

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -SEPTEMBER 1, 2015- -7:00 P.M.

Mayor Spencer convened the meeting at 7:00 p.m. and led the Pledge of Allegiance.

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

[Note: Councilmember Daysog arrived at 7:01 p.m. and Councilmember Ezzy Ashcraft arrived at 7:02 p.m.]

Absent: None.

AGENDA CHANGES

(15-496) The City Manager suggested the Wetlands Bank matter [paragraph no. 15-526] be heard on October 6<sup>th</sup>.

Mayor Spencer pulled the CSG Consulting Agreement item [paragraph no. 15-505] for discussion.

Councilmember Daysog pulled the Quarterly Sales Tax Report item [paragraph no. 15-502] for discussion

Councilmember Ezzy Ashcraft suggested that the Sunshine Ordinance amendments [paragraph no. 15-521] be heard at the end of the regular agenda.

Mayor Spencer summarized the changes, including the items removed from the Consent Calendar.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(15-497) Proclamation Declaring September 1, 2015 as Housing Authority Appreciation Day for 75 Years of Service to Lower Income Alameda Residents.

Mayor Spencer read and presented the proclamation to the Housing Authority Executive Director and Art Kurrasch and John McCahan, Housing Authority Board of Commissioners.

(15-498) Proclamation Declaring September 1, 2015 as Alameda Fights Back Day to Promote Awareness of the Fight Against Cancer and the Alameda Relay for Life.

Mayor Spencer read and presented the proclamation to Jess Nelson, Deanna Huie, and Anne Marie Fourre, Relay for Life.

ORAL COMMUNICATIONS, NON-AGENDA

(15-499) Jim Hager, Alameda, discussed lighting concerns at Harbor Bay related to VF Outdoors.

### CONSENT CALENDAR

Mayor Spencer announced the sales tax report [paragraph no. 15-502], the plan check agreement [paragraph no. 15-505], and the ordinances regarding rents [paragraph nos. 15-516 and 15-517] 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.]

(\*15-500) Minutes of the Regular City Council Meeting Held on July 7, 2015; the Regular City Council Meeting Held on July 16, 2015; and the Special and Regular City Council Meetings Held on July 21, 2015. Approved.

(\*15-501) Ratified bills in the amount of \$8,938,594.14.

(15-502) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending June 30, 2015 Collected During the Period January 1, 2015 to March 31, 2015.

The Finance Director gave a brief presentation.

Councilmember Daysog commented on two of the top sales tax generators at the Harbor Bay Business Park.

Vice Mayor Matarrese moved approval of the staff recommendation.

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

(\*15-503) Recommendation to Accept the Treasury Report for the Quarter Ending June 30, 2015. Accepted. [330-50]

(\*15-504) Recommendation to Authorize the City Manager to Enter into a Purchase Agreement not to Exceed \$130,452 for the Replacement of One Americans with Disabilities Act (ADA) Bus for the Paratransit Program. Accepted.

(15-505) Recommendation to Authorize the Interim City Manager to Execute an Agreement with CSG Consulting Services for Professional Plan Check Services for a 12-Month Term in an Amount not to Exceed \$300,000.

In response to Mayor Spencer's inquiry, the Community Development Director stated 25% of Alameda's projects are complicated and need to go to outside engineers for plan check services; CSG Consulting is the same plan check service the Fire Department uses; there is no impact to the General Fund; the position may be underfilled with a plans examiner; Alameda has an efficient model in place based on analysis.

Mayor Spencer inquired whether the City has engineers on staff, to which the Community Development Director responded in the negative; stated the Planning Department does not have a structural engineer.

Mayor Spencer stated she prefers to have one engineer as part of our staff, counter to what the plan currently is; letters to the editor were sent regarding City engineers.

The Interim City Manager stated the letters to the editor were regarding Public Works engineers, not Planning Department engineers.

The Community Development Director stated it is more efficient to have access to multiple structural engineers during busy period; certified plans examiners are what is needed internally.

Councilmember Ezzy Ashcraft moved approval of the staff recommendation.

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

(\*15-506) Recommendation to Accept the Work of Rosas Brothers Construction for the Repair of Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, FY14-15, Phase 15, No. P.W. 04-15-08. Accepted.

(\*15-507) Recommendation to Award Three Separate Contracts in the Amount of \$75,000 Each (Total Expenditure of \$225,000) to the Following Providers: Salas O'Brien, YEI Engineers, Inc., and Schaaf & Wheeler, for On-Call Mechanical Engineering Services. Accepted.

(\*15-508) Recommendation to Award Three Separate Contracts in the Amount of \$75,000 Each (Total Expenditure of \$225,000) to the Following Providers: Salas O'Brien, YEI Engineers, Inc., and The Engineering Enterprise, for On-Call Electrical Engineering Services. Accepted.

(\*15-509) Recommendation to Amend the Term of the Contract for Brown Reynolds Watford (BRW) Architects to Provide Professional Services for the Design, Construction Documents, and Contract Management for the Emergency Operations Center/Fire Station 3. Accepted.

(\*15-510) Recommendation to Award a Contract in the Amount Not to Exceed \$305,698 to AECOM Technical Services, Inc. for Containment, Off-Haul, Disposal, and Reporting of Hazardous Soil at the Project Site of the Emergency Operation Center/Fire Station 3, 1809 Grand Street. Accepted.

(\*15-511) Recommendation to Award Two Separate Three Year Contracts with up to Two Optional Three Year Extensions to Kaiser Permanente Medical Center in an Amount Not to Exceed \$200,000 for City of Alameda Occupational Medical Services and to Preferred Alliance, Inc., in an Amount Not to Exceed \$30,000 for Drug Testing Services in Conjunction with Services Provided by Kaiser Permanente Medical Center (Total Expenditure of \$230,000). Accepted.

(\*15-512) Resolution No. 15069, “Amending the Electric Utility Professionals of Alameda (EUPA) Salary Schedule Establishing the Classifications of Utility Analyst and Utility Project Manager.” Adopted.

(\*15-513) Resolution No. 15070, “Amending the City of Alameda Executive Management (EXME) Compensation Plan to Eliminate the Classification of Administrative Services Director.” Adopted; and

(15-513A) Resolution No. 15071, “Approving Workforce Changes in the Human Resources Department,” Adopted.

(\*15-514) Resolution No. 15072, “Electing to be Subject to the Public Employees’ Medical and Hospital Care Act at an Equal Amount for Employees and Annuitants to Include Non-Represented, Part-Time Employees into the CalPERS Public Employees Medical and Hospital Care Act (PEMHCA) Health Program Due to the Employer Shared Responsibility Provision “Pay or Play” Rule of the Affordable Care Act “ACA”. Adopted.

(\*15-515) Resolution No. 15073, “In Support of New Sustainable Funding for State and Local Transportation Infrastructure by the State of California.” Adopted.

(15-516) Ordinance No. 3131, “Amending the Alameda Municipal Code by Adding Article XIV to Chapter VI Concerning the Review of Rent Increases.” Finally passed.

(15-517) Ordinance No. 3132, “Amending the Alameda Municipal Code by Adding Section 2-23 to Article II Concerning the Creation of a Rent Review Advisory Committee (RRAC).” Finally passed.

Mayor Spencer requested the rent increases and RRAC ordinances be address together.

Outlined her rent increases; urged Council to implement a law to protect residents: Ute, Alameda.

Expressed concern over Alameda residents being displaced: Barbara Duncan, Alameda.

Expressed concern over Section 6-56.10, which prevents landlords from implementing rent increases for one year for failure to appear: Doug Smith, Rental Property Owner.

Outlined rent control benefits: Garfield Kincross, Alameda.

Outlined a suggestion to modify the ordinance which he submitted in a letter dated August 13th: Steven Pahl, California Apartment Association.

Stated she is a retired teacher and had to have her daughter co-sign to get a lease in Alameda; urged Council to find out what is working in other cities: Karen Wald, Alameda.

Stated people with disabilities are greatly impacted and have a more difficult time moving: Patricia Nash, Alameda Renters Coalition (ARC).

Stated that she would like to see an ordinance passed; the ordinance does not address 30 and 60 day notices to vacate; renters are concerned the ordinance will not do enough; the conversation needs to continue: Angela Hockabout, ARC.

Stated people are being evicted so landlords can double rents: Jason Buckley, Alameda.

Encouraged not taking a one size fits all approach; urged balance: Grover Rudolf.

Stated his apartment was just purchased and he just received notice of a 30 to 50% rent increase; outlined his history of managing the property: Gary Barlow, Alameda.

Urged the Council to do something to address rent increases: Sawar and Lucia Tariq, Alameda.

Submitted a letter; outlined his concerns with Section 6-56.10; urged the Section be placed on hold and reviewed: John Sullivan, Alameda.

Outlined her recent rent increases; stated that she feels like she is being asked to leave: Linda Weinstock, Alameda.

Read a letter on behalf of a real estate broker outlining concerns over rent increases: Arminda Graca, Alameda.

Outlined the lifestyle changes she has had to make to pay her rent increases: Stephanie Chenard, Alameda.

Outlined a letter she received about her apartment building being purchased, including new requirements to pay garbage, sewer and water; a 50% rent increase; and renovations to her patio, but she does not have a patio; shared a picture of sewer back up in her bathroom: Crystal Felder, Alameda.

Expressed support for the ordinance; stated the ordinance should go further and landlords should be watched; reviewed correspondence submitted regarding the agenda item: John Klein, Alameda.

Stated that she rents the unit she lives next to and would like some consideration given to buildings under four units: Lisa Brown, Alameda.

The Community Development Director gave a brief presentation.

Councilmember Ezzy Ashcraft stated the speakers gave emotional testimony; requested a report at the end of the year on what other cities are doing to address the rent increase problems.

The Community Development Director responded that staff will be looking at best practices and impacts of rent increases and provide a report to Council.

Councilmember Oddie stated that he understands all the issues raised; housing is a basic need; it is disappointing that the issue came to the Council and has taken 15 months to get going; there is a larger problem; apologized to tenants, stated the needle is not moving to where it needs to be; landlords do not have to mediate, they just have to show up; Council has not really done anything to stop egregious rent increases; there is no teeth to the ordinance; if there is a bigger pattern of massive increases, the Council will be forced to act; if citizens put something on the ballot, it will be far worse than what is going on now.

Councilmember Ezzy Ashcraft concurred with Councilmember Oddie; stated the rent increase reports are alarming; it is not a level playing field; she is moved and impressed with so many citizens; encouraged landlords to make a difference; agreed with Angela Hockabaout that the ordinance is a “good first step, but should not be the last”.

Councilmember Daysog stated the ordinance is a first step, and he would ultimately like to take stronger steps; he would like to see specific language on just cause evictions and a moratorium on rent increases; Alameda will lose the working class flavor if something is not done; the rent increases is a crisis; he looks forward to passing the ordinance, but also to specific action in the future.

Vice Mayor Matarrese stated changes should be evaluated in the next six months; there is no reason to delay as stories are getting worse; the Council has to protect citizens in manner of fairness; he has heard that Santa Rosa is looking at rent control; Council has to act fairly or there will be a ground swell of action.

Councilmember Daysog moved final passage of the first ordinance [adding Article XIV to Chapter VI concerning the review of rent increases].

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer stated Council has received emails and other communications about landlords using another tactic and charging utilities; inquired whether utilities can be included in the definition of base rent.

The Assistant City Attorney responded in the negative; stated if changes are made tonight, the ordinance would have to be reintroduced and have a second reading; the report brought back in December could fine-tune the definition.

Mayor Spencer thanked Jeff Cambra and the people who participated in multiple hearings; stated there is a change in the landscape; she has been renting the same home for 16 years; the approach is trying to address all renters; encouraged review of Costa Hawkins and for people to participate in the process.

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

Councilmember Ezzy Ashcraft moved final passage of the ordinance creating the RRAC.

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

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Mayor Spencer called a recess at 8:47 p.m. and reconvened the meeting at 8:58 p.m. and announced that the Sunshine Ordinance amendments [paragraph no. 15-521] would be continued to October 6<sup>th</sup>.

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(\*15-518) Ordinance No. 3133, “Amending the Alameda Municipal Code by Deleting Section 25-2.4 Concerning the Accrual Of Sick Leave By Part Time Employees.” Finally passed. [360-50]

(\*15-519) Ordinance No. 3134, “Approving and Authorizing an Option and Purchase Agreement Between the City of Alameda and Alameda Housing Authority and Authorizing the Interim City Manager to Execute All Necessary Documents.” Finally passed. [NF: 600-30]

## REGULAR AGENDA ITEMS

(\*15-520) Resolution No. 15074, “Appointing Arnold Brillinger as a Member of the Commission on Disability Issues.” Adopted;

(15-520A) Resolution No. 15075, “Reappointing Susan Deutsch as a Member of the Commission on Disability Issues.” Adopted;

(15-520B) Resolution No. 15076, “Appointing David Mitchell as a Member of the Planning Board.” Adopted;

(15-520C) Resolution No. 15077, “Appointing Sandy Sullivan as a Member of the Planning Board.” Adopted;

(15-520D) Resolution No. 15078, “Reappointing Daniel Hoy as a Member of the Public Art Commission.” Adopted;

(15-520E) Resolution No. 15079, “Appointing Ronald Limoges and as a Member of the Recreation and Park Commission.” Adopted;

(15-520F) Resolution No. 15080, “Appointing Adam Trujillo as a Member of the Recreation and Park Commission.” Adopted;

(15-520G) Resolution No. 15081, “Reappointing Chris Miley as a Member of the Transportation Commission.” Adopted.

Read a letter she submitted regarding a Planning Board applicant: Dania Alvarez, Alameda.

Expressed support for Dania Alvarez: Walt Jacobs, Alameda.

Expressed concern over the process for incumbents; outlined the history of incumbents being reappointed; expressed support for Dania Alvarez: Lorre Zuppan, Planning Board.

Expressed appreciation for Dania Alvarez; discussed the process; urged the Council to take ownership of making appointments: John Knox White, Planning Board.

Expressed support for Dania Alvarez: Larry Witte, Alameda.

Discussed past vacancies on the Planning Board; urged Council to keep Dania Alvarez on the Planning Board: Krisoffer Koster, Planning Board.

Expressed his support for Dania Alvarez and expressed concern over previous Mayoral appointees not being reappointed: Mike Henneberry, Planning Board.

Expressed support for Dania Alvarez and urged she be reappointed: Nancy Gordon, Alameda.

Councilmember Oddie stated that he requested the Planning Board nominees be present to answer questions for due diligence; moved adoption of the resolutions appointing the members of the Commission on Disability Issues, Public Art Commission, Recreation and Park Commission and Transportation Commission.

Vice Mayor Matarrese seconded the motion.

Under discussion, Mayor Spencer stated that she would like to exclude the Transportation Commission reappointment.

Councilmember Ezzy Ashcraft stated there is a motion on the floor and called for the question.

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 Oddie asked questions of the two Planning Board applicants.

Councilmember Daysog stated that he would have preferred Dania Alvarez to be reappointed; asked a question of the Planning Board applicants.

Councilmember Ezzy Ashcraft asked a question of Ms. Sullivan.

Mayor Spencer stated the questions reminded her why she nominated the Planning Board applicants.

Vice Mayor Matarrese asked a question of the Planning Board applicants.

Councilmember Ezzy Ashcraft stated she has known Dania Alvarez a long time; she is troubled that Ms. Alvarez is not being reappointed to the Planning Board and that Mayor Spencer wants to appoint people who share her own political perspective; she would want qualified individuals who would render objective decisions rather than voting the way the Mayor would want them to in order to be reappointed; similar sentiments were shared by members of the public and other board and commission members; she would like the Mayor's decision to be reversed and reappoint Ms. Alvarez; failing that, Council should make a careful decision about tonight's vote.

Councilmember Oddie stated that he is distressed that Ms. Alvarez was not reappointed; she has an independent voice; all other members of Planning Board agreed that Ms. Alvarez should not be replaced; he appreciates all applicants; presented options, including: appointing both nominees, choosing one only one nominee, or rejecting both nominees.

Mayor Spencer stated that she appreciates Ms. Alvarez's service over two years; she interviewed everyone who applied to the commission; she attends many board and commission meetings, listens to the public, and tries to make very balanced nominations; it is not true that she did not reappoint anyone from the prior administration; Councilmember Ezzy Ashcraft's comment about choosing people based on her political views is not true; applications are public information; she appreciates that Councilmember Oddie asked questions of the two nominees, it reminded her why

she nominated them; she stands by her nominations and hopes Council will support her.

Councilmember Daysog stated that he is saddened that Ms. Alvarez is not being reappointed; the Charter is clear about the process; the Mayor chooses the nominees; whether there is a political agenda or not, the consequence comes with the territory; although he prefers Ms. Alvarez stay on the Planning Board, he is prepared to support the Mayor's nominations.

Vice Mayor Matarrese stated there has been good discussion regarding qualifications; the nominees are qualified; he appreciates Councilmember Oddie's initiative to have the public hear the nominees present themselves; he is confident the nominees can make discretionary decisions on the Housing Element and Density Bonus; it is healthy to have new faces on the Board and he would like to move forward.

Councilmember Daysog moved adoption of the resolutions appointing Ms. Sullivan and Mr. Mitchell.

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

The City Clerk administered the Oath of Office to Mr. Brillinger, Ms. Sullivan, Mr. Mitchell and Mr. Miley.

(15-521) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Various Sections of Article VIII (Sunshine Ordinance) in Chapter II (Administration) and Adding New Sections 2-90.3, 2-90.4 and 2-91.18 Concerning Local Standards to Ensure Public Access to Public Meetings and Public Records. [Not heard.]

Following the 8:47 p.m. recess, Mayor Spencer announced the matter would be moved to October 6, 2015.

(15-522) Summary: Review of 100-Room Hotel Development at the Harbor Bay Business Park.

Public Hearing to Consider (1) an Appeal by UNITEHERE! Local 280 Challenging the Planning Board's Approval of Final Development Plan and Design Review for Construction of a 100-Room Hotel at 2350 Harbor Bay Parkway, (2) Mayor Spencer's Call for Review of the Planning Board Action, and (3)

(15-522A) Resolution No. 15082, "Upholding the Planning Board Resolution PB-15-16 Approving a Final Development Plan and Design Review to Allow the Construction of a 100-Room Hotel on the Harbor Bay Business Park Shoreline at 2350 Harbor Bay Parkway (PLN14-0305)." Adopted.

Vice Mayor Matarrese stated that he was recusing himself and left the dais.

The City Planner gave a Power Point presentation.

Councilmember Oddie inquired whether the option for hotel parking is near Gardner preschool, to which the City Planner responded in the affirmative.

Mayor Spencer inquired what the lease radius is, to which the City Planner responded 1000 feet.

Councilmember Oddie inquired whether it is possible to be stuck with an empty building if the owner is unable to get a lease, to which the City Planner responded it is theoretically possible; stated an easy fix is Council can change the condition so that the trigger is building permit, not occupancy.

Councilmember Ezzy Ashcraft inquired whether the disadvantages of a dedicated asphalt lot will be discussed.

The City Planner responded the Planning Board took six months to approve the plan; the issue of shared and permanent parking came up; the Planning Board determined there was enough space on the site to not require another site to be paved over as another lot.

Councilmember Oddie noted that neighbors are not yet aware there may be a parking lot next to their homes; they may come to the Council with light pollution issues; inquired what are the options to keep the project moving if Council does not choose a permanent parking lot.

The City Planner responded that he recommends the Council direct staff to change the condition on the parking plan; certain things need to happen before a building permit can be issued: property purchase, parking lot design and lighting, and design review approval; if there is no design review approval, the project would have to come back to Council.

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(15-523) Mayor Spencer announced a motion is needed to considering the remaining agenda items.

Councilmember Ezzy Ashcraft moved approval of considering the remaining items.

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

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The City Planner completed his presentation.

Mayor Spencer inquired whether the project is directly on the water, to which the Assistant City Attorney responded in the negative; stated there is a pathway between the structure and the water.

In response to Mayor Spencer's inquiry, the City Planner stated the Balboa Park case is important because the court stated the structure is surrounded by a park which is urban use; in Alameda's case, the building is surrounded by business offices and an urban park which is considered urban use.

Mayor Spencer inquired whether the project is an appropriate exemption to CEQA, to which the City Planner responded in the affirmative.

Councilmember Ezzy Ashcraft inquired whether the exemption would have applied to the Hampton Inn, to which the Assistant City Attorney responded in the affirmative.

Mayor Spencer inquired how many floors the Hampton Inn has, to which the Assistant City Attorney responded that she does not know but will find out.

In response to Mayor Spencer's inquiry, the City Planner stated the current project is a five-story building at 63 feet and there are no other buildings in the area that are 63 feet; the height limit for the project is 100 feet, which is in the zoning for the Harbor Bay Business Park adopted in the early 1980's.

Mayor Spencer inquired whether Council could revisit the building height issue to which the City Planner responded in the affirmative; stated the development agreement expires in 2019 and Council can address the height issue at that time.

Discussed issues that have been addressed with VF Outdoors; expressed concern over the hotel impacts, including traffic, parking and lighting: Gary Thompson, Alameda.

Urged the appeal be rejected; outlined the need for the hotel: Kari Thompson, Chamber of Commerce and Alameda resident.

In response to Mayor Spencer's inquiry, the Assistant City Attorney stated a reason does not have to be specified when filing an appeal; stating a reason implies taking a position on the project.

Councilmember Ezzy Ashcraft inquired how would Councilmembers prepare to address an appeal when they do not know the grounds for the appeal.

The Assistant City Attorney responded an appeal is different than calling something for review; stated Unitehere! had a detailed letter when they filed their appeal.

The City Attorney stated it is a de novo review on a call for review, which means anything can be addressed in the review.

Councilmember Oddie inquired whether other issues can be addressed that were not brought up in the appeal.

The City Attorney responded there are two issues: an appeal by Unithere on a specific matter, and the call for review by the Mayor, which opens up the entire issue for review.

Expressed support for the project; discussed business travel: Robert Sanger, Marriott.

Expressed his support for the applicant; stated that he has experience and has not seen parking be a problem: Chris Clark, Texas.

Stated meeting space is needed; Penumbra tells employees to use shuttles: Joy Bose, Penumbra.

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(15-524) 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.

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

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Stated that he submitted a letter and resolution from the Business Park Board; discussed the California Environmental Quality Act (CEQA): Daniel Reidy, Harbor Bay Business Park.

In response to Mayor Spencer's inquiry regarding CEQA, the City Planner stated a new CEQA exemption was used on top of the EIR, which was backed by environmental studies done this year.

Mayor Spencer inquired whether the CEQA addresses traffic impacts, to which the City Planner responded in the affirmative.

In response to Mayor Spencer's inquiry, the City Planner stated staff determined the traffic generated by the hotel would be much less than what was originally assumed to be on the site and in the business park.

Expressed concern over jobs and the employer; discussed the reason for the appeal as outlined in the letter from Corey Briggs: Ty Hudson, Appellant.

Stated the exemption is not being used appropriately; outlined concerns about the hotel: Pat Lamborn, Alameda and UNITEHERE.

Expressed concern over appeal trying to use CEQA to stop the project; discussed parking, building height and lighting; urged the project move forward: Michael McDonough, Chamber of Commerce.

Outlined her positive experience as a union hotel worker; expressed concern over the hotel not being union run: Maria Aguilar, UNITEHERE.

Expressed concern over traffic and hotel employees not having benefits, vacation, sick and holiday pay: Melody Li, Alameda resident and UNITEHERE.

Discussed the quality of jobs at non-union hotels; expressed concern over parking; questioned why the lease has not been secured: Wei-Ling Huber, UNITEHERE.

Outlined his concerns about the project, including the site being too small to accommodate the hotel: Mike Henneberry, Alameda.

Stated the Association Board has concerns over the appeal, when the project complies with the Planned Development and meets all requirements; the Bay Area Conservation and Development Commission (BCDC) approved the project: Joe Ernst, Harbor Bay Business Park Association.

In response to Councilmember Oddie's inquiry, the City Planner stated the applicant would not be able to open without a lease; staff has been assured that the applicant can get the lease; if she has a problem, she should not build the hotel; staff has never required an executed lease.

Councilmember Oddie inquired whether light pollution would be an issue, to which the City Planner responded in the negative; stated there is no lighted signage on top of the hotel; a lighting plan will be submitted with building permits.

Teresa Ruiz, SB Architects, addressed the Council regarding lighting; stated a staff member could do a final approval on site.

Mayor Spencer recommended bifurcating the two votes on the item.

Councilmember Oddie moved approval of denying the appeal called on CEQA grounds.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer stated significant issues were raised regarding CEQA which warrants more than an exemption; she does not support the City waiving something very critical.

The Interim City Manager clarified the traffic analysis on the project was done in 2014.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft and Oddie – 3. Noes: Mayor Spencer – 1. [Absent: Vice Mayor Matarrese – 1.]

Councilmember Oddie expressed that he would rather remand the matter back to the Planning Board, but would support the motion in order to have conditions added.

Councilmember Ezzy Ashcraft moved adoption of the resolution documenting the Council action for 2350 Harbor Bay Parkway with the conditions or additional tasks that Council has given staff to address.

The Interim City Manager stated the tasks should be included in the record.

Councilmember Oddie clarified the additional tasks include that the parking is resolved either with a signed contingent lease or some other executable contract.

The City Planner stated the condition is there be an executed lease prior to building permit.

Councilmember Oddie stated the lease would be for 24 hour lease parking or an approved parking lot that has gone through the Design Review process.

Councilmember Ezzy Ashcraft clarified that her motion does not include paving over something to just be a parking lot.

Councilmember Oddie stated Council should be clear a parking lot is not desired.

Councilmember Ezzy Ashcraft stated she means lease-shared parking.

Councilmember Oddie stated if it does not get approved, there is no project.

Councilmember Ezzy Ashcraft concurred; stated the ball is in the applicant's court.

Councilmember Oddie clarified the lighting issue is also included in the motion.

Councilmember Daysog inquired whether the applicant could return to Council if the lease is not done, to which the City Planner responded in the affirmative; stated the applicant could ask Council to reconsider the motion.

The City Planner stated that he has been talking to the architect; the lighting has to be reviewed.

Councilmember Ezzy Ashcraft clarified what Council wanted addressed is avoiding the impact on the neighbors.

The City Planner stated there is no need to uplight the building.

By consensus, on the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft and Oddie 3. Noes: Mayor Spencer – 1. [Absent: Vice Mayor Matarrese – 1.]

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Mayor Spencer called a recess at 12:12 a.m. and reconvened the meeting at 12:19 a.m.

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(15-525) Public Hearing to Consider the Planning Board’s Recommendation to Approve a Vesting Tentative Map and Density Bonus Application to Permit Construction of 52 Units on a 2.78 Acre Parcel Located at 2100 Clement Avenue, and

(15-525A) Resolution No. 15083, “Approving Vesting Tentative Map 10305 and Density Bonus Application for the Development of 52 Homes on 2.78 Acres of Land at 2100 Clement Avenue.” Adopted. The Proposal is Categorically Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15332 Infill Development Projects.

The City Planner gave a brief presentation.

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Mayor Spencer left the dais at 12:23 a.m. and returned at 12:24 a.m.

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In response to Councilmember Daysog’s inquiry, the City Planner stated the State density bonus law is structured so that it is the applicant’s choice regarding the minimum inclusionary requirement; if the applicant wants a bonus or waiver, they could choose to give more affordable and in which category they want; in Alameda’s case, the applicant chose to do very-low income which is a 20% bonus.

In response to Mayor Spencer’s inquiry, the City Planner stated the number of required parking spaces is based on the number of units; there are two parking spaces, plus six guest spaces, per unit.

Mayor Spencer inquired whether resident’s could use their two-car garage for storage if they only own one or no cars, to which the City Planner responded in the affirmative; stated the language as it is currently written allows using the garage for storage, but not for business offices or workshops, or living quarters.

Outlined changes made to improve the project; discussed changes in development; urged approval of the Covenants, Conditions and Restrictions (CC&R) requiring cars be parked in garages: Dorothy Freeman, Alameda.

Discussed parking and urged CC&Rs included the parking requirement: Joseph Woodard, Alameda.

Stated the project has improved; expressed support for the addition of the CC&R requirement: Andrew Warner, Applicant (City Ventures).

In response to Councilmember Daysog's inquiry regarding density bonus, Mr. Warner responded a ½ mile radius walking distance to services shows the project is a great place for density; the Chamber of Commerce and business association agreed to having more houses in the project; there are great transportation opportunities; the project area is where Alameda should have more density and City Ventures wanted to get the most density as possible; the number of overall units was reduced from 58 to 52; the Housing Element predicted 53 homes.

Mayor Spencer inquired what the breakdown of bedrooms are in the project, to which Mr. Warner responded there are four homes that have two bedrooms each, and the rest are a mix of three to four bedrooms.

The City Planner stated the parking code has existed and been in use in Alameda for a long time; the code was not created specifically for the project; exceptions were not made for the project.

Councilmember Ezzy Ashcraft inquired whether there will be opportunities to park on the Clement Street frontage, to which Mr. Warner responded in the affirmative.

Councilmember Oddie stated he would like to address the neighbors' concerns about keeping as many trees as possible, and keep the bike path all the way to Clement Street.

The City Planner stated Council is not approving architecture or the final street tree plan tonight; the Planning Board still has to do the public process and approvals at a future meeting.

In response to Councilmember Ezzy Ashcraft's inquiry, Mr. Warner responded the affordable units will be interspersed throughout the development, and will look like the market rate homes.

Discussed the CC&Rs requiring cars be parked in garages; discussed the importance of enforcement: Ginni Dofflemyer, Alameda.

Expressed support for the development and the developer; outlined the need for housing; urged approval: Helen Sause, Alameda Home Team.

Discussed the need for housing; expressed support for the project: Karen Bey, Alameda.

Councilmember Ezzy Ashcraft stated what she likes about the project is that seven of the 52 units are very affordable; the project will improve the neighborhood; she applauds the work of the Planning Board and is prepared to support the project.

Vice Mayor Matarrese stated he wanted to make sure the language, as written, is included in the conditions of approval of the tentative map; the project is a model for Alameda; he likes the creation of open space and parking, and making the appearance match the neighborhood; he is ready to support the project.

Councilmember Oddie concurred with Vice Mayor Matarrese on all points and is prepared to support the project.

Councilmember Daysog stated that he is not ready to support project; more hard work needs to be done.

In response to Mayor Spencer's inquiry, the City Planner stated the final designs of homes have not yet been approved.

Councilmember Ezzy Ashcraft moved approval of the tentative map and density bonus application with the condition of approval include the CC&Rs distributed at the meeting.

Vice Mayor Matarrese seconded the motion.

Under discussion, Mayor Spencer stated her proposed changes are not being included.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese and Oddie – 3. Noes: Councilmember Daysog and Mayor Spencer – 2.

(15-526) Response to City Council Referral Regarding a Possible Wetlands Mitigation Bank at Alameda Point. Continued to October 6, 2015.

#### CITY MANAGER COMMUNICATIONS

(15-527) The Interim City Manager announced the City's permit tracking system has been linked to Zillow.

#### ORAL COMMUNICATIONS, NON-AGENDA

(15-528) Nicole Goehring, Associated Builders and Contractors, expressed concern over Project Labor Agreements (PLA); invited Council to tour their training facility; offered services if Council plans to include contractors in negotiations.

(15-529) Eric Christen, Coalition for Fair Employment in Construction, stated PLAs contain discriminatory aspects which make it difficult for non-union workers and contractors to bid on projects; urged Council to allow all workers to have a fair chance to

bid projects.

(15-530) Dania Alvarez, Alameda, submitted a letter in support of revising the Board appointment process

### COUNCIL REFERRALS

(15-531) Consider Directing the City Manager to Draft a Policy or Strategy to Increase the Transient Occupancy Tax (TOT) Above the Current Rate of 10%, with a Portion, or All, of Revenues Attributable to the Rate Above the Original 10% Dedicated to Specified Visitor-Serving Activities. (Councilmember Daysog) Not heard.

(15-532) Consider Directing the City Manager to Draft Policies with Regard to AirBnb and Related Temporary Lodging Activities in Residential Homes and Zoning Districts. (Councilmember Daysog) Not heard.

(15-533) Consider Requesting an Update on Project Stabilization Agreements (PSA) and Consider Providing Direction on the Priority, Deadline and Parameters of PSA for Alameda Point and Public Works Projects. (Councilmember Oddie) Not heard.

(15-534) Consider Directing Staff to Review the City's Process for Board and Commission Appointments. (Councilmember Oddie) Not heard.

### COUNCIL COMMUNICATIONS

(15-535) Councilmember Ezzy Ashcraft announced that Supervisor Wilma Chan will host a conservation workshop on September 12<sup>th</sup> from 11:00 a.m. to 1:00 p.m. at Alameda High School.

(15-536) Councilmember Oddie announced he attended the Alameda County Lead Prevention Program meeting on August 27<sup>th</sup>.

(15-537) Consideration of Mayor's Nominations to the Commission on Disability Issues, Housing Authority Board of Commissioners and Library Board.

Mayor Spencer nominated for Carol Gottstein and Tony Lewis appointment to the Commission on Disability Issues; John McCahan for appointment to the Housing Authority Board of Commissioners, and Gertrude Woods and Kathleen Kearney for appointment to the Library Board.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 1:22 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -SEPTEMBER 1, 2015- -5:30 P.M.

Mayor Spencer convened the meeting at 5:30 p.m.

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

[Note: Councilmember Ezzy Ashcraft arrived at 5:32 p.m. and Councilmember Daysog arrived at 5:52 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(15-494) Conference with Labor Negotiators (54957.6); City Negotiator: Elizabeth D. Warmerdam; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), and Alameda Management and Confidential Employees Association (MCEA); Under Negotiation: Salaries and terms of employment

(15-495) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of cases: Two (As Defendant - City Exposure to Legal Action)

Following the Closed Session the meeting was reconvened and Mayor Spencer announced that regarding Labor, direction was given to staff and regarding Anticipated Litigation direction was given to staff on two cases.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:58 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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