council to address creating a West End bicycle bridge, including applying for grants and working with the Coast Guard and federal representatives.

(16-448) Larry Williams, Alameda, expressed his disappointment with the Council decision to not allow a senior facility at Harbor Bay.

CONSENT CALENDAR

Mayor Spencer announced that the Urban Planning Partners Agreement [paragraph no. 16-455], the grant resolution [paragraph no. 16-460], Affordable Housing Bond Measure resolution [paragraph no. 16-462], AC Transit Bond Measure resolution [paragraph no. 16-463], and the BART Bond Measure resolution [paragraph no. 16-464] were removed from the Consent Calendar for discussion.

Vice Mayor Matarrese moved approval of the remainder of the Consent Calendar.

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

(*16-449) Minutes of the Regular City Council Meeting Held on August 8, 2016. Approved.

(*16-450) Ratified bills in the amount of \$6,250,464.75.

(*16-451) Recommendation to Amend the Contract with Pacheco Brothers to Increase the Amount by \$238,300.11, Including Contingencies, for a Total Compensation of \$1,119,949.67 for Landscape Maintenance of Median Strips and Special Areas. Accepted.

(*16-452) Recommendation to: 1) Appropriate Funds for Maintenance of the Landside Assets up to \$302,994 at the Main Street Ferry Terminal and up to \$71,694 for the Harbor Bay Ferry Terminal, which are Both Reimbursed by the Water Transit Emergency Authority (WETA), and 2) Amend the Contract with ABC Security Service to Increase the Amount by \$77,933, for a Total Compensation of \$206,389, for the Main Street Ferry Terminal. Accepted.

(*16-453) Recommendation to Amend the Contract with Rosas Brothers Construction to Increase the Contract Amount by \$1,162,742, Including Contingencies, for the Repair of Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, Fiscal Year (FY) 2016-17, Phase 17, for a Total of \$3,488,216, for the Repair of Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, Phases 15, 16 and 17. Accepted.

(*16-454) Recommendation to Award a Contract in the Amount of \$75,000 for Each Year (Total Expenditure of \$375,000) to Kier & Wright; a Contract in the Amount of \$75,000 for Each Year (Total Expenditure of \$375,000) to Towill, Inc.; and a Contract in the Amount of \$75,000 for Each Year (Total Expenditure of \$375,000) to Ruggeri-Jensen-Azar (RJA), for On-Call Land Surveying Consulting Services. Accepted.

(*16-455) Recommendation to Authorize the City Manager to Amend an Agreement with Urban Planning Partners, Inc. to Extend the Term until December 2017.

Councilmember Daysog inquired whether the City Council has the final review before the plan is finalized.

The Base Reuse Director responded that the plan will return to Council for approval.

Councilmember Daysog read the motion from the March 2015 Council meeting; stated the recommendation was amended by Vice Mayor Matarrese to include an in-process check to have Council approve the plan before finalize action.

The Base Reuse Director responded the plan will not go forward without Council approval.

Councilmember Ezzy Ashcraft inquired whether Council's input would be need on the draft site alternatives for public and private spaces, to which the Base Reuse Director responded in the affirmative.

Councilmember Daysog stated the professionals need to be guided by Councilmembers who have a sense of the community needs.

The Base Reuse Director stated the Council is instrumental in developing the plan; the draft plan will return to Council for feedback.

Vice Mayor Matarrese inquired if the current agenda item is only to extend the contract, to which the Base Reuse Director responded in the affirmative.

Vice Mayor Matarrese stated the Council does not want the project to be too far without having seen the plans; Council needs to provide direction before the plan is locked; he supports approving the extension.

Councilmember Daysog moved approval of the staff recommendation.

Vice Mayor Matarrese seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated there would be discussion under the Main Street Plan at Alameda Point [paragraph no. 16-452]; the vote is to extend the consultants contract.

Mayor Spencer stated the clarification is important to make sure everyone is on the same page.

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

(*16-456) Recommendation to Approve a Month-to-Month Contract with AT&T Network Integration Services and Equipment Resale for \$108,000 Annually to Move From an AT&T Hosted Voice Direct Network Access (VDNA) to Voice over Internet Protocol (VoIP). Accepted.

(*16-457) Recommendation to Support the League of California Cities (LCC) Resolution Committing the League to Supporting Vision Zero, Toward Zero Deaths, and Other Programs or Initiatives to Make Safety a Top Priority for Transportation Projects and Policy Formulation, while Encouraging Cities to Pursue Similar Activities. Accepted.

(*16-458) Recommendation to 1) Authorize the City Manager, or Her Designee, to Enter into an Agreement with the Alameda Unified School District to Accept \$65,351.40 for Crossing Guard Services; 2) Authorize the City Manager, or her Designee, to Enter into

an Agreement with All City Management Services Incorporated for Crossing Guard Services not to Exceed \$239,015; and 3) Amend the Fiscal Year 2016-17 General Fund Budget by \$78,000. Accepted.

(*16-459) Recommendation to Accept Allotment of \$389,741.75 in Funds from the California Office of Emergency Services for 9-1-1 Customer Premise Equipment. Accepted.

(16-460) Resolution No. 15196, "Authorizing the City Manager to Negotiate and Execute a Grant Agreement Between the State of California Department of Parks and Recreation Division of Boating and Waterways and the City of Alameda By and Through the Alameda Police Department and By Motion Amend the Fiscal Year 2016-17 Revenue Estimate by \$40,700 and Expenditures Budget by \$44,770." Adopted.

Councilmember Ezzy Ashcraft inquired what great things will be done with the grant money.

The Police Chief responded the Grant money will allow the City to abate and remove privately owned derelict vessels from the estuary or allow owners to surrender the vessels; the grant money will only apply to privately owned vessels, not commercial vessels.

Councilmember Ezzy Ashcraft moved adoption of the resolution authorizing the City Manager to negotiate and execute a Grant Agreement between the State of California Department of Parks and Recreation Division of Boating and Waterways and the City of Alameda by and through the Alameda Police Department and by motion amend the Fiscal Year 2016-17 revenue estimate by \$40,700 and expenditures budget by \$44,770.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer thanked the Police Chief and the officers involved in the project.

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

(*16-461) Resolution No. 15197, "Approving Supplement No. 1 to the Amended and Restated Northern California Power Agency (NCPA) Joint Powers Agreement (JPA), Adding the City of Shasta Lake as a Party to the Agreement." Adopted.

(16-462) Resolution No. 15198, "Supporting the 2016 Alameda County Affordable Housing Bond Measure (Anticipated 23 Year Tax Measure)." Adopted.

Councilmember Ezzy Ashcraft urged Council to support the Alameda County Affordable Housing Bond Measure.

Vice Mayor Matarrese moved adoption of the resolution.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer stated it is critical that the measure be a County measure; the measure addresses issues across the County, not only for the City of Alameda; the cost is \$12 to \$14 estimated per \$100,000 of assessed value.

Councilmember Ezzy Ashcraft stated the measure is a way for Alamedan's to help each other.

Mayor Spencer stated the measure will take two-thirds vote to pass.

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

(16-463) Resolution No. 15199, "Supporting the AC Transit Parcel Tax Renewal Bond Measure (20 Year Measure)." Adopted.

In response to Councilmember Ezzy Ashcraft's request, Elsa Ortiz, AC Transit Board of Directors, gave a brief overview of the measure.

Mayor Spencer inquired what percentage is needed for the measure to pass, to which Ms. Ortiz responded two-thirds.

Councilmember Oddie inquired whether line 19 is coming back in December, to which Ms. Ortiz responded in the affirmative.

Councilmember Oddie inquired what the headways will be on line 19.

Ms. Ortiz responded AC Transit needs to hire more drivers; stated there will be a 20 minute headway; AC Transit is also working to have Bus Rapid Transit (BRT) dedicated lanes.

Councilmember Oddie inquired how someone would go about applying to be a bus driver, to which Ms. Ortiz responded at www.actransit.org.

Councilmember Daysog stated the AC Transit Board took special considerations for the Buena Vista line; AC Transit is looking into improving bus access to the ferries; he hopes voters support the measure.

Ms. Ortiz stated the City of Alameda and AC Transit meet once every three months to hear citizen concerns.

Vice Mayor Matarrese moved adoption of the resolution.

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

(16-464) Resolution No. 15200, “Supporting the Bay Area Rapid Transit (BART) General Obligation Bond Measure to Fund BART’s Safety, Reliability and Traffic Relief Program (40 Year Maximum Tax Measure).” Adopted.

Councilmember Ezzy Ashcraft stated she feels the public should hear about the BART General Obligation Bond Measure on the November ballot.

Robert Raburn, BART Director, gave a brief overview of the measure.

Mayor Spencer inquired how long property owners will be paying the tax.

Mr. Raburn responded 48 years for the overall length of all the bonds.

Mayor Spencer inquired how long will the money last after the bonds are issued.

Mr. Raburn responded the plan is to issue the bonds every other year for 10 issuances; over 20 years; State law requires deliverance of 80% of the bond measure projects, which will be scrutinized by an independent oversight body.

Mayor Spencer inquired if the bonds will be issued over 20 years, to which Mr. Raburn responded in the affirmative.

Mayor Spencer inquired whether 80% will be spent over 20 years.

Mr. Raburn responded the last bond would be issued 20 years from now; then, there would be 2 years left to perform.

Mayor Spencer inquired whether property owners will be paying the tax for 48 years, to which Mr. Raburn responded in the affirmative.

Mayor Spencer inquired whether there is consideration of having a station in Alameda.

Mr. Raburn responded that 90% of the bond is focused on existing infrastructure, which is deteriorating; 10% will go towards access and planning studies.

Mayor Spencer inquired whether the money will cover an engineering study, but not build any lines, to which Mr. Raburn responded in the affirmative.

Mayor Spencer stated voters to knowing what they are voting for is important.

Councilmember Ezzy Ashcraft moved adoption of the resolution supporting the BART General Obligation Bond Measure to Fund BART’s Safety, Reliability and Traffic Relief Program.

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

5.

(*16-465) Resolution No. 15201, “Supporting Proposition 67, California’s Plastic Bag Ban Veto Referendum, Instituting a Statewide Plastic Bag Ban.” Adopted.

REGULAR AGENDA ITEMS

(16-466) Resolution No. 15202, “Appointing Lisa Hall as a Member of the Commission on Disability Issues.” Adopted; and

(16-466A) Resolution No. 15203, “Appointing Kale Jenks as a Member of the Social Service Human Relations Board.” Adopted.

Councilmember Oddie moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented certificates of appointment to Ms. Hall and Mr. Jenks.

(16-467) Presentation by the Public Utilities Board (PUB) and Alameda Municipal Power (AMP) Assistant General Manager on AMP’s Five-Year Strategic Plan, Capital Improvements and Operational Status.

The PUB President and the AMP Assistant General Manager – Engineering and Operations gave a Power Point presentation.

In response to Mayor Spencer’s inquiry regarding the brightness of the new street lights, the AMP Assistant General Manager – Engineering and Operations responded that there is currently an American Medical Association (AMA) study being conducted on the brightness of streetlights and the effects on the body; continued the presentation.

Vice Mayor Matarrese inquired about the current status of the Underground Utility District stopped.

The AMP Assistant General Manager – Engineering and Operations responded the last Underground Utility District was put on hold due to public concern; stated for the last few years, AMP has been working on a policy and the process has been initiated; the City Council created a District Nomination Board to collect public input and make recommendations; the public felt they did not have a voice, the Board gives the public a forum.

Councilmember Oddie stated that he attended the recent Public Utilities Board (PUB) meeting advertising public concern over the net energy metering successor plan; inquired what is the status and when will an update be brought to Council.

The AMP Assistant General Manager – Engineering and Operations responded AMP is looking at the information received from the PUB meeting; staff will bring the issue to the November Council meeting.

Councilmember Oddie stated the issue is schools converting to solar and the City Manager's remaining capacity is under 5%; inquired whether the issue has been addressed.

The AMP Assistant General Manager – Engineering and Operations responded AMP is nearing capacity and the issue will have to be reviewed.

The AMP Assistant General Manager - Energy Resource Planning stated the priority with schools is improving facilities; AMP has worked with the schools to improve energy efficiency.

Councilmember Oddie inquired about microgrids.

The AMP Assistant General Manager – Engineering and Operations responded a microgrid is three components: smart devices, storage and solar generation; all are tied to the main grid yet they can separate and sustain themselves for a long period.

The PUB President stated microgrids are big throughout the nation; they are able to stay resilient and help communities through natural disasters.

Councilmember Ezzy Ashcraft inquired whether Alameda Unified School District (AUSD) focusing on the energy efficiency and alternate means of generating electricity are separate issues and cannot be pursued simultaneously.

The AMP Assistant General Manager - Energy Resource Planning responded the issue is an AUSD funding question.

The PUB President stated focusing on the issues sequentially rather than simultaneously is better; energy efficiency reduces the energy and solar size.

Councilmember Ezzy Ashcraft inquired whether AMP is looking to do solar on other City facilities.

The AMP Assistant General Manager - Energy Resource Planning responded various departments would have to answer said question; stated Public Works would need to initiate projects; AMP partnered with the Library for the solar system; AMP and Public Works reviewed the Fire Station and Emergency Operations Center (EOC) to provide provisions for a future solar system; AMP is not a solar installer nor a finance agency for solar installation; AMP's responsibility is to maintain a robust grid and ensure the grid is reliable.

Councilmember Ezzy Ashcraft inquired whether AMP supports solar in the City buildings, to which the AMP Assistant General Manager - Energy Resource Planning responded in the affirmative.

Councilmember Daysog inquired about the need for places to power electric vehicles.

The PUB President responded AMP would like to work with the City to figure out where to install charging stations.

Vice Mayor Matarrese stated the location of the microgrid is Site A; he would like analysis and justification for the location being at Site A; AMP will be subsidizing the power grid; requested clarity on the value that was not contemplated when the City was negotiating with the Site A developer.

Councilmember Ezzy Ashcraft requested a brief response.

The PUB President responded the issue is complex and would have to be discussed later.

Mayor Spencer inquired about the AMA study; stated that she received concerns regarding the 4000 watt LED lights, the previous General Manager stated AMP is no longer installing 4000 watt LED lights and would now be installing the 3000 watt lights; inquired whether the new process is being done.

The AMP Assistant General Manager – Engineering and Operations responded with details of the LED phase 2; stated AMP plans to conduct a survey and hold a community meeting.

Mayor Spencer stated the previous General Manager stated the 4000 watt LED lights were being replaced with the 3000 watt LED lights; inquired whether the new lights are being installed.

The AMP Assistant General Manager – Engineering and Operations responded AMP has not made a decision yet and is waiting to hear back from the consultant.

Mayor Spencer stated if the plan has changed since July, she would like an update for the community.

The City Manager responded that the matter will be brought back to Council if the wattage is above 3000.

Expressed concerns regarding thinking globally; stated climate change is a potential catastrophe; the PUB can use resources to inform the community: Ken Peterson, Alameda.

(16-468) Introduction of Ordinance Approving a First Amendment to a Lease and

Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a First Amendment to the Lease Agreement with Pacific Automated LLC, a California Limited Liability Company, dba Brix Beverage (Pacific Automated, LLC) to Include a Portion of Building 25 (Unit 100), a Small Outbuilding Known as Building 491, and Additional Parking Common Areas as Part of the Original Premises at 1951 Monarch Street at Alameda Point. Introduced.

Councilmember Oddie moved introduction of the ordinance.

Vice Mayor Matarrese seconded the motion.

The Assistant Community Development Director gave a brief presentation.

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

(16-469) Summary Title: Public Hearing to Consider Parcelization and Acquisition of Oakland Inner Harbor Tidal Canal From the Army Corps of Engineers and Disposition of 94 Parcels to Individual Property Owners and Related Environmental and Zoning Amendment Actions.

Public Hearing to Consider: Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter 30, Section 30-4.21 E, Estuary District; Introduced;

(16-469A) Resolution No. 15204, “Approving a Negative Declaration and Tentative Map #8337 for a 99 Lot Subdivision Located Along the Oakland Inner Harbor Tidal Canal from Approximately 1,800 Feet Northwest of the Park Street Bridge to Approximately 2,300 Feet South of High Street; Adopted; and

(16-469B) Introduction of Ordinance Authorizing the City Manager to: (1)Execute a Memorandum of Understanding, Quitclaim Deed and All Other Necessary Documents Between the City of Alameda and the United States of America Acting By and Through the U.S. Army Corps of Engineers to Acquire 94 Parcels of Semi-Submerged and Submerged Land On the Alameda Side of the Oakland Inner Harbor Tidal Canal (“Tidal Canal”); (2) Execute Purchase and Sale Agreements, Quitclaim Deeds and All Other Necessary Documents Between the City of Alameda and Various Purchasers to Sell Approximately 92 Parcels on the Tidal Canal at Fair Market Value. A Draft Negative Declaration has been prepared for the proposed actions consistent with the California Environmental Quality Act (CEQA). Introduced.

Stated that he is in favor of the project: Bill Dutra, Alameda.

Stated that she is a tenant along the waterline; her business ties up barges and is in support of the project; urged Council to support the project: Molly Jacobson, Dutra Construction.

Stated that he is concerned with encroachment by the property owners; various boat sizes will not fit in 2 feet of open water; the illegal docks should be removed so the rest

of the residents can use the water: Al Wright, Alameda.

The Assistant City Attorney gave a Power Point presentation.

Councilmember Daysog inquired whether someone could build a hotel in the area and whether such a project would need to have approval, to which the Assistant City Attorney responded in the affirmative; stated every use would need approval; the Assistant City Attorney continued the presentation.

Councilmember Ezzy Ashcraft inquired whether the City would retain the open water lot parcel and whether one of the parcels runs down the middle of the Tidal Canal, to which the Assistant City Attorney responded in the affirmative.

Councilmember Ezzy Ashcraft inquired who would be responsible for dredging the open water parcel, to which the Assistant City Attorney responded the responsibility of dredging will remain with the Army Corp; said agreement is both statutory and contractual.

Councilmember Oddie stated residents have referred to public access points as parks; inquired what is the difference between a public access point and a park.

The Assistant City Attorney responded a park is an area that has been designated as such either by zoning or open space or the space is programed as a park; stated the public access point is not zoned; when the subdivisions were created, the developer was asked to put in public access points.

Councilmember Oddie inquired whether the current City Council has ever contemplated selling the public access points to any private homeowner, individual or entity.

The Assistant City Attorney responded in the negative.

Councilmember Oddie stated the myth is that the current City Council has tried selling said property.

The Assistant City Attorney stated the public access points are outside the project area and are not the subject of the actions Council is being asked to take tonight; the ask is for authority to subdivide and potentially dispose of semi-submerged areas in the water.

Councilmember Oddie inquired whether or not the city own the areas, to which the Assistant City Attorney responded the property is federally owned.

The City Attorney clarified the property is public view access, not access to the water; the water itself is still owned by the Army Corp of Engineers.

Councilmember Oddie inquired whether the City is planning to sell the public view access to anyone, to which the Assistant City Attorney responded in the negative.

In response to Councilmember Daysog's inquiry about a particular area on the map, the Assistant City Attorney responded that there are currently no lines in the water; borders do not exist in the water.

Councilmember Daysog inquired whether decisions being made have ramifications in the area; inquired whether the area is outside the six parcels of interest.

The Assistant City Attorney responded the current proposal is to hold the six areas as part of the open water parcel, not subject to immediate transfers if the project is approved.

Mayor Spencer inquired whether the parcel is beyond the 35 feet and if both complete parcels are inside the water.

The Assistant City Attorney responded the answer is next in the presentation; continued the presentation.

Mayor Spencer inquired whether parcels could be sold separately from the homes.

The Assistant City Attorney responded in the negative; stated staff recommends a 35 foot easement and doing something about the encroachments on the land side; continued the presentation.

Councilmember Ezzy Ashcraft inquired whether the structures in the water on the six parcels were built without permits from the federal government.

The Assistant City Attorney responded he has no information regarding the permits; most homeowners have purchased properties with docks already built; the City has to conduct more research on the issue; continued the presentation.

Mayor Spencer inquired whether the encroachments on dry land were permitted by the City.

The Assistant City Attorney responded in the negative; he stated they are trespass; continued the presentation.

Mayor Spencer inquired whether the Assistant City Attorney is referring to the parcels on the land, to which the Assistant City Attorney responded in the affirmative; continued the presentation.

In response to Councilmember Daysog's inquiry about estimates, the Assistant City Attorney stated the external and internal costs would break-even; excess revenues come from commercial side participation; continued the presentation.

Mayor Spencer inquired whether there could be a water parcel behind one house that

could be owned by someone else, to which the Assistant City Attorney responded in the affirmative; stated the adjacent property owner would be given first offer; if the property owner declines the offer, the second offer would be to the Homeowner's Association (HOA); if the HOA also declined, the City would not move forward with the transaction.

Mayor Spencer inquired whether the parcel would then be offered to the adjacent neighbors.

The Assistant City Attorney responded said suggestion has not been contemplated.

Mayor Spencer inquired whether the HOA could end up owning the parcels and selling the property to someone else.

The Assistant City Attorney responded the HOA could do whatever it wants to do with the parcel.

Mayor Spencer inquired whether the parcel could be sold to someone else or used to their own benefit.

The Assistant City Attorney responded that he would let the HOA respond should the parcel is only valuable to the adjacent homeowner.

Councilmember Oddie inquired whether the HOA could sell the parcel to the adjacent property owner or anyone else.

The Assistant City Attorney responded in the affirmative; stated there is no restriction to alienate the property once purchased; laws against alienation and property prevent doing so.

Mayor Spencer inquired if the same person ends up owning the two parcels: the one on the land and the one in the water, could they merge the two parcels, to which the Assistant City Attorney responded in the affirmative; continued the presentation.

Mayor Spencer inquired where the residential closing cost estimate comes from; whether the fee exceeds closing costs, to which the Assistant City Attorney responded in the affirmative.

Councilmember Ezzy Ashcraft inquired how the City would have issued a permit for a dock when the dock is not City property.

The Assistant City Attorney responded the City has jurisdiction up to the property line; after 2000, the Army Corp did not allow permits; continued the presentation.

Councilmember Oddie questioned where the HOA would get the funds to purchase adjacent parcels.

(16-470) Mayor Spencer stated a motion is needed to consider remaining items.

Councilmember Ezzy Ashcraft moved approval of considering only the remaining regular agenda items [paragraph nos. 16-472, 16-473, and 16-474].

In response to Councilmember Oddie's inquiry regarding the Emergency Operations Center, the City Manager stated the item is an update Council requested.

Councilmember Oddie seconded the motion.

Councilmember Daysog stated that he would have preferred to also address the referrals.

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.

Councilmember Ezzy Ashcraft left the dais at 10:19 p.m. and returned at 10:22 p.m.

Stated zoning and permitting issues need to be addressed; there needs to be regulations on the height of trees and buildings in backyards: Susan Fitzgerald, Alameda.

Stated there is not enough information to proceed; the City must have all the facts before decisions are made: Marc Knass.

Urged Council to use the proceeds from the sale to improve public access: Dan Siskind, Alameda.

Stated homeowners have not been able to make improvements for decades; urged passage: Edward Payne, Waterfront Homeowners Association (WHOA).

Stated the WHOA tried to leave the City with no outparcels; WHOA has tried to gauge whether they will have the financial resources to purchase any of the outparcels; in the event that WHOA is stuck with the parcels, they will try to work with the adjoining property owner to take ownership of the parcel; WHOA realizes they might be stuck with the parcels for an extended period of time with the hopes that subsequent owner will be interested in owning the parcel; he hopes the community is not driven by fear when making decisions; opportunity to save money by putting the parcels into place; requests Council to not leave deadlocked tonight; stated the issue has gone on for over 3 decades; the owners desperately want to see the transaction move forward; thanked the Assistant City Attorney for the work done on the project; stated no predecessors have stepped up to take on the issue: Seth Hamalian, WHOA.

Mayor Spencer called a recess at 10:41 p.m. and reconvened the meeting at 10:46 p.m.

Councilmember Daysog inquired whether the City going to include controls regarding resale prices if property owners do not participate.

The Assistant City Attorney responded in the negative; stated the sale of the parcel comes with rights and responsibilities; there will be a declaration of restrictions because they are water parcels.

Councilmember Daysog inquired if WHOA finds a buyer for a parcel that is holding out and the buyer is willing to pay \$50,000 instead of \$10,000 should the City get some kind of distribution.

The Assistant City Attorney responded that the City has appraised the properties at \$10,000; if the value were to increase in the future, the property would be appraised and still sell at Fair Market Value; he does not see the parcel as a windfall because market forces govern value.

Vice Mayor Matarrese stated the solution of having open water behind the parcels that contain the viewpoints is a good; the City could have a liability if parcels behind the residents are kept; he is ready to move forward with the project.

Councilmember Oddie stated the City never contemplated selling the public viewpoints; the plan is a solution to a problem that has been lingering for three decades; the City should meet with the homeowners to collaborate and find a solution that works best for everyone; he supports the project moving forward.

(16-471) Mayor Spencer stated a motion is needed to continue the meeting past 11:00 p.m.

Councilmember Ezzy Ashcraft moved approval of continuing the meeting.

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

Councilmember Ezzy Ashcraft stated the wait has been long for the homeowners and the project needs to move forward.

Councilmember Daysog stated the best interest of Alameda is to move forward on the project; there is concern for the six parcels having public and water access; he is requesting the public access points have a minimum of 35 feet to serve as panoramic view corridors and public access points.

Councilmember Ezzy Ashcraft inquired whether said matter is before the Council

tonight.

The City Attorney responded that Councilmember Daysog's concern could be discussed; changing the plans would mean a change to the Tentative Map; stated staff hears the recommendation but would prefer that Council approve the project as is.

Councilmember Daysog stated that he does not want to change any substantive details; he believes a statement needs to be sent to the residents.

Mayor Spencer stated the problem needs to be solved; not allowing permits creates a safety issue that needs to be resolved; inquired whether there are any situations where one property owner has built out to an adjoining water parcel.

The Assistant City Attorney responded the lines in the map were drawn straight out; the line moved slightly to avoid hitting obstructions; one dock extends onto the open water parcel on City property, which will be treated with Code Enforcement.

Mayor Spencer inquired whether the goal is to hand the parcels over to the current land owner and modify as practical.

The Assistant City Attorney responded in the affirmative; stated there is no situation where an improvement owned by one property owner is on another property owner's parcel.

Mayor Spencer inquired whether the six public view access point have permits.

The Assistant City Attorney responded the City is not finished receiving the permit history.

Mayor Spencer inquired whether the six parcels should be a part of the maps now; stated a speaker is concerned there will be an additional cost in the future.

The Assistant City Attorney responded having the six parcels as a part of the map now would be more cost efficient; there is still question on the public access.

Mayor Spencer inquired whether the six parcels could be designated for the City right now and changed in the future.

The Assistant City Attorney responded in the affirmative.

The City Attorney stated the parcel lines can be drawn, but the process to figure out what makes the most sense will take time; the City might have to change the final parcel lines depending on the final resolution.

Mayor Spencer stated designating the 35 feet as a hard line has not been done; the lines have gone a little to the left or a little to the right; she would be prefer keeping the

35 feet hardline with regards to the six parcels.

The Assistant City Attorney thanked City staff who worked on the project.

Vice Mayor Matarrese moved introduction of Ordinance amending the Alameda Municipal Code by amending Chapter 30, Section 30-4.21 E, Estuary District.

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

Councilmember Oddie moved adoption of the resolution approving a Negative Declaration and Tentative Map #8337 for a 99 lot subdivision located along the Oakland Inner Harbor Tidal Canal from approximately 1,800 feet northwest of the Park Street Bridge to approximately 2,300 feet south of High Street.

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

Councilmember Ezzy Ashcraft moved introduction of the ordinance authorizing the City Manager to: (1) execute a Memorandum of Understanding, Quitclaim Deed and all other necessary documents between the City of Alameda and the United States of America acting by and through the U.S. Army Corps of Engineers to acquire 94 parcels of semi-submerged and submerged land on the Alameda side of the Oakland Inner Harbor Tidal Canal (“Tidal Canal”); (2) execute Purchase and Sale Agreements, Quitclaim Deeds and all other necessary documents between the City of Alameda and various purchasers to sell approximately 92 parcels on the Tidal Canal at fair market value.

Mayor Spencer seconded the motion.

Under discussion, Councilmember Daysog requested the motion be amended to include pending due diligence review, the six parcels outside of tonight’s decision have been added to parcel 2, and will return to public access use, should have a width of 35 feet, to serve as panoramic view corridors and water access points.

Councilmember Ezzy Ashcraft stated that she will not accept the amendment; the matter is already coming back to Council.

Mayor Spencer inquired whether the matter will be coming back to Council.

The City Attorney responded in the affirmative; stated the matter will come back to Council after the City has done its due diligence and worked with the six property owners.

Mayor Spencer inquired whether there is a goal of trying to get 18 feet or 35 feet.

The City Attorney responded the City will do its due diligence and come back to Council

with something that will work for both sides.

Councilmember Daysog stated he is satisfied with the City Attorney's response and is willing to move forward.

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

(16-472) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-4.25(d).iii.b Related to Setbacks for Side Street Property Lines on Corner Parcels within the North Park Street, Gateway Zoning District. The proposed amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations. Introduced.

Stated the Downtown Alameda Business Association (DABA) supports the project; urged approval of the zoning amendment: Robb Ratto, DABA.

Stated that he and the architect are present to answer questions: Marcel Sengul, Applicant.

Vice Mayor Matarrese moved the amendment [introduction of the ordinance], with insertion in Section 1 of "...for outdoor seating or other public spaces" to read "...other non-automotive public spaces."

Councilmember Ezzy Ashcraft stated the next sentence clarifies that the space is non-automotive.

Vice Mayor Matarrese stated the wording does not exclude parking spaces; the wording could be interpreted to allow a parking space.

The Assistant Community Development Director responded the amendment is good.

Councilmember Oddie stated there is no harm in adding the amendment.

Mayor Spencer stated the amendment is added clarification.

Councilmember Oddie stated the project will make the gateway into Alameda a great entry.

Vice Mayor Matarrese restated his motion to approve the amendment [introduction of the ordinance] with the insertion of "...other non-automotive public spaces."

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

(16-473) Recommendation to Provide Direction on the Approach to Phasing and Disposition of Development in the Main Street Neighborhood (MSN) at Alameda Point, including Review of the Draft Phasing Chapter in the MSN Specific Plan.

The Redevelopment Project Manager and Base Reuse Director gave a Power Point presentation.

Urged Council to support the phasing plan; stated the plan will allow the Alameda Point Collaborative to move forward and put an end to homelessness: Doug Biggs, Alameda Point Collaborative.

Stated that she supports the phasing plan because the space will provide jobs; Alameda Point is a jewel; encouraged Council to support the phasing plan and create more jobs at Alameda Point: Karen Bey, Alameda.

Councilmember Daysog inquired whether the 67 units are leveraging market rate housing or are the 67 units themselves the market rate housing.

The Base Reuse Director responded the 67 units are part of the Collaborative project that will be very-low units; the market-rate development is financing the units' infrastructure; the adjacent units will not need to provide the low and very-low requirements; the plan is a combined project.

Councilmember Daysog inquired whether the 67 units are being leveraged to meet the low and very-low income requirements, to which the Base Reuse Director responded in the affirmative.

Vice Mayor Matarrese stated the 25 moderate and 67 very-low income units make 92 out of 310 units affordable, which is about 30%; he would like any developments to reach the 30% mark for affordable housing; he would like a plan to auction the units off individually; the zoning requirement should be clear to provide a transition between the job generating area.

Councilmember Ezzy Ashcraft stated there is a limit on how many houses can be built; inquired whether the 67 units are being subtracted from the total or if the units have to come out of some future development's allocation; inquired whose housing allocation the extra housing units would come from.

The Base Reuse Director responded the City is not looking to change the housing cap, which is in the General Plan; stated the 67 units come out of the 425.

Councilmember Ezzy Ashcraft inquired whether another developer would be told the number of units remaining.

The Base Reuse Director responded in the affirmative; stated there will be 125 housing units to build out the rest of the Main Street neighborhood.

In response to Councilmember Ezzy Ashcraft's inquiry, the Base Reuse Director stated only 44 of the very low and low units are needed to meet the minimum low requirement; Vice Mayor Matarrese is stating he would like all 67 units to count towards said project and every future project has to provide 30%.

Councilmember Ezzy Ashcraft inquired whether infrastructure costs would also be covered, to which the Base Reuse Director responded in the affirmative.

Councilmember Ezzy Ashcraft stated the transitional commercial uses can help provide jobs for the residents in the area; encouraged staff to ensure the Alameda Point Main Street neighborhood is inviting to the public.

Councilmember Daysog stated the City needs to get a handle on the vision for Main Street neighborhood; Council needs to decide about the 425 units; the ideas need to be discussed as part of the development.

Councilmember Oddie stated that he likes the phasing; the people that live at the Alameda Point Collaborative need to be prioritized and taken care of; urged moving forward with the Collaborative; he likes Vice Mayor Matarrese's suggestion to require future developments to have 30%; he supports the phasing plan.

Councilmember Ezzy Ashcraft stated affordable housing provider costs come in higher dealing with old military base infrastructure costs are come in higher.

Mayor Spencer inquired whether the 200 units count as affordable.

The Base Reuse Director responded in the negative.

Mayor Spencer inquired whether the units do not count because they are already existing, to which the Base Reuse Director responded in the affirmative.

Mayor Spencer stated the project looks like 58% or 60% affordable compared to 40% market; but 200 units do not count towards the numbers, but they are affordable; the units do not count towards the Association of Bay Area Governments (ABAG) affordable numbers.

The Assistant Community Development Director stated there will always be a struggle to meet Regional Housing Need Allocation (RHNA) affordable housing obligations; any affordable units built on the Alameda Point will help with the ABAG numbers, he is still researching whether the state will consider the 200 new units as a wash or accept them as new.

Councilmember Ezzy Ashcraft inquired how the City could build more affordable units and not any market rate units.

The Assistant Community Development Director responded the City cannot do so; the private sector builds a majority of the affordable housing in the State; if the private sector cannot build any more market rate housing, the vast majority of affordable housing will be cut off.

Mayor Spencer inquired about work force housing: in between affordable and market; stated the project does not have work force housing.

The Base Reuse Director responded she considers moderate income units work force housing; 80 to 100% of Annual Median Income (AMI) is considered work force housing and will depend on the market rate units structure in terms of size; staff has not reached said level of planning yet.

Mayor Spencer stated that she would like to discuss the matter at a later date; inquired if the entire project could be counted as one project to obtain the 125 units.

The Base Reuse Director responded the 125 remaining units are reserve units to help facilitate infrastructure north of Midway; units were left for the northern part of the site.

Mayor Spencer stated more work force housing is needed; the goal should not just be to do market rate and affordable, but also work force housing; she would like pathways to higher paying jobs for the commercial; she does not support retail; assisted living belongs in residential, not commercial; transportation will be an issue for people living in collaborative housing; she plans to support the project; inquired if someone could look into the 125 units being used for work force housing.

The Base Reuse Director responded staff would come back with a draft plan to get early feedback from Council and with the Request for Qualifications (RFQ) to move forward with the Phase 1 parcel; the next steps would be to tell the developer to include work force housing; right now there is no plan to address the 125 units; the future phase for north of Midway might include the 125 units; the decision will be at Council's discretion.

Mayor Spencer inquired if the 125 units can be part of the current project.

The Base Reuse Director responded the decision is up to Council.

The City Manager inquired if the Base Reuse Director could add in the RFQ a request for the developer to do work force housing without specifying 125 units, along the lines of 30% affordable.

The Base Reuse Director responded in the affirmative; stated tradeoffs can be discussed.

Councilmember Ezzy Ashcraft responded there are all kinds of tradeoffs; money is a key factor.

Vice Mayor Matarrese inquired if staff will come back with a plan with all the input; stated other decisions can be driven by the RFQ process; items can be addressed when talking to the developer.

The Base Reuse Director responded items can be made explicit in the RFQ.

Councilmember Daysog stated the project needs to be thought through; the City needs to have a clear plan from the get go and to decide what kind of units are needed; he cannot support the project.

The Base Reuse Director responded the intent of the plan is not to micromanage the uses; the zoning is very flexible; the plan is to weigh all the different tradeoffs.

Councilmember Oddie stated he is not comfortable going from 300 to 425 units; he believes keeping 125 units in reserves is a good idea; he cannot support adding the 125 units; he only supports sticking with the 300 units.

Mayor Spencer stated her concern is the City never seems to build work force housing; doing only luxury and very low housing does not address the people in the middle, who have serious housing needs.

The Base Reuse Director stated staff would come back and show Council if work force housing can be afforded within the 233 or if extra is needed; the analysis will come back.

Councilmember Ezzy Ashcraft questioned what is meant by work force housing.

Councilmember Daysog stated work force housing for purposes of the Alameda County Housing Bond Program that Council supported is above moderate income which is 120 to 150% of the median.

The Base Reuse Director responded the wording can be in the staff report when staff comes back with the RFQ.

(16-474) Presentation on the Emergency Operations Center and Training Update.

The Public Works Director gave a Power Point presentation.

CITY MANAGER COMMUNICATIONS

(16-475) The City Manager noted on September 27th, neighborhood meeting would be held to educate about Jean Sweeney homeless encampments and answer questions from the residents.

Councilmember Ezzy Ashcraft stated there are encampments not just at Jean Sweeney, they are in other parts of the City; inquired if all areas will be covered.

The City Manager responded Operation Dignity would figure out and document the issue and problem Citywide, focusing first on Jean Sweeney because of the construction.

Councilmember Daysog stated people are concerned with High Street in Oakland also as you enter Alameda; inquired whether data would be collected at said location.

The City Manager responded the City is not doing work in Oakland; Operation Dignity is already contracted to cover Oakland.

Vice Mayor Matarrese stated the policy questions can be discussed when the referrals are discussed; inquired what is going to be done Citywide.

The City Manager responded the plan is not relocation, the plan is to see what the City can do to get them out of homelessness all together.

(16-476) The City Manager stated the City is doing an educational comparison of the two different rent measures and will send the information to all the residents.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(16-477) Consider Directing the City Manager to Initiate and Begin the Process with the Planning Board to Propose Revisions to the Ordinance and Code Sections Defining Alameda's Inclusionary Housing for Residential Development. (Vice Mayor Matarrese) Not heard.

(16-478) Consider Directing the City Manager to Schedule a Priority Setting Work Session. (Mayor Spencer) Not heard.

(16-479) Consider Directing the City Manager to Immediately Hold a City Council Workshop on the Final Phase of the Bayport-Alameda Landing Disposition and Development Agreement (DDA)\Development Plan. (Councilmember Daysog) Not heard.

(16-480) Consider Directing the City Manager to Have the Social Service Human Relations Board (SSHRB) Review City Policies and Procedures for Aiding Alameda's Homeless in Order to Make Recommendations to the City Council for Policy Revisions and Additions. (Vice Mayor Matarrese) Not heard.

(16-481) Consider Directing the City Manager to Initiate Revisions to the Ordinances and Code Sections for Mixed-Use Zoning in the City of Alameda to Aid Retention of

Beneficial Commercial Uses within Areas Zoned for Mixed Use. (Vice Mayor Matarrese)
Not heard.

(16-482) Consider Directing Staff to Review Enacting a Minimum Wage Increase in Alameda. (Mayor Spencer) Not heard.

(16-483) Consider Directing Staff to Renegotiate the Terms of the Friends of the Alameda Animal Shelter (FAAS) Lease and Relocate/Modernize the Shelter Facility, including Addressing Funding. (Mayor Spencer) Not heard.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:45 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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