

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MARCH 7, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:02 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(17-143) Mayor Spencer did a reading on hope for the Season for Nonviolence.

ORAL COMMUNICATIONS, NON-AGENDA

(17-144) Gaby Dolphin, Alameda, submitted information; urged the City Council to consider adopting a living wage resolution.

(17-145) Arnold Brillinger, Alameda, urged that new construction address accessibility for visibility, including limiting stairs, having wider doors and bathroom facilities on the first floor.

(17-146) Eric Strimling, Alameda Renters Coalition, discussed the cases heard at the Rent Review Advisory Committee meeting last night.

(17-147) Naza Djelik discussed disaster preparedness.

(17-148) Abigail Lev stated Presidential candidates should have to have psychological evaluations.

CONSENT CALENDAR

Councilmember Matarrese moved approval 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.]

(*17-149) Minutes of the Special Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission (SACIC) Meeting, and the Regular City Council Meeting held on February 7, 2017. Approved.

(*17-150) Ratified bills in the amount of \$3,601,195.91.

(*17-151) Recommendation to Substitute a Revised Exhibit A to the License Agreement with the Alameda Unified School District (AUSD) for a Fire Safety Access Route Through Otis Elementary School to Krusi Park. Accepted.

(*17-152) Recommendation to Authorize the City Manager to Execute an Amendment to an Agreement with ENGEO, Incorporated to Extend the Term until March 2018 and Add the Amount of \$9,400 for a Total Contract Amount of \$100,900 for Geotechnical Services Related to the Seaplane Lagoon Ferry Terminal; and

(17-152A) Resolution No. 15238, "Amending the Operating Budget for Fiscal Year 2016-17 by Adding \$9,400 to the Base Reuse Fund." Adopted.

(*17-153) Resolution No. 15239, "Declaring Intention to Establish a Community Facilities District (CFD) and to Authorize the Levy of Special Taxes Therein - Alameda Point Public Services District." Adopted.

(*17-154) Resolution No. 15240, "For Authorization to Apply for Housing Related Parks Grant from the State Department of Housing and Community Development for the Annual Playground Replacement Program." Adopted.

(*17-155) Ordinance No. 3175, "Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a 3 Year Lease with No Extension Options with Williams-Sonoma, Inc. a Delaware Corporation, for Building 169, Suite 102 Located at 1680 Viking Street, Alameda Point." Finally passed.

REGULAR AGENDA ITEMS

(17-156) Recommendation to Approve Pre-Commitment of \$6.0 million of the City's Base Allocation of Funding through the Alameda County Affordable Housing Bond Program for the Eagle Avenue and Site A Affordable Housing Projects.

The Community Development Director and Base Reuse Director gave a Power Point presentation.

Councilmember Ezzy Ashcraft stated Council inquired whether the County will support the applications for the Eagle Avenue project and closing the gap on Site A funding, to which the Community Development Director responded staff is planning to engage with the County starting tomorrow.

Councilmember Ezzy Ashcraft inquired whether staff will be meeting with County Supervisor Wilma Chan, to which the Community Development Director responded staff has not met with Supervisor Chan yet but it is an excellent suggestion.

Councilmember Oddie inquired when the City can apply for the competitive regional pool funds, to which the Community Development Director responded she expects within the next year or two.

In response to Councilmember Oddie's inquiry whether funds could be backfilled, the Community Development Director stated the City would utilize competitive regional pool funds for a different project; the money would be used in a more pro-active way to fund other affordable housing.

Councilmember Oddie stated the competitive regional pool funds are not guaranteed; 58% of the \$10.4 million the Council is being asked to allocate is guaranteed.

The Community Development Director stated staff has been successful in receiving competitive funding from the County Home Consortium pool, and expects that Alameda projects would be competitive with the regional pool.

Councilmember Oddie stated the funding was going to be used across the County and would be leveraged; Alameda is putting in \$1 million and only receiving \$1 million; inquired why Alameda is not leveraging funds.

The Community Development Director responded the \$1 million commitment preserves a \$14.4 million project, which is 7% of the total funding; if the City does not commit the \$1 million, the City would forego \$7.4 million; a lot of money is being leveraged; no one anticipated the announcement of a federal tax cut or the impacts; if approved, the project would commence construction on June 1, 2017; by the fall of 2018, 20 families will live in affordable housing; if the project is not done in time, the funding will be taken back; the \$1 million is a small investment which ensures a 20-unit project commences construction three months from now.

Councilmember Oddie stated 5 months ago the City had the entire pot; inquired whether other options have been reviewed.

The Community Development Director responded the affordable housing bond program was put in place to fund affordable housing projects; what is being requested is to put the projects in the most competitive advantage to leverage other funds; if Site A does not have the full local match it needs to make its application in June, it will not be competitive and could miss 40 to 45% of all the funding needed for the project; Eagle Avenue will miss out on already-committed funding if the City foregoes the \$1 million.

Councilmember Oddie stated another argument is that the City is foregoing using that money for the future, because it is not being leveraged.

The Community Development Director stated the City would continue to do the same rigorous funding for each of the projects; the same sources would be used because every affordable housing project is comprised of several different funding sources; the City does not have a Boomerang funding program, the County does; the City has not

applied because there have been enough funds to leverage; the City would not be able to compete for the bond without a stack of sources.

Councilmember Ezzy Ashcraft inquired whether the two projects are time sensitive, to which the Community Development Director responded in the affirmative; stated Eagle Avenue must be in construction by June and financing must close in May; the City must apply for tax credit funding in June for the Site A project; if a tax credit application is not timely, it will not be a competitive application; requirements for the developer have to be in place; there is a relationship between affordable housing readiness and construction at Alameda Point.

Vice Mayor Vella inquired whether Alameda is assuming the County will approve use of funds for Site A, to which the Community Development Director responded in the affirmative.

The Base Reuse Director continued the presentation.

Councilmember Oddie inquired whether the \$5.5 million was City or County money, to which the Base Reuse Director responded the money would come to the City to be disbursed; the fiscal neutrality policy relates to General Fund services and ensures the General Fund is held neutral.

Councilmember Oddie inquired whether all of the affordable housing vouchers are being used for the \$5.5 million, to which the Base Reuse Director responded in the negative.

Councilmember Oddie stated the issue is urgent and the Council is being asked to act quickly; everybody should pitch in; he is not convinced the City has looked for funding under every single rock.

In response to Councilmember Oddie's inquiry, the Housing Authority Director of Housing and Community Development (HAHCD Director) stated the Housing Authority (HA) is constrained by Housing and Urban Development (HUD) regarding the number of vouchers that could be issued; until the vouchers were made available, the Housing Authority was at the cap and had no more vouchers; the HA applied under a national competitive application process and was awarded 45 vouchers for eligible veterans only; the award letter was published in November and the project has until May to move forward; if the projects fail to move forward, the HA loses the vouchers; she applied for the vouchers on behalf of the Rosefield Village project; there is a comprehensive scoring process to determine how the vouchers are to be distributed; the Base Reuse Director applied for all 45 vouchers for Site A and 20 vouchers were granted to Site A.

Councilmember Oddie inquired about the voucher distribution, to which the HAHCD Director responded Site A is eligible to receive 20 vouchers, Rosefield Village is 20 vouchers, and Eagle Avenue is five vouchers.

Vice Mayor Vella inquired whether the vouchers could be transferred to the Site A project if the Rosefield Village project does not move forward due to funding, to which

the HAHCD Director responded in the affirmative; stated the City has confirmed with HUD that if a project falls out, the vouchers could be awarded to another project.

In response to Councilmember Ezzy Ashcraft's inquiry, the HAHCD Director stated Rosefield Village is between Buena Vista Avenue and Eagle Avenue, one half block east of Webster Street.

Councilmember Ezzy Ashcraft stated Site A is not a HA property; inquired whether it is unusual to award Section 8 vouchers to properties that are not solely under control of the HA, to which the HAHCD Director responded in the negative.

In response to Councilmember Ezzy Ashcraft's inquiry whether the HA Executive Director made a direct request of HUD for the Site A project, the HAHCD Director stated the process of awarding vouchers is standardized across the United States.

In response to Vice Mayor Vella's inquiry, the HAHCD Director stated if a housing choice voucher is available, the dollar value allows a loan of another \$100,000; the loan needs to be repaid by the rent subsidy; in the Eagle project, the investor is requiring a \$50,000 per unit reserve fund because of uncertainty on the Federal level; the \$100,000 is offset by the \$50,000; the voucher can supplement and spread funds further, but it varies per project.

The Base Reuse Director continued the presentation.

In response to Councilmember Oddie's inquiry, the Base Reuse Director stated the City could not apply for the 4% Low-Income Housing Tax Credit (LIHTC) because the cap and trade could not be obtained.

The Community Development Director stated base allocation monies are never seen; project applicants apply for funding directly to the County which underwrites the deal; the County makes the determination whether a project should be awarded.

Mayor Spencer stated the Eagle Avenue project is \$1 million or 7%, and Site A is \$5 million or 16%; inquired whether there is a best practice in regards to taking such a large percentage for one project.

The Community Development Director responded spending \$5 million over 130 units is less than 16%.

In response to Mayor Spencer's inquiry, Andy Madeira, Eden Housing, stated local funds are represented by the market rate land developer's contribution, HA vouchers, and other local contributions, including the County A1 bond funds; the amount being requested tonight is a typical amount.

The Base Reuse Director stated the City was strategic in determining the scenarios; staff concentrated the \$5 million on one project in order to make the City better fit the 9% tax credit; concentrating on one project made Alameda score higher and stay competitive.

Vice Mayor Vella stated Alameda scored low in the application process; inquired what is the plan if the City does not get the cap and trade for the family project.

The Base Reuse Director responded Alameda's score was low because all the infrastructure was removed and was not counted; there is no good answer to the question; at some point, there is no money.

Councilmember Oddie inquired if the City is doing anything on the lobbying side, to which the Base Reuse Director responded in the affirmative.

In response to Councilmember Oddie's inquiry, the HAHCD Director stated the HA is technically not making the decision on how to allocate the vouchers; the scoring process determines how the vouchers are distributed; the rules have changed; if legislation becomes effective, there will be more support for housing projects.

The City Manager stated the City is receiving money early for the highest two priority projects; the money is formula based and the City is competing with other cities in the County, including San Leandro and Hayward; the \$50 million is being divided amongst four agencies.

Stated Renewed Hope supports Alameda County Measure A1 funds for the two low and very low income housing projects in Alameda: Doyle Saylor, Renewed Hope.

Urged the Council to vote yes on the funding: Kari Thompson, Chamber of Commerce and Alameda Homeless Network.

Urged Council to support the "Everyone Belongs Here" sentiment by approving the bond program to provide the housing needed: Philip James, Alameda.

Stated building housing in Alameda and the region takes too long and is complicated; the Site A plan is delayed; affordable and market rate housing needs to be delivered now; urged Council to use the resources it has at its disposal: Brian McGuire, Renewed Hope.

Expressed support for the bond program; stated funding affordable housing is difficult; Urged Council not to lose sight of community development and support the proposal: Karen Bey, Alameda.

Stated the City is not alone; all of the other cities in Alameda County are facing the same predicament; he supports the bond program and hopes Council moves forward with the staff recommendation: Former Councilmember Tony Daysog, Alameda.

Councilmember Oddie stated Council still has to do due diligence when a large sum of money is being requested; Council is being asked to fund projects that were thought to already be fully funded.

Urged Council to authorize the bond program financing: Helen Sause, Alameda Home

Team.

Councilmember Oddie stated everyone understands the importance of Site A and providing more affordable housing; additional information was helpful and important for the community to hear; he did not see the big picture at first and does not think the City has looked under all the rocks; the State has provided sources of funding that were not evaluated; the pot of money is always shrinking; he hopes there is an evaluation and thoughtful analysis in the next staff report; he will support the funding, although he does not feel the money will go as far as it should.

Councilmember Ezzy Ashcraft stated there is nothing to be gained by pitting one affordable housing project against another; the money does not stretch far enough; understanding how complicated it is to cobble affordable housing funding is important; Alameda does need more affordable housing and needs to look to the State; there are 169 housing-related issues making their way through the legislature; the City needs to do everything possible to increase affordable housing funds; she feels strongly about the two projects; geographical equity is important and affordable housing needs to be spread across the Island; seniors housing issues are difficult; Alameda has a 25% affordable housing component; Alameda Point Collaborative homes exceed the percentage at 30%; Alameda is ahead of the class; Alameda is a Sanctuary City which should be more than words on paper.

Councilmember Matarrese stated that he will be voting to approve the funding; he will not risk Site A or Eagle Avenue; there is an irony that permanent loans are based on Section 8 vouchers; Council needs to approve the funding or risk losing 150 units.

Vice Mayor Vella stated it would be helpful to capture the work performed; she would like to get a matrix of what the City applied for; urged putting pressure on the Board of Supervisor so funds are in place sooner rather than later; she supports both projects and does not want to risk other monies; the State not prioritizing senior affordable housing is sad; she does not want to further delay the projects, but contingencies need to be discussed; the City should make sure to have a plan B in place so the projects are not delayed.

Mayor Spencer thanked staff for additional efforts and information; stated that she is concerned about having less money moving forward; she will be supporting the funding; prioritization is critical.

Councilmember Oddie moved approval of the staff recommendation.

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

Mayor Spencer called a recess at 8:59 p.m. and reconvened the meeting at 9:06 p.m.

(17-157) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease with Delphi Productions, Inc. a California Corporation, for a Ten-Year Lease with One Five-Year Renewal Option for Building 39 Located at 950 West Tower Street at Alameda Point. Introduced.

The Assistant Community Development Director gave a brief presentation.

Councilmember Ezzy Ashcraft moved introduction of the ordinance.

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

(17-158) Resolution No. 15241, “Requesting the Federal Aviation Administration to Address Increased Aircraft Noise in Alameda.” Adopted.

Mayor Spencer made brief comments about the resolution.

Councilmember Matarrese stated addressing airport noise is doable because patterns are not permanent and is something to stay on top of; he is prepared to support the resolution.

Vice Mayor Vella stated that she serves as the alternate to the Airport Noise Forum; all impacted communities were heard at meetings; a lot of issues specific to Alameda are addressed in proposed plan.

Mayor Spencer stated Council is taking the matter seriously; addressing airport noise is important to the community.

Councilmember Oddie stated addressing the issue is what citizens do; citizens petition for redress; the issue is appropriate for Alameda residents.

Councilmember Matarrese moved adoption of the resolution.

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

CITY MANAGER COMMUNICATIONS

(17-159) The City Manager briefly reviewed two new executive orders that have been issued: a revised immigration executive order which removes Iraq from the list of countries; and the Environmental Protection Agency (EPA) revision of the 2015 Clean Water Rule; stated the City would not participate in the voluntary immigration and customs program.

Councilmember Matarrese stated an immigration sweep in the City of Santa Cruz was done under the false notion that police and federal agents were looking for gang members; the federal update reports are very important for the public to understand what is being asked.

ORAL COMMUNICATIONS, NON-AGENDA

(17-160) Caylin Yula, Alameda, expressed support for funding the animal shelter.

Councilmember Matarrese stated the public comments are supposed to be on non-agenda items.

Mayor Spencer stated that she indicated she would allow the FAAS speakers to speak at this time; a lot of people did not understand the item was on the Closed Session agenda; there are 10 FAAS speakers who did not have the opportunity to speak earlier.

Vice Mayor Vella stated she is concerned that Council had told an earlier FAAS speaker the item was agendaized on the Closed Session agenda and that the comment session was already closed; the speaker was not allowed to speak; there are also a number of people waiting to speak on referral items.

Mayor Spencer stated that she called speakers at 5:00 p.m. for the closed session item; when she noticed speakers for the FAAS at 7:00 p.m., she told the audience she would circle back to the FAAS speakers under the next Oral Communications Section 8.

Councilmember Ezzy Ashcraft stated exceptions to the rules should not be made; the FAAS issue was already deliberated in Closed Session; Council needs to follow the rules out of respect for the rest of speakers on other items.

Councilmember Matarrese moved approval of adhering to the rules and continuing with upcoming items.

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

COUNCIL REFERRALS

(17-161) Consider Revising the City Council Call for Review Process to Appeal Board and Commission Decisions by Requiring that Two, Rather Than Just One, City Council Members Initiate a Call for Review and State a Reason for the Appeal. (Councilmember Ezzy Ashcraft)

Mayor Spencer called a recess at 9:29 p.m. and reconvened at 9:30 p.m.

Councilmember Ezzy Ashcraft made brief comments regarding the referral.

Stated the call for review process is an unfair burden on businesses; the process is inconvenient, cost prohibitive, and is a deterrent for new businesses; urged Council to approve the referral: Kari Thompson, Chamber of Commerce.

Stated his project did not receive the due diligence given to other projects; the call for review on his project caused tremendous injury to him and his wife; urged support of the referral: Thomas Ellebie, Alameda.

Stated that she does not support the referral; the call for review process works and should not be changed: Janet Gibson, Alameda Citizens Task Force.

Stated the community spends time researching issues brought to Council for review; the Planning Board should not be making decisions without knowing the rules: Dorothy Freeman, Alameda.

Submitted information; suggested citizens not be charged for appeals; urged the Council not to approve the referral: Gretchen Lipow, Alameda Citizens Task Force.

Stated there is easy access for citizens to share their opinion before a decision is made; the one-councilmember rule has been abused in the past; the business community supports the referral and urged Council approval: Mike McDonough, Chamber of Commerce.

Councilmember Ezzy Ashcraft stated sometimes elected officials need to police themselves; it is not unreasonable to stop and think about the implications; the City wants to attract new business and create more jobs; the addition of a second opinion in the call for review process is reasonable.

Councilmember Oddie stated a related referral was done last year and is in the queue; inquired whether last year's referral would remain in the queue if Council passes tonight's referral.

The City Manager responded in the affirmative; stated last year's referral is not as specific and will be brought back to Council.

In response to Councilmember Oddie's inquiry, the City Attorney stated passing the referral tonight directs staff to modify the Alameda Municipal Code.

Councilmember Oddie stated Council direction can be given, but the modifications would not be implemented right now; he is sympathetic to the resident; those who were against the project and had no skin in the game had to spend nothing; he has a problem

with the inequity and would like to see the policy change implemented sooner rather than later.

Councilmember Matarrese stated the matter is no longer a referral, it is Council direction; he saw a flaw in the Oak tree situation in that the requirement of a stated reason was not present; the policy needs to be tightened up and Council has the opportunity to do that now; he does not agree with having two Councilmembers call an item for review; there has to be a mechanism of appeal that does not require two Councilmembers; the City has very strict guidance not to pre-judge evidence that comes from the review.

Councilmember Ezzy Ashcraft stated having two Councilmembers call an item for review does not mean they are pre-judging an issue; saying an issue deserves a second look might yield a different result or make the project better after the second review; making the appeal process financially available to citizens is important; she strongly believes if people opposing a project do not have the financial resource to call for an appeal, that they could approach a Councilmember who could recruit a second Councilmember to call the project for review; these are reasonable questions with reasonable answers.

Vice Mayor Vella stated she thinks there is a lot of presumption that more than one Councilmember is on board; it is not a huge ask to send the same request to multiple Councilmembers, as part of the due diligence when involved in a project; she is inclined to support the change, which is feasible, will strengthen the process and ensures there is merit to the calls for review.

Mayor Spencer stated that she will not be supporting the referral; it is important to look at the facts; the Planning Board makes approximately 44 decisions a year, approximately 10% of the cases are called for review; changing the process would also be a Brown Act violation as Councilmembers can only speak to one other Councilmember; issues are worthy for Council to weigh in on; the Planning Board members are appointed, not elected by the people; the Council's opportunity to weigh in is a call for review; the only way to do the due diligence is for issues to come to Council; it is important for Council to protect said ability.

Councilmember Ezzy Ashcraft stated that she is not suggesting Council does away with the process; more deliberation is needed; the call for review for the cell phone project was an exercise of a lot of time spent, when State regulations prohibited change; Council would have known if a second opinion was given.

Councilmember Ezzy Ashcraft moved approval of the Council considering revising the call for review process to appeal Board and Commission decisions by requiring that two, rather than just one, City Councilmembers initiate a call for review and state a reason for the appeal.

Councilmember Oddie seconded the motion, which carried by the following voice vote:

Ayes: Councilmembers Ezzy Ashcraft, Oddie and Vella – 3. Noes: Councilmember Matarrese and Mayor Spencer – 2.

(17-162) Consider Resolution No. 15242, “in Support of a Congressional Investigation Regarding the Impeachment of President Donald Trump.” Adopted. (Vice Mayor Vella and Councilmember Oddie)

Councilmember Oddie and Vice Mayor Vella made brief comments regarding the referral.

Urged Council to support the resolution for Congress to initiate an investigation for the impeachment of President Trump: Rosemary Jordan, Alameda4Impeachment.

Submitted information; stated the Council is the voice for the citizens; that he supports the resolution: Allen Michaan, Alameda.

Stated that she supports the resolution; she is concerned about the President’s possible collusion with Russia; cities have the right and responsibility to convey its residents’ sentiments to Congress: Katherine Cameron, Alameda4Impeachment.

Stated that he feels strongly about the issue; urged Council to stand up for the Constitution and the democracy: John Ota, Alameda.

Stated that she is concerned about the President’s statement about the media and compared it to Stalin’s statement that the “press is an enemy of the State”; urged Council to join the group’s endeavors: Leslie Walsh, Alameda4Impeachment.

Stated that she is alarmed by the actions of the President; urged Council to support the resolution: Betty Yee, Alameda4Impeachment.

Stated a balanced approach to public service and public policy is needed; the balance is being destroyed by the current administration: Kenneth Cameron, Alameda4Impeachment.

Stated that he is opposed to the resolution; the Council does not have his authorization: Steve Slauson, Alameda.

Urged the Council to approve the resolution; stated the issue is a real concern; the community needs to stand together and Council is a reflection of the community: Gaby Dolphin, Alameda.

Stated the time for appeasement is over; citizens are responsible to hold elected officials accountable at every level; the proposal is an opportunity to bring the truth to light; urged Council to support the resolution: Philip James, Alameda.

Stated that he finds the President offensive, lacking of integrity, and dishonest; the President has undermined every fundamental institution; it is imperative for Council to make a statement representing the citizens: Charles Hurt, Alameda.

Urged Council to take swift action on the resolution; stated President Trump has destructive local and global impacts; Alameda should encourage other communities to speak out: Helen Sause, Alameda.

Stated that she is proud to reside in a Sanctuary City; she supports the resolution for a Congressional investigation of the President: Marhya Kelsch, Alameda.

Stated the issue is a weighty one; he would like Councilmembers to contemplate the impacts on Alameda; urged Council to respond with hearts and minds: Former Councilmember Tony Daysog, Alameda.

Stated that she endorses President Trump; she does not support the referral: Jane Jackson.

(17-163) Mayor Spencer stated a motion is needed to continue the meeting past 11:00 p.m.

Councilmember Matarrese moved approval of continuing the meeting.

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

Stated that she believes strongly in the principle to defend her stance; she supports the resolution; President Trump has never been held accountable: Laura Fries.

Mayor Spencer inquired how much the City pays for a federal lobbyist, to which the Assistant City Manager responded less than \$100,000.

Mayor Spencer stated she that has received emails suggesting the matter is outside Council's jurisdiction.

The City Attorney stated the matter is a free speech issue; there is some connection to what the federal government does that has an impact and it can certainly be discussed.

Vice Mayor Vella stated everyone is impacted when there are allegations of election tampering and if the President had a hand in it; if transparency is required in local boards and commissions, it should also be applied to the President; when free press is silenced and there is evidence of alleged wrong doing, system faith needs to be restored; Alameda has a stake in the issue; Alameda is stronger when united; she hopes Council joins in support of the referral.

Mayor Spencer stated that she hears and supports the community concerns; the people need to have a voice; Alameda has a very strong voice represented by Congresswoman Barbara Lee and Congresswoman Nancy Pelosi; Congresswoman Lee is not asking cities to weigh in on the matter at this point; the Constitution provides that the House of Representatives has the sole power over impeachment; she is concerned about the financial risk to the City; Alameda has a former Naval base that is in process of being cleaned; how Alameda is going to move forward is important in the changing financial environment; being a Sanctuary City sent a strong message; supporting this referral will be a second time Alameda sends a strong message to the President; she strongly believes Congresswomen Lee and Pelosi are doing their job; she will not be supporting the resolution and will follow the leadership Congresswomen Lee and Pelosi.

Councilmember Matarrese stated if the matter comes down to risking funding versus protecting the constitutional rights of Alameda's citizens, he does not have to think twice about protecting citizens; he would jump on the issue now if he thought it would do something; there is a time to address the issue in the future; the issue is a partisan one; a resolution is not appropriate; as individual members, voices can be heard with the same effect as a resolution; he would like to hold off until there is a clearer picture of what is happening in Congress.

Councilmember Ezzy Ashcraft stated that she concurs with all Councilmembers; the President has an utter disregard for the rule of law; she is frustrated at the appalling turn of events under the new administration; a symbolic resolution is not going to have the necessary impact; what is needed is more democrats and elected officials to oppose executive decisions; urged people to act where it can really make a difference; stated working locally can address the impacts of the administration's actions; the priority setting workshop came up with matrix of issues that need attending; time is a finite commodity; she cannot support the resolution but does not dismiss it; the referral could be revisited.

Councilmember Oddie stated the issue is not a political one; asking representatives and Congress as a whole to conduct an investigation is not going to stir the pot or cause undue harm; he was elected to speak up and support the Constitution; citizens opposed going to war in 2003 asked Congress not to go to war; there are rules of law; the request is not to impeach, the request is to investigate; he wants to make sure it is clear the intent is not fear mongering; Council does take a stand for the citizens.

Vice Mayor Vella moved adoption of the resolution in support of a congressional investigation.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft inquired whether the motion could be amended as a simplified resolution directed to the Congressional representatives.

Vice Mayor Vella stated that she would agree to amend the resolution accordingly.

Councilmember Oddie stated that he would agree to an amended resolution directed to the Congressional representatives if it was also sent to the President of the Senate and Speaker of House.

Councilmember Ezzy Ashcraft stated she is concerned about the form of the resolution; suggested making a more general request.

Councilmember Oddie stated that he would be fine with Councilmember Ezzy Ashcraft's suggestion.

Vice Mayor Vella stated that she supports an amended resolution rather than not passing anything; she would like a short break to revise the resolution; she would like to empower Congresswoman Lee by providing her something to move forward.

Councilmember Matarrese concurred; stated Congresswoman Lee is working with the delegation to build a case to present to Congress; an official letter stating Alameda City Council backs Congresswoman Lee's case is appropriate at this point.

Mayor Spencer called a recess at 11:30 p.m. and reconvened the meeting at 11:49 p.m.

The City Clerk read the amended resolution.

In response to Councilmember Ezzy Ashcraft's inquiry, Vice Mayor Vella stated the resolution would be attached to a cover letter and sent specifically to Congresswoman Lee.

Councilmember Oddie stated the City of Richmond resolution went to the House Judiciary Committee Chair; Alameda's resolution should go to all representatives.

In response to Councilmember Ezzy Ashcraft's inquiry, the City Attorney stated the resolution is designed to say there were alleged reports of potential wrongdoing; the City Council is asking to have House of Representatives to determine if there should be an investigation.

Councilmember Matarrese stated that he prefers a more direct line to Alameda's representatives and a statement which says the Alameda City Council supports building a case based on what has been reported.

The City Attorney stated Alameda does not have the ability to investigate or verify the truth of allegations; the resolution is requesting the House Judiciary Committee look into the matter.

Councilmember Matarrese concurred with the City Attorney; stated staff time should not be spent on the issue; he would like the message to be direct; Council should give Congresswoman Lee the support she needs to do the job she is charged with doing.

Councilmember Oddie suggested adding “Now, therefore the City of Alameda resolves to support calls by Congresswoman Barbara Lee and others ...”

Councilmember Ezzy Ashcraft stated that she does not think Senators Feinstein and Harris should be identified in the resolution because the City cannot call upon them to do anything at this time.

Vice Mayor Vella stated that she prefers to leave the resolution language as is; she would like Congresswoman Lee to be able to take the letter and resolution to the coalition of other people she is working with to encourage support from their constituents.

Councilmember Ezzy Ashcraft confirmed that the resolution and cover letter would be sent directly to Congresswoman Lee with courtesy copies to Senator Harris and Senator Feinstein.

Councilmember Oddie moved adoption of the resolution.

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

COUNCIL COMMUNICATIONS

(17-164) Councilmember Oddie thanked everyone for holding out with the Council.

(17-165) Vice Mayor Vella invited citizens to an American Civil Liberties Union (ACLU) and resistance training at the senior center in the Fruitvale district on Saturday March 11th.

(17-166) Mayor Spencer announced the ACLU People Power event will be livestreamed in Council Chambers on Saturday March 11th.

(17-167) Consideration of Mayor’s Nominations for Appointments to the Recreation and Parks Commission and Rent Review Advisory Committee (RRAC).

Mayor Spencer nominated Mindi Chen for appointment to the Recreation and Parks Commission and Jeff Cambra for appointment to the RRAC.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:02 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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