

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JULY 12, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:05 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Daysog arrived at 5:06 p.m. and Vice Mayor Vella arrived at 5:15 p.m. The meeting was held via Zoom.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(22-464) Conference with Labor Negotiators (Government Code Section: 54957.6); City Negotiators: Nancy Bronstein, Human Resources Director; Nico Procos, General Manager, Alameda Municipal Power; Jessica Romeo, Human Resources Manager; and Steve Woo, Senior Human Resources Analyst; Employee Organizations: Alameda City Employees Association (ACEA); Management and Confidential Employees Association (MCEA); Electric Utility Professionals Association (EUPA); International Brotherhood of Electrical Workers (IBEW); Alameda Police Officers Non-Sworn (PANS); Alameda Municipal Power Unrepresented Employees (AMPU); Alameda Police Management Association (APMA); Under Negotiation: Salaries, Employee Benefits and Terms of Employment

(22-465) Conference with Legal Counsel – Potential Litigation Initiation of Litigation Pursuant to Government Code Section 54956.9, Subsection (d)(4); Number of Cases: Undetermined (As Plaintiff – City Initiating Legal Action); Potential Defendants: Lessees of Historic Residential Units at Alameda Point Regarding Lead-Based Paint Remediation. Not heard.

(22-466) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Alameda Theatre, Located at 2317 Central Avenue, Alameda, CA; City Negotiators: Dirk Brazil, Interim City Manager, Lisa Maxwell, Community Development Director, and Nanette Mocanu, Assistant Community Development Director; Negotiating Parties: City of Alameda and Alameda Entertainment Associates, L.P.; Under Negotiation: Price and Terms.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Labor, staff provided information and Council provided direction by the following roll call votes: Vote 1: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 3, Noes: 2 and Vote 2: Councilmembers Daysog: No; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 4, Noes: 1; and regarding Real Property, staff provided information with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND  
SUCCESSOR AGENCY TO THE  
COMMUNITY IMPROVEMENT COMMISSION (SACIC)  
TUESDAY- -JULY 12, 2022- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:05 p.m.  
Councilmember/Commissioner Herrera Spencer led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Herrera  
Spencer, Knox White, Vella and Mayor/Chair Ezzy  
Ashcraft – 5. [Note: The meeting was held via Zoom.  
Vice Mayor/Commissioner Vella arrived at 7:17 p.m.]

Absent: None.

CONSENT CALENDAR

Vice Mayor/Commissioner Knox White moved approval of the Consent Calendar.

Councilmember/Commissioner Herrera Spencer seconded the motion, which carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Knox White: Aye; Spencer: Aye; and Mayor/Chair Ezzy Ashcraft: Aye. Ayes: 4. [Absent: Vice Mayor/Commissioner Vella – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*22-467 CC/22-011 SACIC) Minutes of the Special City Council Meeting and the Special Joint City Council and SACIC Meeting Held on June 21, 2022. Approved.

AGENDA ITEM

(22-468 CC/22-012 SACIC) Recommendation to Accept the Fiscal Year 2020-21 Audited Financial Statements and Compliance Reports.

The Controller, City Auditor and Amy Meyer, Maze and Associates gave a brief presentation.

Councilmember Daysog stated the memorandum certainly shows that our work is cut out for us, but items can definitely be tackled.

Councilmember/Commissioner Knox White moved approval of the staff recommendation.

Councilmember/Commissioner Daysog seconded the motion.

Under discussion, Councilmember/Commissioner Herrera Spencer stated there are

material weaknesses and significant deficiencies, which are very serious; staff needs to address the issues so the City can have a clean audit in the future; it is a problem, especially when weaknesses are continuing.

On the call for the question, the motion carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Knox White: Aye; Spencer: Aye; Vella: Aye; and Mayor/Chair Ezzy Ashcraft: Aye. Ayes: 5.

### ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:21 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- - JULY 12, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:21 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: The meeting was conducted via Zoom.]

Absent: None.

AGENDA CHANGES

(22-469) Mayor Ezzy Ashcraft stated that she would call her nominations [paragraph no. 22-470] next.

COUNCIL COMMUNICATIONS

(22-470) Mayor’s Nominations for Appointment to the Civil Service Board, Commission on Persons with Disabilities, Golf Commission, Historical Advisory Board, Housing Authority Board of Commissioners, Library Board and Public Utilities Board.

Mayor Ezzy Ashcraft nominated Diane Lang, Tim Erwin and Jordan Frank for appointment to the Civil Service Board.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(22-471) Jim Strehlow, Alameda, stated the intersection of Sherman Street and Clement Avenue is one of the poorest new designs he has ever seen; discussed the intersection and urged it be corrected.

(22-472) Jay Garfinkle, Alameda, discussed planning projects that have degraded the quality of life and put residents’ safety at risk, including parklets; stated Park and Webster Streets are totally congested; the fumes of cars and trucks idling are causing greenhouse gases; emergency vehicles are impeded, putting lives at risk.

(22-473) Jason Peavich, Alameda, stated the Sherman Street project is not finished; discussed the project; stated the matter will be handled.

(22-474) Brian Kennedy, Alameda, discussed the killing of Kate Stanley; expressed concern about Sanctuary Cities.

(22-475) Zac Bowling, Alameda, discussed the Sherman Street project; expressed support for Planning staff.

CONSENT CALENDAR

Expressed support for the Alameda/Oakland pedestrian bridge [paragraph no. 22-477]; urged the project be completed as quickly as possible: Zac Bowling, Alameda.

Expressed concern about the pedestrian bridge, including the cost: Jim Strehlow, Alameda.

Expressed concern about continuing to conduct meetings using Zoom [paragraph no. 22-480]; urged Council not to approve the item: Tod Hickman.

Expressed concern about the cost of the pedestrian bridge: Jay Garfinkle, Alameda.

Mayor Ezzy Ashcraft requested the Bicycle-Pedestrian bridge [paragraph no. 22-477] be removed from the Consent Calendar for discussion.

Councilmembers Daysog and Herrera Spencer recorded no votes on the teleconference findings and the resolution continuing the emergency declaration [paragraph no. 22-490].

Councilmember Knox White moved approval of the remainder of the Consent Calendar.

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*22-476) Ratified bills in the amount of \$1,028,477.62.

(22-477) Recommendation to Authorize the Interim City Manager to Execute Two Contracts to Complete the Project Initiation Document (PID) for the Alameda-Oakland Bicycle-Pedestrian Bridge: (1) to HNTB Consulting for PID Phase Services in an Amount Not to Exceed \$1,350,000, and (2) to Arup for Project Oversight and On-Call Engineering Support to City Staff in an Amount Not to Exceed \$200,000.

The Senior Transportation Coordinator and Planning, Building and Transportation Director gave a brief presentation.

Mayor Ezzy Ashcraft outlined her lobbying efforts for Alameda County Transportation Commission (ACTC) in Washington D.C. in May; stated projects like this are very much favored because of the equity and environmental components; discussed reducing greenhouse gas emissions, pedestrians using the Tube and funding; stated that she is really excited; outlined discussions with the Coast Guard.

Councilmember Daysog expressed concern about the price tag of up to \$200 million, which is perhaps bound to go even higher; stated that he is not sure the project is a wise way to spend taxpayer dollars; he does not believe 5,000 to 6,000 pedestrians and bicyclists will use the bridge every day; the numbers do not seem realistic; although everyone is excited, he is looking through a different lens and hard pressed to support the project.

Mayor Ezzy Ashcraft stated what excites her is the opportunity to reduce greenhouse gas emissions coming from automobiles idling in the Tube; the project will benefit residents, especially in West Oakland in Chinatown.

Councilmember Herrera Spencer stated the vote is challenging; she disagrees with the numbers of 5,000 to 6,000; inquired about the projection.

The Senior Transportation Coordinator responded the projection is for 2030 and is based on lots of modeling used to calculate car trips and Bay Area traffic assumptions; stated a certain percentage of people would use the bridge instead of something else.

Councilmember Herrera Spencer inquired whether anyone has current counts for bicyclists and pedestrians traveling from the main Island to Oakland on the different bridges.

The Senior Transportation Coordinator responded the last count was in 2016; six years ago people walked or biked through the Posey Tube, which is pretty horrendous, an average of nine bicyclists per hour and two pedestrians per hour; the amount would be much higher.

Councilmember Herrera Spencer inquired how many walk or bike over the Park Street Bridge, to which the Senior Transportation Coordinator responded that she does not have the numbers at her fingertips right now.

In response to Councilmember Herrera Spencer inquiry regarding bikes on buses, the Senior Transportation Coordinator stated the amount was eight per hour.

Councilmember Herrera Spencer inquired whether there has been any consideration of people moving out of California since they are able to work remotely.

The Senior Transportation Coordinator responded the model is based on assumptions in the travel demand model developed by the region pre-pandemic.

Councilmember Herrera Spencer inquired whether there has been no correction and review since the pandemic, to which the Senior Transportation Coordinator responded the consultant will go back and update the numbers during this phase; stated the scenario of the Oakland A's stadium being approved will also be reviewed.

In response to Councilmember Herrera Spencer's inquiry about where the money is coming from, the Senior Transportation Coordinator stated the funding is coming at Council's request; funding had been allocated for the Oakland Alameda access project; the funding source is ACTC sales tax funds.

The Planning, Building and Transportation Director stated the funding is regional transportation money allocated by ACTC to regional transportation projects in different cities.

Councilmember Herrera Spencer inquired whether other projects in the City would be eligible and will not receive money now.

The Planning, Building and Transportation Director responded part of the money was originally allocated to the Broadway Jackson project, which is about \$150 million just to move existing freeway ramps; stated 800 feet is the distance from the Alameda shoreline to the Oakland shoreline; regional demand models consider that West Alameda is so close to Oakland and there is no way for bicycles and pedestrians to get between the two cities; the region asking the City to lead the next phase of the feasibility study is not surprising.

Councilmember Herrera Spencer inquired whether the bridge will accommodate motorized bicycles and scooters used by disabled persons, to which the Planning, Building and Transportation Director responded in the affirmative.

In response to Councilmember Herrera Spencer's inquiries regarding vehicles and emergencies, the Planning, Building and Transportation Director stated the bridge is expected to accommodate emergency vehicles and will be used in emergency response in the event of a major earthquake; in an emergency, the bridge could be used for supplies and emergency vehicles, but not cars.

Councilmember Herrera Spencer stated City money is not being used, only regional money; inquired whether the effort will take a year and a half.

The Planning, Building and Transportation Director responded it is an 18 month effort; stated four to five different locations for the bridge will be reviewed; noted regional organizations helped pick the consultants, which are the best consultants available.

Councilmember Herrera Spencer stated that she plans to support this step; it is important to figure out options; driving through the Tube is very hard; she is fine with looking at the Oakland stadium, but the bigger issue is the impact of people working remotely.

Councilmember Knox White stated the Transportation Choices Plan (TCP) found nearly 80% of people who travel to the inner East Bay do so by car; the biggest opportunity to help people make shifts and reduce the impact of increased traffic in the region is travel to downtown Oakland; the City of Oakland is slowly replacing all parking lots with housing; anybody commuting to downtown Oakland is going to find it harder and harder to find a place to park; Alameda being an Island with an existential climate crisis means that the City needs to start looking at how to change the way business is done, rather than trying to recreate things done for years; the bridge is a big step forward; the price tag is large; if the bridge is found to be feasible, the price tag does not have to be justified by the number of people crossing the bridge; the idea that 5,000 people are going to cross the estuary on a given week day is probably realistic and conservative at this point in time, especially with the traffic growth happening throughout the region.

Councilmember Knox White moved approval of the staff recommendation.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated the price tag is at the heart of the issue; discussed funding the bridge versus something more feasible, like a water taxi; stated a water taxi could be just as effective in terms of moving people; cautioned Alameda will have to guard against being the parking lot for Oakland A's stadium.

Councilmember Herrera Spencer inquired whether golf carts would be allowed, to which the Senior Transportation Coordinator responded it depends on the structure and how much weight can be supported; supporting more weight makes the project more expensive and less feasible.

Vice Mayor Vella stated the bridge is a great regional opportunity; she looks forward to moving forward.

Mayor Ezzy Ashcraft stated staff has been doing a lot of legwork; discussed meetings with Oakland City staff and Councilmembers and the Executive Director of the Port of Oakland; requested staff to provide information about the world class consultants.

The Planning, Building and Transportation Director discussed the two consultant firms.

Mayor Ezzy Ashcraft stated water taxis operate Monday through Friday during business hours; a bridge allows people to cross 24 hours a day seven days a week.

The Planning, Building and Transportation Director discussed public input opportunities.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(\*22-478) Recommendation to Authorize the Interim City Manager to Negotiate and Execute an Agreement for \$1,800,000 in American Rescue Plan Act Funds with Building Futures with Women and Children to Replace the Deck and Three Portables at the Midway Shelter of Alameda. Accepted.

(\*22-479) Recommendation to Authorize the Interim City Manager to Execute a \$273,885 Agreement with The Village of Love Foundation to Operate for Six Months through December 31, 2022, with Funding from Homeless Housing Assistance and Prevention Program and General Fund, the Day Center Extended Hours Program, the Day Center Overnight Program and the Safe Parking Program; and Recommendation to Authorize the Interim City Manager to Execute a \$783,050 Agreement with The Village of Love Foundation to Operate for Twelve Months from July 1, 2022 to June 30, 2023, with Funding from General Fund and Permanent Local Housing Allocation, the Day Center Program and the Safe Parking Extended Hours Program and to Operate for Six Months from January 1, 2023 through June 30, 2023, with Funding from General Fund and Permanent Local Housing Allocation, the Day Center Extended Hour Program, the Day Center Overnight Program and Safe Parking Program. Accepted.

(22-480) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

Since Councilmembers Daysog and Herrera Spencer recorded a no vote, the motion carried by the following vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(\*22-481) Recommendation to Authorize the Interim City Manager to Purchase Darktrace Enterprise Immune System for a 3-Year Amount Not to Exceed \$291,000 to be Paid Annually at \$97,000. Accepted.

(\*22-482) Recommendation to Authorize the Interim City Manager to Execute a Three-Year Agreement with Precision Emprise, LLC, dba Precision Concrete Cutting, for Sidewalk Trip Hazard Removal in an Amount Not to Exceed \$975,000. Accepted.



(\*22-483) Recommendation to Authorize the Interim City Manager to Execute an Agreement with McGuire and Hester for the 2022 Pavement Management Project, Phase 41, No. P.W. 05-22-16, in an Amount Not to Exceed \$4,974,938, Including Contingency. Accepted.

(\*22-484) Recommendation to Authorize the Interim City Manager to Execute a Five-Year Agreement with Earth Island Institute dba Kids for the Bay for Educational Services in Grade Schools within the City of Alameda for an Amount Not to Exceed \$156,073. Accepted.

(\*22-485) Recommendation to Authorize the Interim City Manager to Execute Three, Five-Year Agreements in an Amount Not to Exceed \$750,000 Each to 4LEAF, Inc., CSG Consultants, Inc., and Ghirardelli Associates, Inc., for On-Call Construction Management and Inspection Services. Accepted.

(\*22-486) Recommendation to Authorize the Interim City Manager to Execute Six, Five-Year Agreements in an Amount Not to Exceed \$750,000 Each to Buehler Engineering, Inc., COWI North America, Inc., Forell | Elsesser Engineers, JMEC Engineering, Inc., Wood Rodgers, Inc., and ZFA Structural Engineers, for On-Call Structural Engineering Services. Accepted.

(\*22-487) Resolution No. 15937, "Approving a Workforce Change in the Public Works Department to Upgrade an Executive Assistant to an Administrative Services Coordinator." Adopted.

(\*22-488) Resolution No. 15938, "Amending the Fiscal Year 2022-23 Budget to Increase General Fund Fire Department - Prevention Division (10032220) Revenue and Expenditures by \$38,000 and to Increase Planning, Building & Transportation - Building Division Budget (20962720) Revenue and Expenditures in the Amount of \$17,000." Adopted; and

(\*22-488 A) Recommendation to Authorize the Interim City Manager to Negotiate and Execute a First Amendment to the Agreement with Accela, Inc. to Increase Compensation by \$286,990, for a Total Aggregate Compensation Not to Exceed \$370,054, to Continue Providing Subscription Services for Accela Automation Land Management and Enhanced Reporting Database. Accepted.

(\*22-489) Resolution No. 15939, "Approving a Parcel Map for Tract 8468 – A Parcel Map to Subdivide One Lot into Three Live/Work Condominiums at 2350 Saratoga Street." Adopted.

(22-490) Resolution No. 15940, "Continuing the Declaration of the Existence of a Local Emergency in Response to the COVID-19 Pandemic, Consistent with Government Code Section 8630(c)." Adopted.

Since Councilmembers Daysog and Herrera Spencer recorded a no vote, the motion carried by the following vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

#### CONTINUED AGENDA ITEMS

None.

#### REGULAR AGENDA ITEMS

(22-491) Resolution No. 15941, “Reappointing Asheshh Saheba as a member of the Planning Board.” Adopted; and

(22-491A) Resolution No. 15942, “Appointing Diana Ariza as a member of the Planning Board.” Adopted; and

(22-491B) Resolution No. 15943, “Reappointing Samantha Green as a member of the Social Services Human Relations Board.” Adopted; and

(22-491C) Resolution No. 15944, “Reappointing Scott Means as a member of the Social Services Human Relations Board.” Adopted; and

(22-491D) Resolution No. 15945, “Appointing Michelle Buchholz as a member of the Social Services Human Relations Board.” Adopted; and

(22-491E) Resolution No. 15946, “Appointing Bernard Wolf as a member of the Social Services Human Relations Board.” Adopted.

Councilmember Knox White moved adoption of the resolutions.

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

The City Clerk administered the Oath of Office to Mr. Saheba, Ms. Ariza and Mr. Wolf.

Ms. Ariza and Mr. Wolf made brief comments.

(22-492) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Article XV (Rent Control, Limitations on Evictions and Relocation Payments to Certain Displaced Tenants) to Adopt and Incorporate Provisions Concerning Capital Improvement Plans (CIP) and Maritime Residential Tenancies for Rental Units in the City of Alameda. Not introduced.

Special Council gave a Power Point presentation.

Councilmember Herrera Spencer stated that she wants to clarify the definition of live aboard.

Special Counsel stated the boat would continuously be at the marina for nine months or longer, similar to recreational vehicles; discussed mobile home residency law.

Councilmember Herrera Spencer inquired how many marinas have floating homes in the City, to which Special Counsel responded staff is aware of only one marina with floating homes.

Councilmember Herrera Spencer inquired how many marinas have live aboards, to which Special Counsel responded his understanding is that all the marinas in Alameda have live aboards.

Stated water is free; when a boat sits on the water, there is nothing to maintain; discussed investing in properties: Jason Peavich, Alameda.

Discussed rental properties on Shoreline Drive; stated there have been increases to renters every year and drastic increases for new tenants moving in; increases were not used for CIPs because owners used the increases to offset unoccupied units; discussed passing throughs, the decrease in renters and amortization: Efrem Williams, Alameda.

Discussed Ordinance Nos. 3317 and 3321 not having anything to do with live aboards; expressed concern about staff extending the floating home provision to live aboards at recreational marinas based on the vague, undefined phrase of other maritime residential tendencies; discussed recreational marinas: KC Taylor, Alameda.

Expressed concern about Ordinance No. 3317 applying to live aboards being a challenge for recreational marinas; stated the marinas might potentially stop operating because of the unnecessary, additional burden; discussed the unlawful detainer process and slip fees being lowered last year: Sandra Coong, Alameda.

Stated that she has worked at Marina Village since 1988 and has co-managed the recreational marina since 2006; the marina has been extremely diligent in following maritime law, which uses license agreements, not leases; urged marina residential tenancies be removed from the ordinance: Kathy Luck, Marina Village Yacht Harbor.

Stated that she works at Marina Village; one of her responsibilities is to make sure the boating community is safe and happy; she reached out to every single live aboard at Marina Village and did not hear that live aboard fees are an issue; no one has expressed support for the ordinance, which would change the great relationships of the community of boaters; owners would have to raise rates and cut back on discretionary improvements; if they do not like where they are, boaters can simply move; the Bay Area has high vacancies compared to other areas: Candice Boaz, Marina Village Yacht Harbor.

Stated that he opposes expanding rent control to live aboards and recreational marinas; Ordinance Nos. 3317 and 3321 were intended to address floating homes only; discussed Barnhill Marina; stated there are numerous and important practical differences between recreational marinas and permanent residential structures or floating homes: Jonathan (JT).

Urged Council to strike the phrase maritime residential tendencies, references to boats and vessels as rental units or live aboards as tenants in Ordinance No. 3317; stated the ordinance will do significant harm to the marine community: Kris Leverich.

Stated that he was involved with management of one of the smallest marinas; urged Council to remove any reference to maritime residential tenants and live aboard boats; stated maritime laws govern marinas; discussed safety and crimes: Steven Kibler, Alameda.

Stated the ordinance should not apply to live aboards and recreational marinas; 501(C)(7) organization's sole purpose is social gatherings of members; the relationship does not constitute a landlord-tenant relationship; members of the organizations must approve all fees; all proceeds from the organizations are used for the benefit of the organization, not for individual people or profits; urged Council to exclude 501(C)(7) organizations: Benjamin Yamanaka, Oakland Yacht Club.

Stated that she supports the revised CIP, which is a good compromise for building maintenance; landlords have not been able to increase rents for the last two years and

expenses have increased; outlined increased expenses; stated landlords have to be able to recoup expenses at some point; urged Council to approve the CIP: Karen Miller, Alameda.

Stated in 2015 and 2016 when renters came to the City Council to complain about escalating rents, some Councilmembers asked renters for data and would not rely on anecdotes; renters got data and the City commissioned studies; the situation is reversed; questioned where is the small landlord data; stated a means test is not being required for landlords to pass on 100% of renovation expenses to tenants in addition to rent increases; large landlords will receive the same benefit as small landlords; discussed Blackstone Properties; stated investments are receiving more respect than basic human needs: Toni Grimm, Alameda.

Urge Council to allow the City's marinas to remain autonomous and manage affairs and tenant relationships unencumbered by regulatory burdens; discussed living on a live aboard; stated in the intensely competitive industry, marinas have to respond to market pressures and make adjustments based on real world factors; discussed security issues: Beverly Wagstaff, Alameda.

Expressed concern about the lack of transparency; stated amending a rent control ordinance to include live aboards appears questionable; discussed marinas, harbors and maritime culture; urged Council to pause, have conversations with core businesses and strike maritime residential tendencies and live aboards: Linda Kibler, Alameda.

Stated the CIP pass through concept does not sit well with him; a lot of Alameda's rental stock is old and aging and likely could use capital improvements, but many rental properties have been owned for decades and have relatively low property taxes; profit margins increase exponentially faster than taxes and fixed fees, which could be invested in capital improvements; tenants would be paying to improve an owner's investment: Zac Bowling, Alameda.

Stated capital improvement projects would be a huge increase for a landlord's bottom line and a devastation for renters who already pay the landlord's mortgages; stated the CIP is unfair and unjust to Alameda citizens and would burden renters; discussed rent, salaries and expenses; stated Alameda has an increased homelessness population and the CIP would increase homelessness; urged Council not to adopt the ordinance: Camille Christian, Alameda.

Stated that she is taken aback by Ordinance No. 3317, which will cause many people to lose their homes and safe marina communities and displace people on fixed incomes; true mariners are a special breed who create community, look after fellow mariners and neighbors and keep waterways and marinas safe; discussed the Marina Village Yacht Harbor: Denise Jones, Alameda.

Stated that she has had a live aboard in Marina Village Yacht Harbor for the last 13 years; questioned the rush to push through the ordinance and why effort was not made to reach out to the marina live aboard community; stated that she is not aware of any issues with marinas that would require rent control actions: Heidi Stagg, Alameda.

Outlined data on renter's household expenses versus income; suggested a lower cumulative cap; stated an 8% increase is a significant jump that will likely push many families out of their homes and the City and will increase the number of people who end up experiencing homelessness; urged Council to consider revising the proposal to lower the cumulative cap to 5%; stated the program requires tenants to pay 100% of the capital improvement costs; other cities only require tenants to pay a portion; outlined regulations in other cities; expressed

support for adding a hardship exemption for lower income tenants: Kimberly Tyda.

Stated the he has been priced out of Alameda; he had a house, then an apartment and is now a business owner on a live aboard in Marina Village; applying the ordinance to live aboards will force him out of the State; urged Council to rethink the matter: Scot Sertic, Alameda.

Stated that he lives on a live aboards at Maria Village Yacht Harbor; urged Council to confirm Ordinance No. 3317 does not apply to boats with live aboard privileges in recreational marinas, which are unlike floating home that cannot easily move; stated plenty of slips are available in nearby marinas; discussed the Marina Village Yacht Harbor community: Sean Munding, Alameda.

Expressed concern about the growing disconnect between those who are housing secure and those who are not; stated the change benefits landlords to a great degree; there is no discrepancy between very large, very profitable landlord and small landlords; the City is passing on 100% of capital improvements and the financing with no real benefit to the tenant; half of the 10 cities listed allow less than 100% and three in the Bay Area only allow 50%; noted Oakland recently lowered its annual increase to 60% of the Consumer Price Index (CPI): Catherine Pauling, Alameda.

Stated including vessels as part of the rent control program may be good intentioned, but causes serious problem for marinas; the City is going to get entangled with maritime law and is headed towards significant litigation; urged Council to amend the ordinance by removing maritime residential tenancies; stated marinas do not make much profit; the ordinance will have severe consequences: Brock de Lappe, Alameda.

Stated his company has managed Marina Village Yacht Harbor since 2006; he opposes the ordinance including live aboard boats and other maritime residential tenancies; no other city in the country has rent control on live aboards and recreational marinas; expressed concern about the lack of public discussions, research and understanding; discussed maritime law and marinas, including vacancy rates: Steve Meckfessel, Alameda.

Stated that he has lived at Marina Village Yacht Harbor for over a decade; the Marina is incredibly well kept and safe; the ordinance will damage the boating community and endanger the safety and security of tenants; marinas should not be encumbered with additional, needless regulations that will hinder quickly and effectively preventing environmental damage; discussed boaters sleeping on their vessels; urged Council to reconsider: Eduardo Lujan, Alameda.

Outlined his marine industry experience; stated the efforts to bootstrap the ordinance onto recreational vessels is ill conceived and will cause a quagmire of problems; the ordinance was done to deal with a very specific problem and is being broadened into something else; urged Council to reconsider: Sean Svendsen.

Discussed her experience being homeless and the need for housing for workers at grocery stores and gas stations; expressed opposition to 100% of renovations being paid by tenants: Monika, Alameda.

Stated that he is a live aboard resident at Barnhill Marina; stated Barnhill Marina is a residential, not recreational, marina and should be considered separately: Brian Linke, Alameda.

\*\*\*

Mayor Ezzy Ashcraft called a recess at 9:36 p.m. and reconvened the meeting at 9:55 p.m.

\*\*\*

Councilmember Herrera Spencer inquired the difference between recreational versus residential marinas.

Special Counsel responded Bay Conversation and Development Commission (BCDC) regulations provide that there can be no more than 10% live aboards at a particular marina; discussed marinas in Alameda.

Councilmember Herrera Spencer stated that she would like to figure out a way to limit or not cover the maritime definition of live aboard.

Special Counsel stated Council has discretion; outlined options.

Councilmember Herrera Spencer expressed concern about the City respecting maritime law.

Special Counsel stated Council has the authority over rents and just cause evictions; a live aboard long residency would be nine months, similar to recreational vehicles.

Councilmember Herrera Spencer stated Barnhill Marina would have to keep track of live aboards; inquired about recreational marinas.

Special Counsel stated just cause provisions of the rent control ordinance would apply to marina operators with live aboards.

Councilmember Herrera Spencer inquired whether the ordinance would apply to a live aboard tenant at Barnhill Marina who takes out their boat every weekend.

Special Counsel responded consideration is going to have to be given to how the nine month rule is interpreted and the length of time somebody is gone; stated staff could come up with a regulation with said details.

In response to Councilmember Herrera Spencer's inquiry, Special Counsel stated taking a boat out occasionally, such as to and from work or for the weekend, would not abrogate the nine month rule; he is not sure if the bright line would be seven or 30 days; staff would come up with a regulation; further stated it would be the same as a recreational vehicle owner is treated under mobile home residency law; provided an example.

Councilmember Herrera Spencer stated that she is leaning towards not including live aboards at all; stated it is vague and she does not know how it would be applied.

Mayor Ezzy Ashcraft stated that she testified before the Senate Judiciary Committee at a hearing in supportive a bill to amend the Statewide rent control ordinance to include floating homes and houseboats; recreational marina association representative spoke at the hearing and recreational marinas were exempted from the Statewide rent control ordinance; the representatives were fine with including houseboats and floating homes, which are not easily mobile and have very few spaces where they can go; the City's Assembly representative was willing to remove recreational marinas from the Statewide rent control law; questioned why

regulations are being done in Alameda because she does not see the same urgency as the Barnhill Marina residents.

Special Counsel stated Mayor Ezzy Ashcraft's recollection is correct about the State legislation; recreational marina representatives were concerned that the State legislation was going to be framed broadly to include them; the language was changed to make it apply only to floating home marinas and floating homes, not live aboards; if Council does not want to apply the ordinance to anything other than a floating home, direction can be given to staff to make said small changes to the ordinance for Council to adopt at a second reading.

Councilmember Daysog stated the City responded to a unique emergency situation at Barnhill Marina; discussed reviewing whether the ordinance applies to live aboard boats.

Councilmember Knox White stated people living on boats long-term are residents and should be provided similar protections to the greatest extent possible; expressed support for staff continuing with the interpretation and returning to Council to discuss live aboards; stated that he does not want to get in the way of recreational boaters, but people living in a home in a marina for 13 years feels like a resident, not a recreational sailor; expressed support for more conversation with marina owners and maintaining the current ordinance for now.

Vice Mayor Vella stated her approach is similar to Councilmember Knox White; some of the speaker's scenarios about nuisance or problem situations would not have just cause provisions come into play; somebody threatening violence or that sort of thing could be removed; she worries about creating a second tier; inquired whether floating homes and floating home marinas could both be protected.

Special Counsel responded if the ordinance is applicable to floating home marinas, any boat or vessel in the marina, whether it is a floating home or live aboard, would be protected.

Vice Mayor Vella inquired whether floating homes could also be protected, regardless of location.

Special Counsel responded in the affirmative; stated floating homes could be included no matter the location; floating home marinas would include both floating homes and live aboards.

Vice Mayor Vella stated some of the issues raised are red herrings in some ways and can be addressed through regulations; there are ways to craft regulations to deal with situations and track the amount of time people leave.

Mayor Ezzy Ashcraft stated that she did not hear any live aboard residents say they need protection; Special Counsel can craft a regulation to protect live aboards at Barnhill Marina; the matter could be revisited in the future if needed.

Vice Mayor Vella stated live aboard residents might assume the protections apply to them; more discussion is needed; her preference would be to have a discussion about the needs of the community balanced with providing protections.

Mayor Ezzy Ashcraft concurred about the need for more communication.

Councilmember Daysog stated the course is to move forward with the staff recommendation;

the ordinance should first apply to floating home marinas to address the pressing issue of Barnhill Marina; the second step is laying the foundation for continued dialogue with the community regarding live aboards; both Councilmember Knox White and Vice Mayor Vella are correct; some live aboard residents might need some kind of protection.

Councilmember Herrera Spencer stated that she would like to have a vote regarding the live aboard issue separate from CIP; further stated that she does not support applying the rent ordinance to live aboards, other than at Barnhill Marina; multiple reasons have been provided to indicate why provisions should not apply to recreational marinas; she would prefer to have discussions and bring the matter back at some later time.

Councilmember Herrera Spencer moved approval of having live aboards continue to apply to only floating homes and live aboards, which are being called floating homes, at Barnhill Marina and not have any reference to live aboards at non-floating home marinas [including introduction of the ordinance].

Vice Mayor Vella inquired whether the motion excludes floating homes that are outside of floating home marinas.

Councilmember Herrera Spencer responded that she does not believe there are any floating homes at any other marina; stated Council does not need to create a solution when there is not a problem.

Mayor Ezzy Ashcraft stated that she would not be able to support the motion because floating homes are a unique situation; she does not see the harm of including floating homes just in case they are located elsewhere; she would like some revision about how the City further the communicates about issues raised by Councilmember Knox White.

Councilmember Daysog requested a friendly amendment to the motion to include floating homes outside of floating home marinas.

Councilmember Herrera Spencer stated that she thinks there are not any.

Councilmember Daysog seconded the motion, which failed by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: No; Vella: No; and Mayor Ezzy Ashcraft: No. Ayes: 2. Noes: 3.

Councilmember Daysog stated that he would make a new motion.

Mayor Ezzy Ashcraft requested the motion include the need for direction for further communication.

Councilmember Daysog moved approval of applying changes to the rent ordinance to floating homes and live aboards in floating home marinas and floating homes outside of floating home marinas [including introduction of the ordinance] and giving direction to communicate with marina operators with live aboards.

Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Vice Mayor Vella inquired whether the motion is for both floating homes and



live aboards, essentially all residents, in floating home marinas.

Councilmember Daysog responded in the affirmative; stated the motion includes floating home marinas.

Mayor Ezzy Ashcraft inquired whether the motion includes any floating homes that might not be in a floating home marina, to which Councilmember Daysog responded in the affirmative.

Councilmember Herrera Spencer inquired whether the rent notices sent to all the marinas about registering rentals would be invalidated and new ones would be sent if appropriate, to which Special Counsel responded the rent program would send out revised letters to marinas covered by the ordinance and other marinas would be advised that the ordinance does not apply to them; staff would open a dialogue with the operators consistent with the motion.

Councilmember Knox White stated that he would not be supporting the motion; he thinks removing marinas and coming back causes more confusion.

Mayor Ezzy Ashcraft inquired whether Councilmember Knox White could provide more specificity about the desired communication.

Councilmember Knox White stated that he would like to keep the rules as currently existing in place, while engaging in the conversation with marina owners; removing all the restrictions and coming back at some point in the future with new restrictions is more problematic; he would prefer to wait on enforcement and have a conversation about tweaks.

The City Attorney inquired whether the suggestion is not to take enforcement action, such as against an unlawful eviction.

Councilmember Knox White responded possibly; stated after conversations, if rules remain in place, such matters could be addressed.

Vice Mayor Vella stated lack of enforcement would only be for recreational marinas, not floating home marinas; expressed concern about timing.

Mayor Ezzy Ashcraft inquired whether someone from the program could provide a time estimate for having the dialogue and returning to Council.

The Rent Program Director stated a year would be an acceptable period of time.

Councilmember Daysog stated not including live aboards outside of floating home marinas is a lot cleaner; based upon the dialogue, the City can refine the best way to protect the residents; the Council heard credible evidence from recreational marina operators and live aboard residents within recreational marinas that including them in the ordinance might not be in the City's best interest; the discussion the motion requires can address the matter; his opinion is going with his motion is cleaner.

Vice Mayor Vella expressed support for including a timeline for the conversation, so the matter does not linger; questioned whether people on live aboards might have a different opinion if marina owners or operators come in and change things; stated the City not having protections is rolling the dice; inquired whether Councilmember Daysog would consider adding a timeline.

\*\*\*

(22-493) Vice Mayor Vella moved approval of hearing the balance of regular agenda up until 12:30 a.m.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

\*\*\*

\*\*\*

(22-494) Vice Mayor Vella moved approval of setting the clock to give all Councilmembers 5 minutes to speak.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

\*\*\*

Councilmember Daysog inquired whether Council would be directing staff to come back with clear language to protect live aboards outside of floating home marinas and in recreational marinas; stated the idea is that the discussion would give time for live aboard operators and live aboard residents in recreational marinas to give further input, but regulations would not be included in the current ordinance; the discussion would be within one year, or earlier, if possible.

Vice Mayor Vella responded in the affirmative; stated that she is trying to put forward an alternative.

Mayor Ezzy Ashcraft requested Councilmember Daysog restate the motion and address if he would accept the friendly amendment.

Councilmember Daysog stated the motion's first element is that the ordinance would apply to floating home marinas and floating home boats and live aboards in floating home marinas; the second element is it would apply to floating homes outside of floating home marinas; the third element is directing staff to come back after communications or outreach with interested stakeholders; staff would come back with language protecting live aboards outside of floating home marinas within 12 months.

Councilmember Herrera Spencer inquired whether Councilmember Daysog is amenable to voiding the current notices sent to all of the marinas.

Special Counsel stated a revised letter will be sent out to the marina operators if the vote is approved; the revised letter will indicate that registration is not required unless a marina has floating homes and that the rent program wants to open a dialogue with the operators about live aboards.

Councilmember Herrera Spencer stated that she does not believe it is appropriate to apply rent control to live aboards outside floating home marinas; nobody on a live aboard outside of floating home marinas expressed any concern; however, she heard many legitimate reasons why it is completely inappropriate to apply rent control to live aboards.

Mayor Ezzy Ashcraft stated residents of Barnhill Marina did not think they had a problem until they did when the marina changed hands; until the City stepped in, the owners were able to make unlimited rent increases; live aboard marinas have been able to provide housing; affordable housing needs to be provided; protecting vulnerable residents is important; further dialogue is a good thing; inquired whether the motion includes Councilmember Knox White's suggestion to keep the ordinance in place, just not enforced.

Councilmember Daysog responded there is a difference; stated Councilmember Knox White's proposal is to adopt the language in the ordinance and delay enforcement for nine months versus the third element of the motion which is to have a dialogue over a span of 12 months, focusing on how to protect live aboards outside of floating home marinas.

In response to Mayor Ezzy Ashcraft's inquiry, Vice Mayor Vella stated that she is trying to present an alternative; if the City would not be enforcing the ordinance, she supports having the conversations and doing outreach to come up with a recommendation in 12 months; there would not be much operational difference.

In response to Mayor Ezzy Ashcraft's inquiry about the direction, the City Attorney stated staff is happy to implement Council's direction.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

In response to Vice Mayor Vella's inquiry regarding other cities and comprehensive ceilings, the Rent Program Director stated 8.8% is the highest increase in Oakland with everything included.

Special Counsel stated Alameda would have a combination of the Annual General Adjustment (AGA), including banking, plus the pass through could not exceed 8% of the maximum allowable rent.

The City Attorney stated Los Angeles is somewhere between 3 to 8%, plus an additional 1% for various utility services, which would likely end up being slightly higher than the staff recommendation for Alameda.

Councilmember Herrera Spencer inquired when staff would be able to revise the chart; stated the chart shows Alameda amounts from 2016, but does not include the staff proposal; discussed the number of units; stated large properties are being treated the same as a smaller mom and pop landlord; inquired why the City would give 100% reimbursement to a company like Blackstone and if that is actually the staff recommendation.

Special Counsel responded the amount is 100%; stated some cities base the amount on the number of units, such as Mountain View.

Councilmember Herrera Spencer stated that she is not interested in reimbursing Blackstone 100% and is not sure about 100% of the expenses being passed on to the tenant even with smaller property owners; having the chart include the proposal versus what the City currently has would be helpful.

Councilmember Knox White stated changes would need to be made for him to support the CIP; the way the language is written about the 8% total pass through would allow a savvy landlord to bank and take up the full 5% of a pass through; language should be written to require the use of the AGA before the pass through or at least not allow banking in years where the percent is hit to prevent compounding further forward; he received a lot of emails from people requesting pass through not be implemented, but it already exists; things like painting, a new roof or stairs are routine maintenance; pass through should be allowed for projects that are necessary due to fire, flood, earthquake or natural disaster if the landlord does not receive reimbursement from insurance; a landlord should not collect rent for 30 years, and then decide a new roof is needed and ask tenants to pay for it; being a landlord is a business; as a part of any business, money has to be saved, put aside or borrowed to deal with large capital improvements; he would want to carve out Items 1, 4, 9 and 10 on the list of capital improvements unless something happened; Item 7 language should be changed to new improvements and upgrades that meet or exceed accessibility standards; there should be a different definition of hardship; HUD defines reasonable rent between 30 and 40%; hardship should be 40%; he does not understand passing through interest and would like any mention of interest rates removed.

\*\*\*

(22-495) Councilmember Daysog moved approval of all Councilmembers having 3 more minutes to speak.

Councilmember Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

\*\*\*

Vice Mayor Vella questioned whether landlords who have owned a rental property for 30 years versus people who have just purchased a rental property should be subject to the same terms; stated that she is supportive of removing interest and differentiating landlords with five units versus more than five units; she also has a concern about making the program so burdensome and cumbersome that the City will be spending a lot of time doing reviews; discussed an example of lead paint and lead hazards.

Mayor Ezzy Ashcraft stated that she did not hear Councilmember Knox White make a distinction about the number of units or when a landlord purchased the property.

Councilmember Knox White expressed support for looking at both sides; stated tenants could have a hardship, not be able to pay CIP and should be protected; owners need a reasonable rate of return; a new landlord might have a tenant drastically under market and end up with a surprise project; staff should work on said cases, which are probably few and far between.

Vice Mayor Vella outlined her concerns about assumptions being made about landlords; stated that she previously requested the number of Ellis Act evictions that have happened in the last few years; being too stringent might prevent people from making improvements.

Mayor Ezzy Ashcraft stated that she would categorize the removal of lead based paint as different from repainting since it relates to Health and Safety.

Councilmember Daysog stated a range of issues are being raised tonight, which focuses the discussion; he would like to get input from stakeholders, including small mom and pop

landlords, tenants and other landlords; different things have been raised; staff should go back and work with stakeholders to get input.

Mayor Ezzy Ashcraft stated outreach efforts have been done.

Councilmember Daysog stated Councilmembers Knox White and Herrera Spencer have raised points; more input is needed on said issues.

Mayor Ezzy Ashcraft stated it takes effort to bring something back again and again; Council should fashion a motion to move forward; safeguards are in place for hardship cases; there are also provisions for landlords to have a reasonable rate of return.

Special Counsel stated staff reached out to both tenants and landlord groups; revisions suggested by Council tonight were not discussed.

Councilmember Knox White stated that he is not saying anything different than things he has said at past meetings, which is not reflected in the staff report; he supports moving forward with the first reading; items missed can be addressed at the second reading and sent back at that point; there have been four or five Council meetings; it is time to move forward.

Mayor Ezzy Ashcraft inquired whether Councilmember Knox White would make a motion to approve the first reading of the ordinance with his suggested amendments.

Councilmember Knox White responded in the affirmative; stated the motion would include Vice Mayor Vella's point about including lead paint abatement among the Health and Safety list of fire, flood, earthquake or natural disaster.

In response to Mayor Ezzy Ashcraft's request to restate the issues raised by Councilmember Knox White for the motion, the City Clerk stated the total pass through would be 8%; if the full 5% is taken for the AGA, the pass cannot be banked; painting, new roof or routine maintenance would not be included; Items 1, 4, 9 and 10 would be carved out; Item 7 would be changed to new accessibility improvements; hardships would be set at 40%; the interest rate would be removed; lead paint would be added under the Health and Safety section with all of the natural disasters.

In response to Councilmember Daysog's inquiry, Special Council outlined the 40% hardship threshold.

Councilmember Knox White proposed changes were displayed and reviewed.

Councilmember Knox White moved approval of the item with the displayed changes.

Mayor Ezzy Ashcraft second the motion.

Under discussion, Councilmember Daysog stated the changes are substantive and should be discussed.

Mayor Ezzy Ashcraft inquired whether the proposed changes are so substantive that it no longer qualifies as a first reading.

Special Counsel responded that he does not think another first reading is required; stated there is an opportunity to discuss the changes with stakeholders before the second reading.

Vice Mayor Vella stated that she cannot support the motion as proposed; she does not agree with removing the items from the list of capital improvements; the items were discussed extensively and are Health and Safety issues; she thinks differentiating between the number of units is important, similar to Mountain View; the City should offer protection from large scale investors.

\*\*\*

(22-496) Councilmember Daysog moved approval of adding 2 minutes for all Councilmembers.

Councilmember Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

\*\*\*

Mayor Ezzy Ashcraft outlined Mountain View regulations.

Vice Mayor Vella stated landlords with 20 or more units would not need 100% cost recovery.

In response to Mayor Ezzy Ashcraft's inquiry regarding administering the ordinance, Vice Mayor Vella stated Mountain View's regulation is based off of the number of units on the parcel; the level of reimbursement that can be amortized over time differs for one to five units, six to 20 units and 21 or more units; a large corporate landlord with billions of dollars in profit could replace a roof or paint a building and have 100% cost recovery amortized by tenants.

Mayor Ezzy Ashcraft stated Mountain View's rent provisions were adopted by Charter amendment and there have not been any applications for capital improvements under either of the two methods since March, 2021.

Vice Mayor Vella stated that she is not proposing the entire Mountain View regulation; she would like Council to consider creating a tiered system; it does not need to be the same as Mountain View; there is a difference between a property that has more than 20 units versus less than 20 units; the amount of recovery is different for large scale properties.

Mayor Ezzy Ashcraft noted there are more units to spread cost across; the modification to the hardship definition would protect renters who are burdened; inquired whether the Interim City Manager has any thoughts.

The Interim City Manager stated everyone is having trouble landing on a solution; he supports coming up with something now, rather than waiting until September; he defers to the attorneys regarding the language.

The City Attorney stated it sounds like Council wants staff to do more work; adding a tiered structure would prevent a first reading tonight; the earlier proposals could be done as a first reading; if Council wants a tiered structure to return, the matter could come back within eight months.

In response to Mayor Ezzy Ashcraft's inquiry, the Rent Program Director stated a two tiered

system and disallowing banking in certain situations would require additional staff time and monitoring, which could result in increased program fees.

Mayor Ezzy Ashcraft inquired what happens if Council cannot reach a majority vote.

The City Attorney responded if Council is not able to reach the majority vote, staff would take all the comments received tonight, go back to the community to have some more discussions and probably bring the matter back to Council next year; stated there is currently a CIP program in place; staff would be happy to take direction and come back in 2023.

Mayor Ezzy Ashcraft stated additional protection would be given up.

The City Attorney stated given that there have been almost no CIP applications submitted and there is a declaration of emergency in place, staff can come back.

Councilmember Herrera Spencer stated whenever staff comes back, it should be two separate items.

The City Attorney stated staff is happy to bring two separate staff reports on the same night.

Vice Mayor Vella stated that she would support Councilmember Knox White's motion if he agreed not to remove the sections she mentioned.

Councilmember Knox White stated that he would not support allowing 100% of the pass through for everything on the current list; he would support 25% pass through or something similar.

Special Counsel stated reduction to anything less than 100%, would need to return because it is a fairly substantive change.

In response to Councilmember Knox White's inquiry why the items can be removed, but the percent cannot be decreased, Special Counsel stated the expectations from the landlord's point of view was that they would be able to recover 100%.

\*\*\*

(22-497) Councilmember Herrera Spencer moved approval of giving the Vice Mayor 2 more minutes.

Councilmember Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether the motion could be amended to set everybody's clock to two minutes, to which Councilmembers Herrera Spencer and Knox White responded in the affirmative.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

\*\*\*

Vice Mayor Vella expressed concern about determining which repairs relate to habitability; stated the system should not be so cumbersome that upgrades are not made; Alameda has a

lot of old houses that need upgrades; staff spent a long time to prevent increased bureaucracy and costs and to find a usable program.

Mayor Ezzy Ashcraft stated that she would like to see that hardship definition change; Council's direction is for staff to come back with suggestions heard tonight after meeting with stakeholders; inquired when staff would return.

The City Attorney responded staff heard the various comments and will come back in 2023.

(22-498) Public Hearing to Consider Resolution No. 15947, "Amending Master Fee Resolution No. 12191 to Add and Revise Fees." Adopted.

The Finance Director gave a brief presentation.

In response to Councilmember Herrera Spencer's inquiry about having a red line, the Finance Director stated historically, staff has not brought a red line; she plans to bring one next time.

Vice Mayor Vella moved approval [adoption of the resolution].

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(22-499) Recommendation to Provide Direction to Staff on Responses Received to the Request for Proposals for Leasing Building 11 Located at 1190 West Tower Avenue and Building 19 Located at 2175 Monarch Street, and Direction to Staff to Negotiate Leases with Prospective Tenants.

\*\*\*

(22-500) The City Clerk stated the four companies would like three minutes to give presentations, which requires a vote.

Councilmember Daysog moved approval of giving each company 3 minutes.

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

\*\*\*

\*\*\*

(22-501) Vice Mayor Vella moved approval of reducing the amount of time for public comment to 90 seconds.

Councilmember Knox White second the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

\*\*\*

The Community Development Director gave a presentation and showed a map.



Dani Gomes, Astra, gave a Power Point presentation.

Elizabeth Goodine, Pyka, gave a brief presentation and showed a video.

Maxwell Brodie, Rain Industries, gave a Power Point presentation.

Richard Jenkins, Saildrone, gave a Power Point presentation.

Played a recording of Chief Cox, an Alameda resident and Firefighter, supporting Rain Industries: Daniel Wholey, Rain Industries.

Stated Building 19 should go to another alcohol producer; discussed decreased activity on Spirits Alley and past promises made to business on Spirits Alley: Tod Hickman.

Expressed concern about the lease approach; discussed selling assets, building infrastructure and getting properties on the tax rolls; stated landlords need to understand tenants and be responsive to their issues: Joe Ernst, SRM Partners.

\*\*\*

(22-502) Councilmember Knox White moved approval of extending the meeting past 12:30 a.m. to hear the speakers and allow Council to provide direction to staff.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she will not be supporting the motion; the issue is very important; expressed concern about cutting off everyone.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

\*\*\*

Played a recording of Christine Yu, Alameda resident, supporting Rain Industries: Katie Ralston.

Expressed support for Rain Industries; discussed wildfires; urged Council to vote for Rain Industries: Torben Ostergaard, Spinnaker Insurance Company.

Discussed the control tower, the wildfire crisis and Rain Industries: Ephriam Nowak, Rain Industries.

Expressed support for Rain Industries; discussed her husband's commute and Building 19: Heidi Padgett, Alameda.

Expressed support for Rain Industries leasing Building 19; discussed the need for the technology, surviving a wildfire, the City helping innovative companies and climate change: Gabriella Nowak, Alameda.

Outlined DBL Partners' investments, including Rain Industries; urged Council to support Rain Industries: Nancy Pfund, DBL Partners.

Discussed the City's responsibility is to improve and replace the infrastructure at Alameda Point: Madlen Saddik, Chamber of Commerce.

Discussed the Transportation Demand Management (TDM) program and vehicle trips of new businesses: Jim Strehlow, Alameda.

Vice Mayor Vella stated a posting was done in accordance with the State Lands Act; Saildrone has been a fantastic tenant at Alameda Point; she would like the City to continue to work with Saildrone; there are other buildings and possibilities at Alameda Point; she hopes some of the potential tenants might look at other opportunities; she supports the staff recommendation relative to Saildrone.

Councilmember Knox White stated that he is interested in giving direction to staff to come back to allow Council to have a conversation about sale versus leasing; the plan for the former Base has always been to build out the infrastructure in order to get the land off the City's rolls, get it into private ownership and on the tax rolls; he has questions about guiding principles; Council should give clear direction, rather than limping from building to building; the City has an embarrassment of riches in terms of the folks interested in the buildings; when the matter comes back, a second item should be what to do with these two buildings and whether staff recommends Saildrone; the City can only pick two business, but should have a clear runway to support the other businesses as well; the choice will be hard.

Councilmember Herrera Spencer stated that she is very interested in having a bigger discussion about sale versus lease and promises made to Spirits Alley; if a decision is made to do leases, it is important to look how the unique buildings support the business; she is not sure that she would ever go with leasing, but, if done, she would support Rain because of the uniqueness; in regards to Building 11, she has concerns about Astra; Astra's stock has dropped; people need to pay attention to the value of the company; if Building 11 is leased, she would be more interested in looking at Pyka because of her concerns about Astra; she also likes the idea of Alameda being a place with innovative companies; there is plenty more space for office buildings, rather than giving up some of these buildings and not supporting extremely innovative startups.

Councilmember Daysog stated that he looks forward to talking further with staff about the different choices before Council; if the applicants want to submit information, he looks forward to receiving that as well.

Mayor Ezzy Ashcraft stated that she would have liked a more robust staff report; she thinks the City needs to have a conversation and a Council policy about leasing versus sale; she is very supportive of two companies; Saildrone has been in the City for 10 years and has been not only an excellent tenant, but also really innovative; it is hard to favor one company over another, but she is looking for people who are doing really innovative things and are making a difference on the planet; discussed Saildrone; stated that she is also very excited about Rain, which is doing really transformative work that is so relevant to the State; she does not know if another building might work for Rain; she visited Rain last week and has visited all the companies, which all have unique needs; she would want to explore finding a place for Rain.

Vice Mayor Vella stated that she supports having a conversation creating some sort of Council policy regarding lease versus sale and providing more clarity about what Council is looking for relative to leasing; the City has gone down quite a far road, so she supports giving a little more

clarity to staff about potential proposals.

In response to Mayor Ezzy Ashcraft's inquiry, the Interim City Manager stated there have been a number of requests for information the last couple of days that staff has been talking about how to pull together, including transport of certain materials and the big policy question of sales versus lease; an economic consultant will be engaged to provide more information to Council; the matter will return in the fall; hopefully, something can be done in September.

Councilmember Herrera Spencer stated that she would like to have a discussion about Spirits Alley.

The Interim City Manager questioned whether the discussion of Spirits Alley would be a separate discussion.

Mayor Ezzy Ashcraft indicated that she believes it would be separate.

Councilmember Herrera Spencer expressed concern that a 10 year lease to a tenant not related to Spirits Alley would be a decision by default.

Mayor Ezzy Ashcraft expressed concern about relying on a speaker without knowing whether there is a policy.

Councilmember Knox White stated direction should include staff addressing whether there is a Spirits Alley policy when the matter comes back; stated that he is not aware of any policies; numerous businesses in the area are not related; he is open to addressing the matter as a part of the conversation around Building 19, but does not think a whole new conversation is needed.

The Assistant Community Development Director concurred with Councilmember Knox White about buildings being occupied by non-Spirit Alley type users; stated the buildings are only available because Google chose not to move forward; a mix of spirits and office type users has been discussed; workers would potentially frequent Spirits Alley; Council has expressed that the City should not have one type of business because it would be vulnerable to market changes

Vice Mayor Vella stated that she is not aware of any policy; if one is found, it should be provided to Council; listed other businesses; stated the City has been working towards having a mix; the conversation about leasing versus renting will lend itself to the overall vision; she is impressed with both Pyka and Rain as well.

Mayor Ezzy Ashcraft stated the Interim City Manager has indicated the matter will return no later than October.

#### CITY MANAGER COMMUNICATIONS

Not heard.

#### ORAL COMMUNICATIONS, NON-AGENDA

Not heard.

#### COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:57 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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