

## LARA WEISIGER

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**From:** Liza Gabato Morse <lizagmorse@earthlink.net>  
**Sent:** Tuesday, December 04, 2018 4:04 PM  
**To:** Trish Spencer; Malia Vella; Marilyn Ezzy Ashcraft; Frank Matarrese; Jim Oddie; info@friendsofcrabcove.org  
**Cc:** LARA WEISIGER; lizagmorse@earthlink.net  
**Subject:** Please adopt the current OPEN SPACE initiative to honor the people's votes!

Dear Mayor Trish Herrera Spencer, Vice Mayor Malia Vella, Councilmember Marilyn Ezzy Ashcraft, Councilmember Frank Matarrese and Councilmember Jim Oddie:

Here are arguments below with a **TIMELINE** which will address precedence on who gets 1st dibs based on timeline of events and how the law applies during these events.

I did not see any timeline or history of this parcel as requested from city staff earlier this year and posted to the public domain, so I have provided one below as a point of reference. This parcel has a rich history of community support and next year marks 40 years!

1. Public land: The General Services Administration (GSA) gave land to the State of California that became Robert Crown Memorial State Beach in Alameda in 1961. Part of the land was used to build McKay Avenue, a state-owned street providing access to the park, with a utility easement to the federal government for contiguous government buildings.
2. In November 1966, the State of California joined with the City of Alameda and the East Bay Regional Park District in an agreement that would turn the park, plus two miles of Alameda's beach front, over to the East Bay Regional Park District for management and development.
3. In 1982, Crab Cove became the first Estuarine Marine Reserve in California.
4. In 1987, Title V—that's the name of the 1987 provision that transfers disused federal properties to homeless-service providers.
5. July 2008 – EBRPD includes line item 18 "Crown Beach – Improve visitor center, restore beach, complete park boundary – \$6.5 million to replace and expand Crab Cove interpretive center, currently located in outdated military building. Expand and restore Alameda Beach to increase space for beach recreation and protect the shoreline. Acquire appropriate surplus federal property if it becomes available." as part of ballot Measure WW.
6. August 2008 – City council endorses Measure WW, which voters enact in November 2008 with one parcel recorded at county assessor APN 75-1305-26
7. November 16, 2015 – EBRPD records quitclaim deed to purchase a portion of APN 74-1305-026
8. March 2016 – USDA moves to Albany
9. May 11, 2016 – Alameda County Assessor's office drafts new map of original seven-acre parcel APN 74-1305-026 and creates APN 74-1305-026-1 (EBRPD Quitclaim) identified as Neptune Pointe and APN 74-1305-026-2 (U.S.A. General Services Administration) identified as Retained Parcel

10. A bill, Federal Assets Sale and Transfer Act of 2016, passed by Congress in December 16, 2016 enables local governments, housing nonprofits, and faith-based organizations to essentially bypass the veto of neighborhood associations and zoning commissions.

11. April 28, 2017 – HUD determines parcel suitable for homeless accommodation

My arguments and possible legal issues pertaining to this project are outlined below.

1. Environmental Impact = When the government leaves the property, the agreement for easement to McKay Avenue and utilities will end, therefore triggering environmental impact on McKay and Crab Cove which was first Estuarine Marine Reserve in California in 1982, unless the 2nd portion (APC) is zone to open space which has no environmental impact. In addition to its protected status, Crab Cove serve groups of Alameda or Contra Costa children from low-income families, seniors, or people with disabilities. In addition, the USDA left in March 2016, the facility has had no substantial footprint for over 2 years. This project will no doubt have environmental impact and open space is the only zoning that will have no environmental impact on our protected Crab Cove, which again is the first Estuarine Marine Reserve in California that has been established since 1982.

#29 45 C.F.R. § 12a.9(b) (2005). The application packet requires the applicant to provide information regarding ten aspects of the applicant's proposal with attention to #8 of 10 requirements of the application which is the potential impact of the applicant's proposal on the environment.

2. Measure WW 2008 at super vote of 72% = The government of the people (voters) have expressed their interest in the entire parcel (when it becomes available – stage 2) which, at that time, was one parcel (APN 74-1305-026) recorded at county assessor in 2008, and we voted for open space to protect Crab Cove, the first Estuarine Marine Reserve in California in 1982. Since the government of people (voters) expressed their interest in 2008, the Title V Federal Assets Sale and Transfer Act of 2016 will not apply to said parcel since the government of people have spoken for this parcel already in 2008, therefore, you cannot bypass the VETO of the neighborhood associations and zoning commissions with title V in 2016. In addition, Crab Cove estuarine reserve was declared protected in 1982, Title V—that's the name of the 1987 provision that transfers disused federal properties to homeless-service providers, passed in congress in 1987, this is why we voted for open space in 2008 with Measure WW to secure our interest in protecting crab cove and it's protected environment that has been protected since 1982, 5 years before Title V.

Crab Cove is a very unique combination of protected marine life and serves low-income families, seniors, or people with disabilities.

3. In addition, the parcel was not recorded until November 16, 2015, EBRPD records quitclaim deed to purchase a portion of APN 74-1305-026 and the county assessor did split the property until May 11, 2016 . Alameda County Assessor's office drafts new map of original seven-acre parcel APN 74-1305-026 and creates APN 74-1305-026-1 (EBRPD Quitclaim) identified as Neptune Pointe and APN 74-1305-026-2 (U.S.A. General Services Administration) identified as Retained Parcel. The government of people has spoken for this parcel in Measure WW 2008, reserving our interest in preserving & protecting Crab Cove and that is why a portion was mentioned because it was only one parcel at that time. There was no other point of reference to one area of one parcel of property.

4. EBRP Quitclaim on 11/16/2015 = How can EBRP quitclaim on a property that has not been recorded through the Assessor's office until May 11, 2016. Again, the quitclaim is to secure the utilities and access to McKay Avenue which was recorded on 11/16/15. "The grantor (GSA) reserves 12 months of temporary easement from the date recorded which on 11/16/15. In the event the grantor fails to remove any utilities (excluding water) then those utilities are presumed to be abandoned in place. "

If the parcel is conveyed by grantor to a 3rd party (APC) prior to splitting the utilities, the 3rd party is required to split the water utility within 1 year after issuance of building permits for development, which will impact the environment tremendously putting our 1st estuarine reserve, Crab Cove at risk to environmentally impact and loss of marine life.

The issue is there is an intent again to defraud 72% of super vote of the government of people with the intention to preserve the open space district with Measure WW 2008. The entire parcel <https://friendsofcrabcove.org/wp->

[content/uploads/2018/05/apn74-1305-26-taxes.pdf](https://content/uploads/2018/05/apn74-1305-26-taxes.pdf) has been one parcel possibly since 1961 until it was possibly illegally split in 2016 <https://friendsofcrabcove.org/wp-content/uploads/2018/05/apn74-1305-26-2-taxes.pdf> It was split 8 years after the vote. This is like buying a home and 8 years later, someone is trying to sell your backyard. The entire parcel was RESERVED and PAID FOR by the government of the people (voters). Besides, the 1st parcel was not available until 2014 when there was a lawsuit by EBRP under Measure WW 2008 due to a developer trying to take the land. <https://ionalameda.com/friends-of-crown-beach-updates.../> Then when the USDA left on March 2016, the last portion became available. This is the issue. Do you think the EBRP can return the people's monies?

Also, EBRP did not inform the City of Alameda until 4/12/18 during their [Subcommittee of the City Council and East Bay Regional Park District \(EBRPD\) Board](#) meeting of the parcel split. In addition, EBRP has also **FAILED** to complete the park boundary as stated in Measure WW 2008 with a supervote of 72% of Alameda & Contra Costa voters. How many times do the people of Alameda have to stand up for what they have voted in 2008, 2014 and now another initiative certified on 11/28/18! We are still paying for Measure WW 2008 and now another Measure FF to preserve this unique OPEN SPACE district! Please adopt the 2018 OPEN SPACE ordinance just like the City Council has done in 2014 to complete Measure WW 2008 promise to the people as well as save the General Funds by not having a special election next year.

Please visit <https://friendsofcrabcove.org/timeline-of-events/> for all recorded information.

Thank you for our time and kind consideration.

Sincerely,

Liza Gabato Morse  
[lizagmorse@earthlink.net](mailto:lizagmorse@earthlink.net)

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## LARA WEISIGER

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**From:** Doris Ung <dmubuy@yahoo.com>  
**Sent:** Tuesday, December 04, 2018 2:53 PM  
**To:** LARA WEISIGER; Malia Vella; Marilyn Ezzy Ashcraft; Frank Matarrese; Jim Oddie; Trish Spencer  
**Cc:** Celena Chen  
**Subject:** Regarding Item 2-A on special meeting Dec 4th action on open space ordinance

Dear Mayor and Council members,

As a member of the APC board, I support Doug Bigg's recommendation outlined below on how the City Council should address this matter which will ensure a fair and reasonable outcome.

Thank you,  
Doris Ung  
APC Board Member

From: Doug Biggs  
Sent: Friday, November 30, 2018 12:51 PM  
To: 'LARA WEISIGER'  
<[LWEISIGER@alamedaca.gov](mailto:LWEISIGER@alamedaca.gov)<mailto:[LWEISIGER@alamedaca.gov](mailto:LWEISIGER@alamedaca.gov)>>; [mvella@alamedaca.gov](mailto:mvella@alamedaca.gov)<mailto:[mvella@alamedaca.gov](mailto:mvella@alamedaca.gov)>>; [mezzyashcraft@alamedaca.gov](mailto:mezzyashcraft@alamedaca.gov)<mailto:[mezzyashcraft@alamedaca.gov](mailto:mezzyashcraft@alamedaca.gov)>>; [fmatarrese@alamedaca.gov](mailto:fmatarrese@alamedaca.gov)<mailto:[fmatarrese@alamedaca.gov](mailto:fmatarrese@alamedaca.gov)>>; [joddie@alamedaca.gov](mailto:joddie@alamedaca.gov)<mailto:[joddie@alamedaca.gov](mailto:joddie@alamedaca.gov)>>; Trish Spencer ([TSpencer@alamedaca.gov](mailto:TSpencer@alamedaca.gov)<mailto:[TSpencer@alamedaca.gov](mailto:TSpencer@alamedaca.gov)>>)<[TSpencer@alamedaca.gov](mailto:TSpencer@alamedaca.gov)<mailto:[TSpencer@alamedaca.gov](mailto:TSpencer@alamedaca.gov)>>>  
Cc: 'Celena Chen' <[cchen@alamedacityattorney.org](mailto:cchen@alamedacityattorney.org)<mailto:[cchen@alamedacityattorney.org](mailto:cchen@alamedacityattorney.org)>>>  
Subject: Regarding Item 2-A on special meeting Dec 4th action on open space ordinance

Dear Mayor and Council members,

I am writing regarding the action item that has just been added to the agenda for Tuesday night, regarding the action City Council is required to take now that the open space initiative funded by the Friends of Crab Cove has received sufficient signatures

While we are disappointed that neighbors of the project intent on denying critical services for or most frail. We recognize that this is part of the hurdles a project like we are proposing must overcome.

This is the third time an initiative has been put forward in Alameda to change zoning to open space. The first was in 2000 for Jean Sweeney Park, the second in 2014 for Neptune Point. While these two prior initiatives had broad community, environmental and other stakeholder support, this latest effort relied on paid signature gatherers funded by neighbors of the proposed project.

Despite that, we believe that the City Council should apply the same process to all three initiatives. In both prior instances, the City Council ordered that an impact report be done to determine the potential costs to the community. This is the only prudent action to take, and we would ask the council to be consistent and in this case also order an impact report before moving forward. The impact analysis should take into account

Furthermore it is important to note that in both previous instances the council either adopted (2000) or was prepared to adopt a companion ordinance that would protect the city by suspending the ordinance or taking other actions, including taking a special tax to the voters to offset the costs or implementation.

Therefore the only prudent action the City Council should take on this item at this time is to order a cost analysis, and direct staff to begin work on a suitable companion ordinance, just as was done the previous two times. All we ask for is equal treatment. The cost analysis should take into account the potential legal costs to the City from a lawsuit or lawsuits. The potential loss of regional and federal funds for homeless services, the amount of reimbursements to APC and the Federal Government for costs incurred in transferring and maintaining the property, costs of demolishing the facilities, and costs of establishing other uses that comply with a changed zoning.

I have enclosed minutes from the June 3 2014 meeting and the draft companion ordinance from that period to assist you in your due diligence

Doug Biggs  
Executive Director  
Alameda Point Collaborative  
677 W. Ranger Ave.  
Alameda, CA 94501  
(510)898-7849  
www.apcollaborative.org <<http://www.apcollaborative.org/>>

## LARA WEISIGER

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**From:** Kate Robinson <robinsonkmpl@gmail.com>  
**Sent:** Tuesday, December 04, 2018 1:23 PM  
**To:** LARA WEISIGER  
**Subject:** Statement Regarding the Council Meeting Tonight

Council members,

I am a new homeowner and voter in Alameda, and am very concerned about the housing crisis in the Bay Area. I believe that each city must do everything to create affordable housing immediately, and I am against anything that aims to stall or prevent that from happening.

First: I urge you to remove the G overlay, so that the McKay Ave. center project can continue

Second: I urge you to call for a cost analysis of the open space proposal led by Friends of Crab Cove. They tried to get me to sign their position while in line at the ferry, but they had very spotty information. I see their call for open space as NIMBYism and coded racism! I will not sign a petition that pits low income seniors against open spaces. We can support both!

This Council should do everything in its power to steer all decisions housing first. Affordable housing for the many who need it. We cannot ignore the tents lining the streets leading up to the bridges and tunnels to the island. We need to support our unhoused neighbors by welcoming them to cross that bridge or tunnel, to find a safe and affordable home!

Thank you,

Kate Robinson

## LARA WEISIGER

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**From:** Sia Sellu <siasellu@gmail.com>  
**Sent:** Tuesday, December 04, 2018 1:33 PM  
**To:** LARA WEISIGER  
**Subject:** McKay Wellness Center

Dear Ms. Weisiger,

Please pass along my concerns to the City Council.

I am in support of the McKay Wellness Center. As an Alameda resident living with terminal illness and being low income housing is always a concern as my illness progresses. I feel it is important for Alameda to support the most vulnerable houseless folks in our area.

when I was a housing case manager in Portland Oregon working with seniors, age 55 and over, I coordinated a pilot project called the hospital to home program that dealt with this specific population. My clients typically posed no threat to themselves or others and we're often as so debilitated by both chronic illness and being homeless that they didn't live very long after getting into housing because as you know homelessness can shorten one's life span considerably. I feel uniquely qualified to talk about how valuable such a program would be to our community. I have seen people's health improve, their connections with their community and families rebuild and strengthen and when they could their ability to contribute to their Community increase.

I also would like to address some of the misleading signature gatherers that I've seen in our community. Who operated through fear-mongering, bias and prejudice. Assuming that houseless folks are outside predators who would harm our children and our families. People who typically meet criteria for these sorts of programs are in no condition to harm anyone. In fact their compromised immune systems means that we as a community or more harmful to them. I'm very dismayed that Alameda will have to pay out money for a special election because some folks were standing in front of Grocery Outlet telling things that weren't true to people. I heard a man say to some prospective signers that the city would be "bringing over bus loads of people from East Oakland" to reside in this project. I don't have to tell you how many racist dog whistles are involved in that previous statement. I really think that we cannot reward this behavior.

Sincerely,

Sia Sellu

## LARA WEISIGER

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**From:** Michele McGarraugh <apcgal@gmail.com>  
**Sent:** Tuesday, December 04, 2018 12:41 PM  
**To:** LARA WEISIGER; Malia Vella; Marilyn Ezzy Ashcraft; Frank Matarrese; Jim Oddie; Trish Spencer  
**Cc:** Celena Chen  
**Subject:** Agenda Item 2A for December 4, 2018, Special Meeting

Greetings,

In a matter of hours, a critical vote will be taken by the City Council regarding its required action relative to the open space initiative funded by the Friends of Crab Cove.

Twice in the past, the City Council has had to go through the process of dealing with initiatives regarding changing zoning to open space. Both times, an Impact Report has been ordered to determine the potential costs to the community. We trust that Council recognizes that such is once again the prudent action to take.

Friends of Crab Cove have taken a disappointing position which will serve to deny critical services to our most frail neighbors. Despite the disappointment, we accept that a process must be followed in order to reach our goal of providing care, support and hope to those most in need. Simultaneously we are conscious of the fact that the two prior initiatives had broad community, environmental and other stakeholder support. Friends of Crab Cove, however, relied upon paid signature gatherers funded by neighbors of the proposed project.

With regard to the two previous instances, Council either adopted or was prepared to adopt, a companion ordinance which would protect the City by suspending the ordinance or taking other actions, including taking a special tax to the voters to offset the costs of implementation. We hope that Council will do the same in this instance.

Previously, Council took the prudent steps of ordering a cost analysis, and directed staff to begin work on a suitable companion ordinance. We ask for equal treatment, taking into account: potential legal costs to the City from legal action; potential loss of regional and federal funds for homeless services; the amount of reimbursement to APC and the Federal government for costs incurred in transferring and maintaining the property; costs of demolishing the facilities; and costs of establishing other uses which comply with a changed zoning.

Thank you for your time and your considered action this evening.

Regards,

Michele J. McGarraugh  
Chair, Board of Directors  
Alameda Point Collaborative

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## LARA WEISIGER

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**From:** David Burton <dburton@burtonarchitect.com>  
**Sent:** Tuesday, December 04, 2018 11:53 AM  
**To:** Trish Spencer; Malia Vella; Frank Matarrese; Jim Oddie; Marilyn Ezzy Ashcraft; LARA WEISIGER  
**Subject:** McKay Avenue Wellness Center

> Dear mayor and council members,

>

> I am writing to ask you to vote Yes on the item removing the government overlay on the McKay Avenue site, allowing the Wellness Center to proceed. The Wellness Center will be a welcome addition of desperately needed services to serve the most vulnerable in our community. The site is ideally located to conveniently serve those need Internet its services and will result in little disruption to the existing neighborhood.

> In addition, I strongly urge you on item 2-a of the special meeting to proceed with option 3. I believe it is important for the people of Alameda to understand the cost and time impacts of this proposed initiative measure. This initiative qualified for the ballot thanks to paid signature-gatherers hired by a group that has employed a strategy of misinformation and outright lies to try and stop this much needed facility from moving forward. The signature gatherers have employed aggressive, abusive, and intimidating tactics to harass Alamedans who are shopping, commuting home or to work, or walking on Park Street in the evening. The tactics of the group and their paid help should not be rewarded. Alameda deserves better; let's begin to end the dishonesty by doing a cost analysis.

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> Thank you,

> David Burton

## LARA WEISIGER

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**From:** June <junethebookkeeper@gmail.com>  
**Sent:** Tuesday, December 04, 2018 11:12 AM  
**To:** LARA WEISIGER; Trish Spencer; Malia Vella; Marilyn Ezzy Ashcraft; Jim Oddie; Frank Matarrese  
**Subject:** McKay Ave Project

I support the McKay Avenue project to bring a Senior Housing and Medical Respite Center. I am asking the city council to please remove the G overlay so that this needed project can move forward and modify the General Plan to match the zoning.

The "Friends of Crab Cove" were able to secure enough signatures only by running a very controversial and deceptive petition drive that took them 7 long months to complete. People were told it was about "preserving open space," which sounds innocuous, but without any context as to what it was really about - opposing services for vulnerable residents.

I am requesting City Council to do a cost study of the implications of the ordinance, and then to have it placed in the next general election.

Respectfully,  
June Johnson  
920 Santa Clara Ave  
Alameda

## LARA WEISIGER

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**From:** Jason Biggs <jasonrobertbiggs@gmail.com>  
**Sent:** Tuesday, December 04, 2018 10:54 AM  
**To:** LARA WEISIGER  
**Subject:** Please Support the McKay Respite Center

Dear Lara Weisiger,

My name is Jason Biggs, and I am writing to voice my support for the Senior Housing and Medical Respite Center on McKay Avenue. I am asking the city council to please remove the G overlay so that this wonderful project can move forward.

I do have a couple of disclosures about myself. First disclosure: My father is Douglas Biggs, the Executive Director of Alameda Point Collaborative, the entity overseeing the development of the McKay project. Naturally, I would be supportive because I know my father to be an honorable man who deeply cares about his community. I have no involvement in this project whatsoever, except as a supporter.

My second disclosure: I live 3 blocks away from the McKay location, and my two children attend the two schools closest to this location - Paden Elementary and the Child Unique Montessori. Administrators at both of these schools also support the Respite Center. All of us want to see it succeed, as we feel it's Alameda's moral obligation to help our most vulnerable residents.

The "Friends of Crab Cove" were able to secure enough signatures only by running a very controversial and deceptive petition drive that took them 7 long months to complete. People were told it was about "preserving open space," which sounds innocuous, but without any context as to what it was really about - opposing services for vulnerable residents. The people responsible for Measure K ran a similar kind of signature-gathering effort, and Measure K failed spectacularly because truth and compassion were not on their side. I predict a similar ballot outcome for this "open space initiative," and it would cost Alameda enormously should it result in a special election. For this reason, I am requesting City Council to do a cost study implications of the ordinance, and then to have it placed in the next general election.

Thank you for your time and consideration.

Cordially,  
Jason Biggs

## LARA WEISIGER

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**From:** Elise O'Keefe <elise.okeefe@gmail.com>  
**Sent:** Tuesday, December 04, 2018 10:15 AM  
**To:** LARA WEISIGER  
**Subject:** Crab Cove

Dear City Council Members,

I support the open space initiative, the EA study done is inadequate for the proposed project and inconsistent with the surrounding uses and that Alameda voters approved Measure WW in 2008 to designate that open space and adopted the initiative for the first portion of the parcel in 2014. I urge you to adopt the current open space initiative immediately to complete the original will of the voters to expand crab cove and designate the entire federal property as open space to complete the park boundaries.

Elise O'Keefe  
1381 Fernside Blvd.  
Alameda, CA 94501

## LARA WEISIGER

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**From:** Liz Warmerdam  
**Sent:** Tuesday, December 04, 2018 9:44 AM  
**To:** LARA WEISIGER  
**Cc:** Dave Rudat; ANDREW THOMAS; DEBBIE POTTER  
**Subject:** FW: The concerning of safety of Alameda island  
**Attachments:** alameda island safety, 12022018..docx

FYI

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**From:** Rita Hus [mailto:sunflower2005rita@yahoo.com]  
**Sent:** Tuesday, December 4, 2018 7:54 AM  
**To:** Liz Warmerdam <LWarmerdam@alamedaca.gov>; Amy Wooldridge <AWooldridge@alamedaca.gov>; Liam Garland <LGarland@alamedaca.gov>; PAUL ROLLERI <PROLLERI@alamedaca.gov>  
**Subject:** The concerning of safety of Alameda island

To Whom It May Concern:

Please see the attachments below.

Thank you in advance!

Sincerely Yours,

Rita Hsu, Amy Wang, Henry Xu, Maura Hennessy, Mike Hennessy, Carina Hennessy, Christopher Allen Rogers, Markia Lanace Taylor, Timothy Irving, Alex Naces, Katie Zeitler, Charles Zeitler, Karina Leon, Linda Chan, Kevin Chan, Myron Leung, Peter Holms, Margerat Tang, Fannie Mok, Warrant Jung, Jenny Lo, Maria Fornaeus, Joyce Asmussen, Fred Christensen, He Qing Huang, Tony Daysog, Robert Matz, Rowena Tam, Hui Ping Li, Shao Ning Xu, Erica Saenz, Taylor Griffith, Liz Taylor, Rowena Huang, Dorothy Freeman, Doug Siden, Ambry Capistrano, John I. Lipp, Teresa Courville and Michael S. Linnington

**12/02/2018**

**Dear** Trish Spencer, the mayor of Alameda; Ellen Corbett, Alameda's Board and East Bay Regional Park District Director; Becky Tuden, Environmental Service manager of East Bay Regional Park District; Lois Butler, Economic Development Manager of the City of Alameda; Chris Peeples, AC Transit Director; Frank Matavres, Council Member of the City of Alameda; Tony Daysog, City Council of Alameda elected; Ron Limoges, the Chair of Recreation and Parks Commission of the City of Alameda; Robert E. Doyle, East Bay Regional Park District General Manager; and Kevin Takei, Shoreline Unit Manager of the city of Alameda:

To Whom It May Concern:

We , the citizens, taxpayers, and residents of Alameda and the East Bay area of Alameda County, are writing this letter to you all to express our main concerns about the safety of Alamedans and Alameda island at the present and in the future.

Alamedan and Alameda island safety has been impacted by our overcrowded population and painful traffic jams. We think these are the primary tasks that must acted upon for the protection of the Alameda island.

Everyone, who is working for our Alameda, must know about the geographical characteristics and the density of populations of Alameda's Island before doing inadequate city planning and excessive building.

Alameda's total island area is made of (60 km<sup>2</sup>) 23.0 mi<sup>2</sup> including land = 10.6 mi<sup>2</sup> ( 27 km<sup>2</sup>) and water = 12.3 mi<sup>2</sup> ( 32 km<sup>2</sup>). This is unlike the cities of Oakland and Berkeley, which have a total city area of 77.86 mi<sup>2</sup> (201.66 km<sup>2</sup>) including land = 55.89 mi<sup>2</sup> (144.76 km<sup>2</sup>) and water=21.97 mi<sup>2</sup> (56.90 km<sup>2</sup>) and a total city area of 17.7 mi<sup>2</sup> ( 46 km<sup>2</sup>) area including 10.5 mi<sup>2</sup> ( 27 km<sup>2</sup>) of land and 7.2 mi<sup>2</sup>( 19km<sup>2</sup>) water, respectively. Berkeley has many access roads to other outside cities easily. The population of Alameda has been increasing during the recent years. In the year 2000, the population was 72,259 people with an island density of 2583.3 /km<sup>2</sup> (6,693.4/mi<sup>2</sup>). In the year 2018, the population of Alameda island is estimated to be 79,177 people with an island density of 7309 people/mi<sup>2</sup> (High ) in this small island. The county count shows 204 homeless people live in the city

of Alameda compare to that more than 2700 in Oakland and 972 in Berkeley. But you have to know that numbers matter to this small island of Alameda compare to the big city of Oakland and Berkeley which has more access to outside the cities easily in case of emergency.

Because of the overcrowded population of this island, we are very worried about the traffic and many thousands of cars to be added to our roads and streets as a result of already approved developments. We are also very concerned about the lack of fiscal responsibility and not working in the interest of the citizens of Alameda that the current City Council has demonstrated.

The ongoing construction at College of Alameda and the new development of construction at Alameda Point have started without the vote of the citizens of Alameda. The homeless shelter will be built across the street from Crab Cove of Alameda in the near future despite the neighbors being against it. Again, the city of Alameda has disrespected our citizens' right to vote. Alameda is a charter city which means that it can be managed by any council manager, but it doesn't mean that our voters' rights can be removed. We, the citizens, taxpayers and residents of the island of Alameda, love and care about our island. We are still in charge and have a right to decide the island of Alameda's future. The city of Alameda and this island cannot and should not be controlled by the few council members of the Alameda Planning Board because they are not listening to our voices and not consistently working in the interest of the citizens of Alameda.

Also, according to the other source, the main purpose of the inadequate city and incomplete traffic planning made by the present council members of the Alameda Planning Board is because they wanted to build a freeway from Alameda to the outside and they could not get the money from state due to the population in Alameda that does not meet the require among set by the state. That is why all of sudden people are pouring into Alameda without adequate plans. That is why excessive buildings have suddenly appeared in Alameda. Once again, all these decisions were not voted on by the citizens of Alameda. It is disrespectful to our Alameda.

Due to the inadequate city and traffic planning, it has caused huge traffic congestion problems in the recent years. Many people complain about dealing with the painful traffic jams to go to and from work every day despite the fact that there are four bridges and one Posey Tube on the island of Alameda. But it is



very stressful and frustrating to all of us in our daily lives. Before, it took less than 10 minutes to drive to South Shore Center or visit friends and go through the Posey Tube. Now, it takes 30 minutes or more to leave this island and 20 minutes or more to South Shore or friends' houses. This is and will be very dangerous and increase difficulty for ambulances, firefighters and police who are on duty to save lives. The present council members of the city of Alameda have created these huge problems to Alamedans due to poor management. That has become the major concern to the safety of the residents, environment and island of Alameda. The results of this increase in the risk of public and environmental safety are the following:

- 1 Lack of adequate emergency access out of the island of Alameda. Due to the overcrowded population and heavy traffic congestion resulting from inadequate planning by the city of Alameda, how can the residents of Alameda evacuate in case of flooding, earthquakes or fires? We do not want to see another disappearance of the city like the fire of Paradise. The Posey Tube, which was built in 1928, is the main transportation route for the residents of Alameda to go to outside of the island and has become a very important access road for us to connect to Oakland, Berkeley, San Francisco, Hayward and other cities. But this Posey Tube needs to be repaired and maintained regularly at least twice a year for public safety because some parts are missing, falling and/or loose. We have paid the road repair and transportation funding every year.
2. Increases in crowds and costs in the ER of Alameda hospital due to the stress of traffic jams and many impatient drivers, bikers, and scooters on the roads, streets, parks, beaches. This can lead to accidents or injuries occurring more frequently. Many roads, streets, and school zones in Alameda have a speed limit of 25 mph. But some unsafe drivers, bikers, and scooters speed up to 40 to 50 mph in those 25 mph zones. Many people, especially teenagers and minors, are biking and scooting without wearing helmets and speeding on sidewalks, parks, beaches, roads, and streets. Some of these minors have chased the wildlife at parks and beaches with their bikes and scooters without supervision. They are more prone to getting injured, hurting others, or worse, which can lead to increased health care costs and appearances in the emergency room.

3. Increases in the workload to the Alameda Police Department. Since we have such an overcrowded population on this small island, the more crimes that have been happening, the less chance there is to get help quickly from the police. Some people complain to wait for the police for 20 minutes or more when they need their help. Also, many people are cutting into the bus lane to the Posey Tube from Alameda to Oakland instead of waiting in the correct lanes. However, there is not enough police present to control this kind of behavior during traffic.

4. If the homeless shelter is built at the waterfront across the street from Crab Cove, it will impact the environmental safety due to increases in waste into the bay where many mussels, crab, fish, birds and microorganisms live.

These are the recommendations and requests from us as following:

- A. Respect our citizens' voting rights. Let us, the taxpayers and citizens of Alameda, decide on the island's present and future. Any new city planning must be voted on by the citizens of Alameda.
- B. Increase police patrol to control unlawful speeding and reinforce wearing helmets to all bikers and scooters on the roads, streets, parks, and beaches. All minors must be supervised by adults when scootering and biking on the roads, streets, parks, and beaches. Ban bikes and scooters on sidewalks because they can easily hurt the elderly, young children, and wildlife. There should be an enforced fine of \$100 to \$200 if they break the safety rules and laws. Build bike and scooter lanes.
- C. Re-assess and re-evaluate the planning for the safety of the city of Alameda to reduce excessive building, control the overcrowded population, and make complete plans and work together with CA state AC Transit, transportation companies such as Uber, Lyft, and Lime Bike of Alameda and Oakland to solve the heavy traffic congestion in Alameda.
- D. For environmental protection, preserve our natural environment and protect our neighborhoods including Crab Cove, Crown Beach, Washington Park, and all other parks of Alameda. Keep and build more parks with more trees, flowers, and grasses, which will lead to a better chance in reducing hot temperatures. Also, we don't need to worry about maintaining the grass because the wildlife, such as geese, ducks, other birds, and other animals, help to eat the grass by being Nature's best lawn mowers.

E. Due to the increase in population of Alameda, there are more people going to parks, shopping centers, and beaches, who are unaware of environmental protection and throw trash, plastic, and decomposable items into the parks, ponds, beaches, parking lots, shopping centers, and bathrooms amongst many other places. These behaviors will impact both our lives and the lives of wildlife. Therefore, the education and instruction through the placement of signs in parks and beaches are very important. We need your help to do the following things:

1. Post these signs: “Keep the Ponds Clean”, “No Trash in the Ponds”, “Please Do Not Chase or Throw Things at the Wildlife”, “No Speeding Biking and Scootering in the Park”, “No Dogs can Chase Wildlife”, “Please Love and Respect Wildlife”.
2. Clean the ponds of Crab Cove at least twice a year to provide clean water for the wildlife.
3. Post the sign “Enforced fine of \$200.00 if found dumping any trash in the park.”
4. Provide bins for recycling, composting, and trash in each park and shopping center to educate everyone in how to protect our planet.

F. For wildlife protection, work together with CA state AC Transit and cities of Oakland and Alameda to place “Geese Xing” signs on Webster Street to Posey Tube from Alameda to Oakland and on both sides of Constitution Way. It costs each sign only between \$20 to \$30.

G. Work together with CA state AC Transit and cities of Oakland and Alameda to repair the Posey Tube as soon as possible for the safety of our citizens because tens of thousands of cars and heavy weight trucks go through this tube, increasing the vibration to this 90-year-old structure every day. That is why the Posey Tube needs to be maintained at least twice a year for the citizens’ safety and emergency preparedness. Also, the other four bridges, which are Park Street Bridge, Fruitvale Bridge, High Street Bridge, and Otis Street Bridge, need to be checked for maintenance at least twice a year for

community safety and emergency preparedness. We all have paid the road and transportation funding so we would really like to see this happen.

- H. We, the citizens and residents of Alameda, should not be forced to pay any taxes to the two new constructions at Alameda Point and College of Alameda because we did not vote for them. These excessive buildings were approved by the present council members of the city of Alameda who did not make well-completed city plans.

In conclusion, we, the citizens, taxpayers, and residents of the island of Alameda and East Bay area, are requesting all of you to listen to our voices. Pay attention to Alameda island's safety, please! Our rights must be respected. Our environment must be protected. Our Alameda Island must be preserved and protected. Control overcrowded populations. Solve painful traffic congestion. Please help us. Please take actions to support and help our island of Alameda. Our voices must be heard.

Thank you for your kindness, understanding, and cooperation!  
Happy Holidays!

Best Wishes,

Rita Hsu, Amy Wang, Henry Xu, Maura Hennessy, Mike Hennessy, Carina Hennessy, Christopher Allen Rogers, Markia Lanace Taylor, Timothy Irving, Alex Naces, Katie Zeitler, Charles Zeitler, Karina Leon, Linda Chan, Kevin Chan, Myron Leung, Peter Holms, Margerat Tang, Fannie Mok, Warrant Jung, Jenny Lo, Maria Fornaeus, Joyce Asmussen, Fred Christensen, He Qing Huang, Tony Daysog, Robert Matz, Rowena Tam, Hui Ping Li, Shao Ning Xu, Erica Saenz, Taylor Griffith, Liz Taylor, Rowena Huang, Dorothy Freeman, Doug Siden, Ambry Capistrano, John I. Lipp, Teresa Courville and Michael S. Linnington



## LARA WEISIGER

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**From:** Karen Miller <karenlmiller789@yahoo.com>  
**Sent:** Tuesday, December 04, 2018 9:02 AM  
**To:** Trish Spencer; mezzashcroft@alamedaca.gov; Malia Vella; Jim Oddie; Frank Matarrese  
**Cc:** LARA WEISIGER  
**Subject:** I support OPEN SPACE. Studies conducted on impacts of proposed Wellness Center are inadequate.

Dear Mayor Spencer and City Council Members,

I have lived in Alameda for 21 years, with 9 of those years being on McKay Street, next to Crab Cove State Park. I support your adoption of the open space petition initiative regarding the federal property on McKay Avenue. This would be consistent with the will of the Alameda voters, who previously approved Measure WW, which required that the McKay federal property be rezoned as open space

There are a multitude of reasons why the proposed project, put forth by the Alameda Point Collaborative (APC), should not be built on the McKay property. Many of the reasons are related to the serious lack of adequate study conducted regarding the multitude of negative impacts that would be caused by the project. In this letter, I will focus on the cost of providing city services to the project and the impact of the increased number on emergency vehicles on McKay Street.

I. The Impact of the Proposed Project on Fire and Police Services Was Not Studied Prior to the Proposal of the Project, and the Fire and Police Departments May Not Be Adequately Staffed and Funded to Handle the Potential Impact of the Proposed Project.

I make this statement based on a discussion I personally had with Edmond Rodriguez, who is the Fire Chief for the City of Alameda. On April 5 2018, I attended the "Meet Your Public Officials" event, presented by the League of Women Voters. Each Official present would hold private conversations and answer questions with 4 individuals for 5 minutes each.

During this event, I spoke with Edmond Rodriguez, who is the Fire Chief for the City of Alameda. He advised me that the proposal for the proposed facility (Wellness Center on McKay Avenue) had been put out without knowledge of or input from the Fire or Police Department. He said that he and the Police Chief had just been asked about for an estimate of the potential impact on their staffing and budget. He said that if the Drop-in Center (now called the Resource Center) was part of the project, he anticipated that there would be an increase in the need for emergency services (both medical and possible fire) and that his current staffing and budget would not cover the anticipated increases. He does not think that this area is the appropriate place to put a drop-in center. He is concerned about the impact on the park and the neighborhood.

I am not aware of any adjustments made to the staffing and budget of the Alameda Fire Department and of the Alameda Police Department as a result of the anticipated additional stress on their respective staffing and budgets. If no adjustments have been made, then I would argue that neither Department is fully prepared to deal with the impacts of the proposed project.

II. The "Initial Study and Mitigated Negative Declaration on the McKay Wellness Center" dated September 2018, Minimizes the Proposed Projects Impact on the Fire and Police Departments.

The "Initial Study and Mitigated Negative Declaration on the McKay Wellness Center" (MND) is attached as Exhibit 4 to Agenda Item 6C in the Agenda for the City Council meeting on December 4, 2018.

In the MND, Section 14, Public Services, certain city services are listed as follows:

- i. Fire Protection ?
- ii. Police Protection ?
- iii. Schools ?
- iv. Parks ?
- v. Other Public Facilities ?

The MND then states that the impact from the proposed project, on these city services is a “less than significant impact.” In addition, for the Fire Protection and the Police Protection, the MND states the following, separately for each of the two city services:

“Would continue to do so with existing stations, equipment, and staffing.”

These conclusions are inconsistent with the statement of Fire Chief Edmond Rodriguez that the existing budgets for Fire and Protection services are not sufficient to cover the anticipated need for increased services resulting from the proposed project.

There is absolutely no analysis or discussion as to how they reached these conclusions in the MND. I would argue that the potential impact of the proposed project on Fire and Police services has not been adequately researched, nor adequately addressed.

III. The Impact of an Increased Number of Emergency Vehicles on McKay Street Has Not, to My Knowledge, Been Addressed in Any Report Other Than the MND. And, the MND Minimizes or Ignores the Impacts That Would Result from the Proposed Project.

The McKay Street property is not a suitable location for the proposed project. McKay Street is a narrow street that dead ends into Crab Cove Park. The street is regularly overwhelmed by parking and traffic on weekends, holidays and during events. During the week, school buses are parked on McKay, used to bring children to the park for field trips, nature programs and other events. The park serves many thousands of children every year. Many home owners in the Park Webster Condominiums enter and exit the complex’s parking facilities off of McKay Street.

All entrances to the proposed project’s facility are located on McKay Street. So, any emergency vehicles coming to the facility must arrive via McKay Street. Currently, emergency vehicles that come down McKay Street to provide services related to Crab Cove State Park, park their vehicles on McKay, frequently blocking traffic. Adding the anticipated increase in the need for emergency vehicles (as mentioned by Fire Chief Rodriguez) such as ambulances, fire engines, police cars and paramedics, would result in a serious negative impact on any and all people using McKay Street and Crab Cove State Park.

However, the MND’s analysis of the potential impact of increased emergency service vehicles on McKay Street does not address the impact on all of the current, ongoing traffic, parking and steady stream of people coming to and from Crab Cove. Instead, they only state that they have two entrances to their facility, both off of McKay Street, which does not address the frequency issue or emergency vehicles parking in the street - Section 16) e) Emergency Access: The site provides adequate emergency access for fire department service in the event of the emergency. McKay Avenue provides access to the site and the site includes two means of access to the facilities on the property.

And then, in Section 16 f) the MND totally discounts any impact on people using McKay Street, who are not in motor vehicles, stating - ... nor would the number of trips adversely affect the performance or safety of the transit, bicycle, or pedestrian facilities in the vicinity of the project.

Again, there is absolutely no analysis or discussion in the MND, showing how they reached their conclusions.

IV. The Noise Created by the Sirens of Emergency Vehicles is Not at all Considered in the MND.

The ongoing impact of the noise created by the sirens of emergency vehicles is not at all considered in the MND. In fact, the MND only addresses the permanent increase in noise from the facility as follows: Section 16 c) Substantial permanent increase in ambient noise: Once the short-term construction activities were completed, the only operational noise that would be generated by the project would be from vehicular traffic traveling to and from the site, and from periodic landscape maintenance, which is not treated as a significant noise impact.

Again, there is absolutely no analysis or discussion in the MND, showing how they reached their conclusions.

In conclusion, there is clearly a serious lack of analysis and discussion on these issues. The people living in the neighborhood and using Crab Cove State Park deserve a fair and adequate study of these critical issues, with conclusions backed up with analysis and discussion. The MND does not achieve that level of scrutiny. If the MND is not the appropriate vehicle for the study of the issues, then the City is responsible, on behalf of Alameda citizens, to have the appropriate studies conducted by qualified entities so we are all clear on the potential impacts of the proposed project.

The issues I raise above are just a few of the potential impacts that could occur as a result of the proposed project. A comprehensive study of all pertinent issues must be done.

Sincerely,

Karen Miller  
Alameda Resident



## LARA WEISIGER

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**From:** James Martin <jamesmartinusa1984@gmail.com>  
**Sent:** Tuesday, December 04, 2018 7:48 AM  
**To:** LARA WEISIGER; Trish Spencer; Malia Vella; Marilyn Ezzy Ashcraft; Jim Oddie; Frank Matarrese  
**Subject:** Open Space Initiative for Crab Cove on the Dec 4th Council Agenda

The EA study that was done is inadequate for the proposed project and inconsistent with surrounding uses.

Voters passed Measure WW in 2008 by 71.9%. Significantly more than required certified signatures were gathered in 2018 to qualify for a second petition initiative --- showing continued strong support from the voters. I don't understand why this process is having to be done a second time. The will of the voters was made very clear the first time.

The Mayor and City Council members should immediately adopt the current open space initiative to complete the original will of the voters to expand Crab Cove by designating the entire federal property as open space to complete the park boundaries. I will remember how the Mayor and City Council members handle this situation and will vote accordingly in the next election.

The City of Alameda has less open space than other cities. And Crab Cove is a fun, safe, and relaxing place to spend some time. Crab Cove is listed in [tripadvisor.com](https://www.tripadvisor.com) as one of Alameda's attractions. In addition to our children, thousands of children from all over the state are bused in each year to enjoy and learn about nature at Crab Cove. I enthusiastically support open space in preserving "Alameda's Treasure" for families and especially for our children.

## LARA WEISIGER

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**From:** Stephen Slauson <sslau99950@aol.com>  
**Sent:** Tuesday, December 04, 2018 6:58 AM  
**To:** LARA WEISIGER  
**Subject:** Support of Open Space Initiative to Rezone the Rest of McKay Avenue to Open Space

Hello Ms. Weisiger:

This email is in support of the Open Space Initiative to Rezone the rest of McKay Avenue to Open Space so it can be added to Crab Cove and the Beach. Please forward this to the City Council for their review at the meeting tonight.

Thank You.

Stephen Slauson  
2426 Otis Drive

## LARA WEISIGER

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**From:** Diana DeMaria <littlelegsfurniture@yahoo.com>  
**Sent:** Tuesday, December 04, 2018 6:25 AM  
**To:** LARA WEISIGER  
**Subject:** Tonight's Crab Cove Initiative

Greetings:

I am an Alameda resident and writing today in support of adopting tonight's initiative to keep Crab Cove an Open Space and move the proposed social services to Alameda Point.

Thank you,  
Diana DeMaria  
(503) 319-8601  
1150 Ballena Blvd

## LARA WEISIGER

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**From:** Patricia Gannon <pg3187@gmail.com>  
**Sent:** Monday, December 03, 2018 8:19 PM  
**To:** Jim Oddie; Marilyn Ezzy Ashcraft; Trish Spencer; Malia Vella; Frank Matarrese  
**Subject:** Open Space Ordinance to Rezone the rest of McKay Avenue so that it can be added to Crab Cove and the Beach

Honorable Trish Spencer, Mayor of Alameda  
Honorable City Council Members

Dear Mayor Spencer  
Honorable Members of the City Council

In 2008 a grass roots support movement for open space, Alamedans gathered 6,872 signatures to keep Crab Cove as open space. The Registrar of Voters has certified the Open Space Initiative to Rezone the rest of McKay Avenue to open space so that it can be added to Crab Cove and the Beach.

The Alameda City Council is required by law to adopt the Open Space Ordinance, submit it to the voters in the next election, or get a report on the impact of the initiative. I strongly urge the City to adopt the Open Space Ordinance immediately to complete the will of the voters to expand Crab Cove and designate the entire federal property as open space to complete the park boundaries.

The Environmental Assessment Study is inadequate for the proposed project and is inconsistent with the surrounding uses. Alameda voters approved Measure WW in 2008 to designate that area as open space and adopted the initiative for the first portion of the parcel in 2014.

I strongly urge the City Council to follow the will of the voters and adopt the Open Space Ordinance at your December 4th meeting.

Thank you.

Patricia M. Gannon  
1019 Tobago Lane - 94502  
[pg3187@gmail.com](mailto:pg3187@gmail.com)

## LARA WEISIGER

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**From:** Emily E. Arnold-Fernandez <emily.arnoldfernandez@gmail.com>  
**Sent:** Monday, December 03, 2018 8:16 PM  
**To:** Trish Spencer; Malia Vella; Jim Oddie; Frank Matarrese; Marilyn Ezzy Ashcraft; LARA WEISIGER  
**Subject:** Support for APC's proposal to use McKay facility for senior center, and concerns about "Friends of Crab Cove" tactics

Dear Councillors,

I'm emailing as an Alameda citizen (I live in Central Alameda near the tiki bar) to express my strong support for APC's proposal to use the McKay facility for a senior and transitional wellness center. This is an important and valuable resource for our city, and appropriately expresses Alameda's values.

I urge you to remove the G overlay from the McKay facility currently under consideration for use by APC.

I also urge that you reject efforts by the so-called "Friends of Crab Cove," which has reportedly used misleading tactics to secure signatures to put a competing open space initiative on the ballot, to stymie and delay the APC project. Alamedans who've experienced their tactics report that the so-called "Friends of Crab Cove" have falsely told people that if the petition isn't signed, Crab Cove will cease to exist, that a homeless shelter will be built on the beach, that the kids will be exposed to drug deals, and more. When people spoke up against the misinformation or simply declined to sign, they were often harassed to the point of calling security or the police. I am upset that their deceitful tactics will result in a special election, costing city funds and jeopardizing services for those who need them.

I urge you to conduct a cost study on this open space initiative, prepare opposing arguments regarding the initiative, and prepare a companion ordinance protecting the City from the costs of the initiative.

Many thanks for your attention, and please feel free to contact me if you need further information about my position.

Sincerely,  
Emily Arnold-Fernandez  
Alameda resident

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Emily E. Arnold-Fernandez  
Mob. 415.601.3896

This is my personal email account; for Asylum Access matters, please contact me at [emily@asylumaccess.org](mailto:emily@asylumaccess.org). Thanks!

## LARA WEISIGER

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**From:** bassnjenn@aol.com  
**Sent:** Monday, December 03, 2018 7:26 PM  
**To:** Trish Spencer; Marilyn Ezzy Ashcraft; Malia Vella; Frank Matarrese; Jim Oddie  
**Cc:** LARA WEISIGER  
**Subject:** McKay Avenue project

Dear Mayor Spencer and members of the City Council:

I am writing to you in my personal capacity as an Alameda resident in support of the proposed wellness center on McKay Avenue that you will be considering tomorrow evening. For close to twenty years, I have provided legal advice or worked for the San Francisco Human Services Agency, the lead agency for homeless services in the City and County of San Francisco. I have had the pleasure of working with some of the most brilliant policy makers who work to end homelessness. The two biggest issues facing public sector entities battling homelessness in my experience have been funding and space. Alameda is not immune to the homelessness crisis, and as the housing crisis continues to grow, so will the need for supportive interventions for our most vulnerable citizens, especially those aging in place who face medical issues.

In all my years working in this field, I have never seen the federal government offer a space for free to serve people who have no place to live, who face critical medical needs, or who are on the verge of losing their homes. This project will change lives in our community. Alameda Point Collaborative and Mercy Housing, an entity that has worked on many similar successful housing projects in San Francisco, will provide the necessary infrastructure and expertise to make this project into a program that all Alamedans will be proud of – a program that allows our most vulnerable residents to have a place to live; to get healthy, and to thrive. The City of Alameda has adopted a policy to work together to end homelessness. This project supports that goal and will transform the lives of those Alamedans in most need of care and support in the process.

On May 8, 2018, the Alameda Board of Education adopted a resolution supporting the establishment and operation of this project and offering to dedicate appropriate staff to serve on a stakeholder advisory group to work towards wellness and safety of clients and our community. I believe our local government and our policy makers have a moral imperative to take action to support this project. The time is now to speak with one voice and embrace this opportunity to begin to serve our most vulnerable residents. I respectfully request that you: 1) vote to remove the G overlay for this project; 2) vote to conduct a cost study of the "open space" initiative; 3) direct staff to begin preparing a companion ordinance protecting the City from any liability incurred from this process, and 4) actively oppose the potential initiative action attempting to delay this project.

Thank you for considering my request.

Jennifer Williams

## LARA WEISIGER

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**From:** Duke Austin <duke.austin@csueastbay.edu>  
**Sent:** Monday, December 03, 2018 3:25 PM  
**To:** LARA WEISIGER; Trish Spencer; Malia Vella; Marilyn Ezzy Ashcraft; Jim Oddie; Frank Matarrese  
**Subject:** Open Space Initiative Cost Study

Dear Alameda City Council,

I am writing in regards to item 2A of the special meeting Tuesday evening. Please order a cost study of the open space initiative before placing it on the ballot. There are so many legal and financial implications for the City. Therefore, I believe it is prudent to analyze the costs first before moving forward.

In addition, I support the respite center that the Alameda Point Collaborative is planning for McKay Avenue. In fact, I live in the Park Webster Condominiums which are just across the street from the proposed site. Alameda needs more services for people experiencing homelessness, and I am proud to have the APC in my own neighborhood.

Peace & justice,  
Duke

**Duke W. Austin, PhD**

Assistant Professor  
Department of Sociology  
[Faculty Profile Page](#)

## LARA WEISIGER

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**From:** Diane Cunningham Rizzo <dianerizzo@aol.com>  
**Sent:** Monday, December 03, 2018 1:00 PM  
**To:** Trish Spencer; Malia Vella; Jim Oddie; Frank Matarrese; Marilyn Ezzy Ashcraft; LARA WEISIGER  
**Subject:** McKay Ave Project

We must not shun our homeless, especially our medically fragile seniors.

I strongly support the proposal by Alameda Point Collaborative (APC) to use buildings on McKay Ave for a Respite and Wellness Center. The facility will provide critical housing and medical services for homeless seniors and homeless requiring after care and a place to stay when being discharged from a hospital.

Benefits include:

- Improving the health, housing status, and quality of life for homeless in a dignified and supportive community environment.
- Transforming vacant buildings into well-designed attractive, landscaped, and attractive facilities.
- Dramatically reducing costs for homeless patient healthcare

At the upcoming City Council meeting on December 4, 2018, I am asking you to please vote to approve the following:

- Removal of the G overlay at the McKay Ave site. This is the final step needed for APC to take permanent ownership of the property, which in turn will free up funds for construction. APC has completed all the steps necessary for them to remove the G overlay.
- A mitigated negative declaration issued on the environmental impacts of the project (this states that the project will have minimal negative impacts, all of which can be controlled with proper construction management), the General Plan amendment, and the Zoning Map Amendment for the Wellness Center.
- A cost study of the initiative, and to commit to opposing any attempts to stop the project.

Thank you,

Diane Cunningham Rizzo

Diane Cunningham Rizzo, Director, Development and Communications.  
Girls Inc. of the Island City. 510-521.1743 x201. [www.girlsincislandcity.org](http://www.girlsincislandcity.org)  
Inspiring all girls to be strong, smart, and bold.

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## LARA WEISIGER

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**From:** Jason Buckley <jason.buckley@gmail.com>  
**Sent:** Monday, December 03, 2018 11:53 AM  
**To:** Marilyn Ezzy Ashcraft; Trish Spencer; Frank Matarrese; Jim Oddie; Malia Vella; LARA WEISIGER  
**Subject:** Medical Respite Center

Dear Councilmembers,

I am writing in support of the medical respite center near Crab Cove. The so called "Friends of Crab Cove," much like the recently defeated group of landlords who failed at passing Measure K, have used dishonest signature gatherers to attempt to torpedo what should be a done deal. Besides doing whatever is in your power to stop them from their NIMBY pursuits, please also have the city attorney do all the necessary research to see how the petitioning process can be cleaned up. It's a shame that anyone who can raise enough funds can just hire these mercenaries to lie to the public to attempt to buy themselves a vote.

As this is the last time I'll be writing this particular council, I'd like to take the opportunity to say that to those of you staying on, thank you for supporting renters and housing, and to those leaving, bye.

Jason Buckley

## **LARA WEISIGER**

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**From:** Patricia Baer <2baers@att.net>  
**Sent:** Monday, December 03, 2018 11:53 AM  
**To:** LARA WEISIGER  
**Subject:** Crab Cove

Hello Council Members

I want to urge you to uphold the will of the voters regarding the open space initiative ten years ago.

Since we voted to have the whole federal property zoned open space to be part of the park, I hope you will honor that by adopting the current open space initiative for the second part of it.

This was the democratically decided use of the property then, and should not be changed now.

Patsy Baer

## LARA WEISIGER

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**From:** Barbara Ann Caulfield <boatbride@gmail.com>  
**Sent:** Monday, December 03, 2018 11:40 AM  
**To:** LARA WEISIGER  
**Subject:** Crab Cove Wellness Center - Rezoning Initiative - Cost Study requested

Hi

I am a resident of Alameda and have been for 18 years. I support the wellness center for medically fragile seniors slated for Crab Cove. I understand that an opposition group used dishonest signature gatherers to obtain signatures to support an initiative to rezone the space. I am opposed to this idea as I support the wellness center.

I understand the council must review the initiative and decide whether to do a cost study or put it on the next election.

PLEASE ORDER A COST STUDY, adopt the resolution and place the initiative on the next GENERAL ELECTION - it is unfortunate that any money must be spent on this issue but all effort should be made to expend the least amount of funds necessary.

Thank you

Barbara Ann Caulfield  
60 Ratto Road  
Alameda CA 94502

## LARA WEISIGER

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**From:** Fern Kruger <fern.kruger@gmail.com>  
**Sent:** Monday, December 03, 2018 8:36 AM  
**To:** LARA WEISIGER  
**Subject:** A message for City Council Please adopt the Open Space ordinance and follow the will of the people of Alameda

Sent from my iPhone

**LARA WEISIGER**

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**From:** MIEKLE GLEDHILL <miekleghill@comcast.net>  
**Sent:** Monday, December 03, 2018 10:10 AM  
**To:** City Clerk  
**Subject:** Open Space Initiative at Crab Cove

I have been a residence of Alameda for over 30 years. This initiative was originally approve in 2008 by Measure WW.

The reasons I support an Open Space for the remaining area are:

1. It was previously approved to be open space. This is a government sleight of hand in attempting to have it deemed for a Senior Rehabilitation Facility and not approved by the voters.
2. This is an area heavily occupied by children with schools in the close vicinity. Everyday there are children out there playing and completing in physical fitness events.
3. To place a drug rehabilitation facility on this property would first of all be a detriment to the children playing there.
4. I realize there is a need for a Senior Rehabilitation facility; but it doesn't make sense that it should be placed here when there could be a symbolic relationship with the new Veterans Facility on the old Air Force Base in Alameda.

I am very opposed to this being anything but open space.

Miekle Gledhill

1383 Crown Drive

Alameda, Ca. 94501

## LARA WEISIGER

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**From:** Don Gibson <supranets@yahoo.com>  
**Sent:** Sunday, December 02, 2018 11:02 PM  
**To:** LARA WEISIGER  
**Cc:** Malia Vella; Trish Spencer; Frank Matarrese; Marilyn Ezzy Ashcraft; Jim Oddie  
**Subject:** Open space ordinance petition initiative

Dear City Council,

The Registrar of Voters has certified the Open space ordinance petition initiative with 6,872 signatures. I support this initiative. I am strongly opposed to the McKay project.

Why support the Open space ordinance petition?

- Encourage growth opportunities for Crab Cove, a jewel of Alameda, that brings in 100-200 students per day of recreation and education, plus thousands of families every year.
- Currently, low crime/police issues in this area.
- The Open space ordinance petition initiative is aligned with the Alameda voters approved Measure WW in 2008 to designate the GSA area open space, and Alameda adopted Measure WW for the first portion of the GSA parcel in 2014.
- Maintain safe environments for students. Currently over 1700 students walk in close proximity to the McKay project ---- Encinal High School, Paden Elementary School, and Montessori Pre-School.

### McKay Project Issues

- The EA study is inadequate for the proposed project and inconsistent with the surrounding uses.
- Access for Emergency Vehicles and Siren Disruptions in a residential area.
- Maintenance of McKay Avenue Infrastructure and Facility
- Homeless Loitering or Encampment
- The Resource Center of the McKay project would cause substantial disruption in Crab Cove area with excessive walk-in homeless seeking help, limited resources from the McKay project, and limited security.
- APC is not meeting its prior commitments at Alameda Point.

Please consider these points in your decision process.

Best Regards,  
Don Gibson  
Resident of Alameda

## LARA WEISIGER

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**From:** Linda Robertson <lindalameda@att.net>  
**Sent:** Sunday, December 02, 2018 9:12 PM  
**To:** LARA WEISIGER  
**Subject:** Support of Adoption of Open Space Petition Initiative on McKay Ave.

Dear Ms. Weisiger,

As an Alameda resident since 1994, I support the immediate adoption of the open space petition initiative, regarding the federal property on McKay Ave. The location and property are not suitable for housing seniors with fragile medical conditions in an area (Crab Cove) already popular with children and park goers. The property itself has not had an adequate EA study for the “proposed use”. These buildings date back to 1942, and regulations since would prohibit occupation as such.

Please support the will of the voters in Alameda in opposing this project as not the right location for it.

Thank you,  
Linda Robertson

## LARA WEISIGER

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**From:** zeptember@yahoo.com  
**Sent:** Sunday, December 02, 2018 5:43 PM  
**To:** LARA WEISIGER  
**Subject:** Regarding this Tuesday's meeting: open space initiative

Dear City Council,

PLEASE, in your special meeting on Tuesday, please take action on the open space initiative and place the initiative on the ballot for the next General Election.

Before this past election, signature gatherers stationed themselves at the San Francisco ferry building, where Alamedans were standing in line waiting for the commuter ferry. They mislead people into signing their petition. They neglected to mention their opposition to any shelter or housing, and instead focused their appeal on public park spaces. I let a signature gatherer ramble on at me, and that's when they started going off against proposed housing and/or shelters. I think this deception of the part of these signature gatherers is something that ought to be looked at as well.

Thank you,  
Steph Wades  
San Jose Avenue



## LARA WEISIGER

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**From:** Bronwyn Harris <bronwyn\_harris@yahoo.com>  
**Sent:** Sunday, December 02, 2018 6:48 PM  
**To:** Trish Spencer; Malia Vella; Jim Oddie; Frank Matarrese; Marilyn Ezzy Ashcraft; LARA WEISIGER  
**Subject:** McKay Ave. proposed project & "Friends of Crab Cove"

Hi City Council,

I already sent an email about removing the G overlay from the building on McKay but now I heard that the Friends of Crab Cove (which by the way is using the Crab Cove sign as their profile picture, showing how misleading they are) got enough signatures to put an open space initiative on the ballot.

I am concerned about this for a number of reasons. First of all, I strongly support APC's proposal to use the buildings on McKay for the senior wellness center. I think this is a needed and valuable resource for the most vulnerable in our community. As a neighbor, I see no problems with this project, safety-wise or for any other reason.

Secondly, I have concerns about the Friends of Crab Cove group and their tactics. They hired paid signature gatherers who consistently lied to and harassed anyone near them. They have told people that if the petition isn't signed, Crab Cove will cease to exist, that a homeless shelter will be built on the beach, that the kids will be exposed to drug deals, and more. When people spoke up against the misinformation or simply declined to sign, they were often harassed to the point of calling security or the police. I stopped shopping at Southshore Center while the gatherers were most active because they frightened me - they seemed to target women and would not take no for an answer. They literally frightened me away from shopping in my own city.

Now I have learned that the Friends of Crab Cove have enough signatures (many obtained through lies and harassment) to put the open space initiative on the ballot. I am upset that the deceit is going to cost our city money and attempt to stop services for people who need it.

Please conduct a cost study on this open space initiative, prepare opposing arguments regarding the initiative, and prepare a companion ordinance protecting the City from the costs of the initiative.

By no means should we have a special election for this. I have no idea if the City can do anything about the signature gatherers but one small group of people empowering lying and harassment should not be able to stop services that are needed.

**Bronwyn Harris**  
*Author of **Literally Unbelievable: Stories from an East Oakland Classroom***  
[www.bronwynharrisauthor.com](http://www.bronwynharrisauthor.com)

## LARA WEISIGER

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**From:** Helen Jefferson <rembouilletfr@gmail.com>  
**Sent:** Sunday, December 02, 2018 2:01 PM  
**To:** Barbara Thomas; LARA WEISIGER  
**Subject:** Open space on McKay

Alameda has temperate weather and citizens who can't get enough of our parks and sidewalks. With developers breathing down our neck all open space is precious.  
Please zone this area for open space to keep Alameda the unique jewel in the east bay regional park's crown.

## LARA WEISIGER

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**From:** Annelies Goger <anneliesgoger@yahoo.com>  
**Sent:** Sunday, December 02, 2018 11:11 AM  
**To:** LARA WEISIGER; Frank Matarrese; Marilyn Ezzy Ashcraft; Malia Vella; Jim Oddie; Trish Spencer  
**Subject:** McKay Ave project for homeless seniors

Dear Mayor, City Clerk, and City Council,

I am writing in support of the Alameda Point Collaborative's project for homeless seniors on McKay Ave. I urge you to:

- Remove the G overlay;
- Modify the General Plan to match the zoning; and
- Approve a mitigated negative declaration issued on the environmental impacts of the project, which states that the project will have minimal environmental impacts and that said impacts can be mitigated through proper construction management practices.

I am a policy researcher and am currently in the midst of a national study funded by the U.S. Department of Agriculture interviewing 200 elders age 60 and over about access to food assistance (the Supplemental Nutrition Assistance Program--known as CalFresh in California). In the course of conducting these interviews, I have gained a very thorough understanding of the economic insecurity that elders in poverty are experiencing, and housing is among the most fundamental forms of support that they need to have stable and safe living conditions. In most cases, the poverty that elders experience is due to factors well beyond their control, such as a health crisis, being evicted from their home, or the effects of experiencing a major personal trauma or loss. I have heard this in case after case, after case, and each one is shattering to learn about. As more baby boomers approach retirement age and as the housing crisis in the Bay Area continues to displace people onto the streets, building more senior housing is not only the moral thing to do, it is also cost effective, because cycles of homelessness, healthcare crisis, and incarceration are extremely costly compared to getting people in stable housing and using that as a basis to provide services to get and keep them well.

As a city that vows to be inclusive and welcome EVERYONE, I firmly believe that NIMBYism has no place in Alameda, and that we all have a responsibility to look out for one another and to provide shelter to those who have fallen on hard times. Moreover, while some have claimed that this facility will make Crab Cove less "safe" for kids, to the contrary, I believe that we should treat elders with respect and dignity - not as a threat - and to welcome them into our community to share their wisdom with younger generations. Therefore, rather than building a project for seniors that is isolated from the community, I advocate for our local schools to collaborate and provide opportunities for kids and the seniors to work together on volunteer projects, such as community gardens and cleaning up litter. I'm highly offended by the notion that we should treat elders as a threat without making any effort to get to know them as individuals and hear their stories, and to throw them all into a monolithic bucket labeled "dangerous" rather than differentiating between people who are actually dangerous and people who are not - this is a display of ignorance and prejudice that has no place in our community. I fear that their main concern is to secure their own property values - essentially greed - and to frame it as something altruistic on behalf of kids is not just disingenuous, it's a flat out lie. We don't need to protect a land-owning class that is clearly coming out as the winners in this housing crisis. It is not only appropriate to ask them to step aside, it is a moral imperative given our current housing crisis. Alameda has to do its fair share to tackle this crisis.

I am also very concerned about the Open Space ordinance petition circulated by an organization that calls itself Friends of Crab Cove (FOCC). I urge you to adopt the staff resolution, request a cost study, and place the initiative on the next GENERAL ELECTION.

I ask you to do everything in your power to support the McKay avenue project for homeless seniors.

Thank you,  
Annelies Goger, Ph.D.  
Alameda Resident

## LARA WEISIGER

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**From:** Steve Haines <mrshaines@hotmail.com>  
**Sent:** Sunday, December 02, 2018 10:46 AM  
**To:** LARA WEISIGER  
**Subject:** City Council Meeting December 4 , 2018

For the Mayor and City Council,

I encourage the Council to adopt the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, General Plan Land Use Diagram and Text Amendment for the Property on the West Side of McKay Avenue (APN 74-1305-26-2) (PLN18-0198) to Allow for Private Use of the Property for a Wellness Center; and

Amend the Alameda Zoning Map for the Property on the West Side of McKay Avenue (APN 74-1305-26-2) to Remove the G Government Combining District Designation to Allow for Private Use of the Property for a Wellness Center.

I also encourage the Council to order a Report on the Effect of the Proposed Initiative Measure to change the zoning of the above property to Open Space. Such citizen initiatives are improper protections of the comfortable status quo by the "haves" to avoid the inconvenience of proximity to the "have nots".

Steve Haines  
Kingsbury Court  
Alameda

## LARA WEISIGER

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**From:** Heather Little <heatherlittle9691@gmail.com>  
**Sent:** Saturday, December 01, 2018 8:39 AM  
**To:** LARA WEISIGER  
**Cc:** Marilyn Ezzy Ashcraft; Frank Matarrese; Jim Oddie; Trish Spencer; Malia Vella  
**Subject:** City Council meeting December 4, item 2A of the special meeting

Good morning Laura, I would like the following to be added to the record in response to the Special Session item 2-A of the upcoming December 4th City Council meeting.

Dear Mayor and City Council Members,

I am writing to you about the petition circulated by an organization that calls itself Friends of Crab Cove and the resulting Special Session item that is being discussed on December 4, 2018. I urge you to adopt the staff resolution, request a cost study and place the initiative on the next GENERAL ELECTION. The McKay Avenue project is important for our community because it will serve an under-addressed population that is otherwise at great risk. In addition, I would like you to know about my personal experience with some of the members of this group who were collecting signatures.

Throughout the entire process, I witnessed signature gatherers misrepresent the intent of their petition countless times, simply saying they were "trying to Save Crab Cove's open space." Whether these persons were approaching me, or being lucky enough to overhear their conversations with unaware community members who believed, as anyone would, that they were doing the right thing, the scenario was always the same. I often countered the lies with clarity as to the true intent behind the initiative, and every single time the potential "signer" would decline. Though a few of the signature gatherers would simply walk away, several of them were verbally, and in one instance physically, accosting. There is one example that I directly witnessed, of a mother trying to get to her car and when she declined to sign the petition, I, and everyone inside the Alameda Landing Safeway, watched the ongoing pursuit by the signature gatherer and the resulting verbal barrage of insults. He simply would not leave her alone and harassed her for nearly 10 minutes, all while her terrified daughter sat in the car.

It is my firm belief that the only reason why FOCC obtained enough signatures is because they flat out lied about their initiative and misrepresented their intent to those who were unknowledgeable about the true circumstances.

Please consider their actions as an affront to the good work that Alameda has been putting forth, as of late, and simply put this on the General Election for 2020. If you do not, you will be sending a terrible message about our local politics.

Thanks, Heather

## LARA WEISIGER

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**From:** Denyse <denyse@gmail.com>  
**Sent:** Friday, November 30, 2018 3:35 PM  
**To:** Trish Spencer; Malia Vella; Frank Matarrese; Jim Oddie; Marilyn Ezzy Ashcraft  
**Cc:** City Clerk  
**Subject:** Fwd: McKay Ave. Comments

Dear Mayor and Council Members,

Regarding Item 2A on the special agenda – the open space initiative, I'm writing to urge you to direct staff to conduct a cost analysis and bring back to council, before deciding to put on the ballot. When you do act to put it on the ballot, please move forward with putting this issue to the voters in the next general election and not waste money on a special election.

Enough is enough! It's unconscionable that this project has been held hostage by a very vocal minority who don't feel the need to move forward with providing support for our most vulnerable. Those who oppose this project have lied repeatedly about this project. They have hired signature gathers who have lied and tried to intimidate me (when I just wanted to get some groceries!). I hope you'll say no to their deceit, NIMBYism, and delays. We need to get this done

Please, lets stop with the talk about how we value all our community members, and start taking real action to support *\*everyone\** in our community with the resources and support that *\*everyone\** deserves, and may at one point, require.

Thank you

Denyse Trepanier  
1216 Eagle Ave,  
Alameda, CA 94501

## LARA WEISIGER

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**From:** Carrie Tillman <carrietillman@gmail.com>  
**Sent:** Friday, November 30, 2018 2:08 PM  
**To:** LARA WEISIGER; Frank Matarrese; Marilyn Ezzy Ashcraft; Malia Vella; Jim Oddie; Trish Spencer  
**Subject:** FOCC Petition

Dear Mayor and City Council,

I am writing to you about the petition circulated by an organization that calls itself Friends of Crab Cove. I urge you to adopt the staff resolution, request a cost study and place the initiative on the next GENERAL ELECTION. In addition, I would like you to know about my personal experience with some of the members of this group who were collecting signatures.

As much as I try to run my errands without my boisterous and sometimes unruly 2 year old, it is not always possible. This year, I found myself frequently approached by volunteers of FOCC, particularly outside of grocery stores and especially when I was with my child. I found their approach reprehensible as they seemed to target parents of young children and used a narrative of "Save Crab Cove and your children from the homeless." I found them to be fear-mongering and I stopped shopping in Alameda with my family as a means to avoid them. Not only did they portray our fellow unhoused human beings as dangerous and unwelcome, but they used my child as a means to gain more signatures for their NIMBY, exclusive and immoral cause.

Alameda prides itself in how "Everyone Belongs Here" but the actions of FOCC, show they believe that is only the case for people of privilege. I am someone who benefits enormously from privilege and I am also someone who has been homeless. The ugly reality of being human is that nothing about one's circumstance is guaranteed. If those of us who have housing and food security do not show up for those who do not, it is our moral failing.

I ask you to do everything in your power to support the McKay avenue Wellness Center and all of the work at Alameda Point Collaborative.

Thank you,  
Carrie Tillman  
Alameda Resident



## LARA WEISIGER

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**From:** Doug Biggs <DBiggs@apcollaborative.org>  
**Sent:** Friday, November 30, 2018 12:51 PM  
**To:** LARA WEISIGER; Malia Vella; Marilyn Ezzy Ashcraft; Frank Matarrese; Jim Oddie; Trish Spencer  
**Cc:** Celena Chen  
**Subject:** Regarding Item 2-A on special meeting Dec 4th action on open space ordinance  
**Attachments:** Minutes (5).pdf; 2014-07-01-6-g-revisions-to-ordinance.pdf

Dear Mayor and Council members,

I am writing regarding the action item that has just been added to the agenda for Tuesday night, regarding the action City Council is required to take now that the open space initiative funded by the Friends of Crab Cove has received sufficient signatures.

While we are disappointed that neighbors of the project intent on denying critical services for or most frail. We recognize that this is part of the hurdles a project like we are proposing must overcome.

This is the third time an initiative has been put forward in Alameda to change zoning to open space. The first was in 2000 for Jean Sweeney Park, the second in 2014 for Neptune Point. While these two prior initiatives had broad community, environmental and other stakeholder support, this latest effort relied on paid signature gatherers funded by neighbors of the proposed project.

Despite that, we believe that the City Council should apply the same process to all three initiatives. In both prior instances, the City Council ordered that an impact report be done to determine the potential costs to the community. This is the only prudent action to take, and we would ask the council to be consistent and in this case also order an impact report before moving forward. The impact analysis should take into account

Furthermore it is important to note that in both previous instances the council either adopted (2000) or was prepared to adopt a companion ordinance that would protect the city by suspending the ordinance or taking other actions, including taking a special tax to the voters to offset the costs or implementation.

Therefore the only prudent action the City Council should take on this item at this time is to order a cost analysis, and direct staff to begin work on a suitable companion ordinance, just as was done the previous two times. All we ask for is equal treatment. The cost analysis should take into account the potential legal costs to the City from a lawsuit or lawsuits. The potential loss of regional and federal funds for homeless services, the amount of reimbursements to APC and the Federal Government for costs incurred in transferring and maintaining the property, costs of demolishing the facilities, and costs of establishing other uses that comply with a changed zoning.

I have enclosed minutes from the June 3 2014 meeting and the draft companion ordinance from that period to assist you in your due diligence.

Doug Biggs  
Executive Director  
Alameda Point Collaborative  
677 W. Ranger Ave.  
Alameda, CA 94501  
(510)898-7849

[www.apcollaborative.org](http://www.apcollaborative.org)

Check out [www.caringalameda.org](http://www.caringalameda.org) for information on our exciting new project!

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JULY 1, 2014- -6:00 P.M.

The Special City Council Meeting was cancelled. The following Closed Session Items were not addressed:

(14-276) Conference With Legal Counsel -Existing Litigation (54956.9), Case Name: East Bay Regional Park District v. City of Alameda, Superior Court of the State of California, Alameda County Case No. RG12655685. Not heard.

(14-277) Conference With Legal Counsel – Anticipated Litigation, Initiation of litigation pursuant to subdivision (c) of Section 54956.9 Number of cases: One (As Plaintiff - City Initiating Legal Action). Not heard.

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Lara Weisiger  
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JULY 1, 2014- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:10 p.m. Vice Mayor Ezzy Ashcraft led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(14-278) Proclamation Declaring June 29 through July 5, 2014 as Anthony “Lil” Arnerich Week. [610-40]

Mayor Gilmore read and presented the proclamation to Lil and Norma Arnerich.

(14-279) Presentation of Certificates of Service to Judith Lynch, Historical Advisory Board; Joseph Restagno and Bill Sonnenman, Recreation and Park Commission; and Jennifer Watkinson, Social Service Human Relations Board.

The City Clerk stated no one could attend the meeting to be recognized.

(14-280) Presentation of Award by the Alameda Architectural Preservation Society (AAPS) to Community Development Department.

Chris Buckley and Richard Reutter, AAPS, gave a Power Point presentation and presented a certificate to the Community Development Director.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

Councilmember Tam moved approval of the Consent Calendar.

Vice Mayor 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.]

(\*14-281) Minutes of the Special City Council Meeting, Regular City Council Meeting, and the Joint City Council and Successor Agency of the Community Improvement Commission (SACIC) Meeting Held on June 3, 2014. Approved.

(\*14-282) Ratified bills in the amount of \$2,392,304.88.

(\*14-283) Recommendation to Award a Contract in the Amount of \$269,307 to National Plant Services, Inc. for Citywide Sewer Mains Video Inspection and Cleaning, Phase 7, No. P.W. 03-14-13. Accepted.

(\*14-284) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Repair of Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, FY14-15, Phase 15, No. P.W. 05-14-20. Accepted.

(\*14-285) Resolution No. 14948, "Calling for a General Municipal Election to be Consolidated with the Statewide General Election to be Held in the City of Alameda on Tuesday, November 4, 2014 and Requesting the Alameda County Board of Supervisors to Permit the Registrar of Voters to Render Specified Services to the City Relating to the Conduct of Said Election Pursuant to Section 10403 of the Elections Code." Adopted.

(\*14-286) Ordinance No. 3097, "Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease with Pacific Automated, LLC Doing Business As Brix Beverage for Five Years with an Additional Five Year Option in a Portion of Building 25 Located at 1951 Monarch Street at Alameda Point." Finally passed.

## REGULAR AGENDA ITEMS

(14-287) Resolution No. 14949, "Reappointing Madeline Deaton as a Member of the Public Utilities Board." Adopted.

Councilmember Tam moved adoption of the resolution.

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

The City Clerk administered the Oath of Office and presented Ms. Deaton with a certificate of appointment.

(14-288) Summary: Consider Updating the City's Development Impact Fees (DIF) and Related Sections of the Alameda Municipal Code Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Chapter XXVII, Section 27-3 (Citywide Development Fees); Adding Section 27-4 (Alameda Point Development Impact Fees); Introduction of Ordinance Amending the Alameda Municipal Code by Amending Charter XXVII (Development Fees) by Repealing Section 27-2 (Police and Fire Fee Requirements) in Its Entirety and by Amending Chapter III (Finance) by Repealing Section 3-60 (Residential Dwelling Unit Tax) in Its Entirety; and Approving

Willdan Financial's City of Alameda Development Impact Fees Update and Nexus Study, dated June 2014.

The Assistant City Manager made brief comments.

James Edison, Willdan Financial, gave a Power Point presentation.

The Administrative Services Manager made brief comments.

Councilmember Daysog inquired whether the affordable housing numbers are attributable only to Alameda or include comparison cities.

Mr. Edison responded there is no way to show clearly the number given all variables; stated some jurisdictions have an in-lieu fee or subsidy to be paid to the City which allows affordable housing in another location; Alameda exempts projects with fewer than five units; to date, there has not been any case of an in-lieu fee being paid, as projects have all been exempt or too large to use the in-lieu fee option.

In response to Councilmember Daysog's inquiry, Mr. Edison stated a comparison could not be made with similar projects in other cities regarding the affordable housing component; when averaged, Alameda was higher because the calculations only included half of the cities which have an in-lieu fee option; the best option was to not show an average.

The Assistant City Manager stated not to include the in-lieu fee in the analysis is reasonable since it has not been used.

Mr. Edison continued the presentation.

The Public Works Administrative Management Coordinator discussed outreach and made a brief presentation.

Mayor Gilmore stated parks are a significant portion of the impact fee.

Councilmember Tam inquired how Alameda funds parks without Quimby Act fees that other cities have.

The Assistant City Manager responded parks would be funded by Development Impact Fees (DIF), grants, public/private partnerships like Leydecker Park, the general fund, and possibly the Capital Improvement Program (CIP).

Councilmember Tam inquired whether the City would have an opportunity to receive reimbursement of the DIF from future development.

Mr. Edison responded in the negative; stated the City cannot repay the general fund with impact fees; the funds have to be spent on facilities.

Councilmember Tam inquired whether debt financing can be repaid, to which the Assistant City Manager responded in the affirmative.

Councilmember Chen stated the impact fee for commercial is lower than residential to encourage commercial development for most of the City; inquired why the same concept is not applied to Alameda Point.

Mr. Edison responded commercial fees do not pay for parks or residential uses; stated Alameda Point is a whole infrastructure program, the analysis was a fair share exercise.

The City Manager stated the studies evaluate the program; residents use parks, commercial does not; Alameda Point is separate and any lease or sale revenue is required to go back to Alameda Point for 25 years; there are a different set of impacts.

Councilmember Daysog inquired whether the \$24.2 million DIF listed under public safety is flexible enough to accommodate animal shelter impacts, to which Mr. Edison responded in the affirmative; stated the CIP could be updated every five years depending on the changing needs.

Councilmember Daysog inquired whether there would be flexibility in the future to accommodate a Child Care Impact Fee at the Sports Complex, to which Mr. Edison responded in the affirmative; stated as long as the child care is use-related to the Sports Complex.

Councilmember Daysog commented that workers may view the availability of child care as an economic development tool.

Mr. Edison stated the child care element would be considered as part of a Recreation and Park facility.

Stated a DIF increase could have a negative impact on the development plan; discussed the impact of the 30% increase on property values; urged delaying taking action: Brock de Lappe, Alameda Marina.

Urged delaying taking action on the Alameda Point fees; stated that his residential development company did not have an opportunity to comment; suggested basing the fees on what the City wants to do in the next 30 to 40 years: Scott Roylance, William Lyon Homes.

Stated the Building Industry Association only had a few weeks to review the fees and requests the matter be continued for one month: Lisa Vorderbrueggen, Building Industry Association.

Mayor Gilmore inquired whether Ms. Vonderbrueggen is speaking from the perspective of home builders, to which Ms. Vonderbrueggen responded in the affirmative.

Expressed concern over property builders and stakeholders not having ample time to review the DIF study; urged more time be given to assess impacts: Robert McGillis, Architect, Alameda.

Stated the Government Relations and Economic Development Committee (GREDC) established by the Chamber of Commerce supports staff recommendation: Michael McDonough, Chamber of Commerce.

Urged the DIF not be delayed; stated Alameda will lose money: Robb Ratto, Park Street Business Association (PSBA).

Discussed multi-family housing: Bill Smith, Alameda.

Mayor Gilmore stated there is a difference between the impact fees of Alameda and Alameda Point; Alameda Point development fees are calculated on a per acre basis.

The City Manager concurred with the Mayor, stated Mr. Smith's assumptions regarding multi-family versus single family units do not hold.

The Community Development Director stated Mr. Smith is correct; an Affordable Housing/Unit Fee or Linkage Fee is charged for non-residential development to capture the impacts and need for affordable housing for new employees; however, the Nexus Study focused solely on the DIF and did not address the Linkage Fee which is a separate ordinance; the Linkage Fee is included in all fees assessed on non-residential development.

The Assistant City Manager noted the Nexus Study includes a commercial comparison.

Vice Mayor Ezzy Ashcraft inquired whether the Alameda Point piece could be bifurcated from rest of the City.

The Public Works Administrative Management Coordinator responded bifurcation is possible; however, the City would forego millions of dollars if the item is delayed to September.

Vice Mayor Ezzy Ashcraft stated there was a short window of time to complete the study and present it to Council; other cities have used a longer window.

The City Manager stated if Council decides to extend dialogue with the BIA, staff would recommend a moratorium on building permits until the fees are adopted so no money is left on the table, and everyone pays a fair share.

Vice Mayor Ezzy Ashcraft stated fees have not been increased for 13 years, a 60-day delay should not cause undue harm; that she has complete confidence in report, but encourages delaying approval in order to hear people have dialogue with the BIA.



Councilmember Daysog stated the fee increases are reasonable; Alameda is subsidizing the builders and he shares staff's perspective on moving forward; Alameda Point is not a new project; the City Manager has articulated the City's desire to move the Alameda Point project more quickly on a number of occasions and in trade publications; there was ample time for the BIA to inquire about the project.

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Councilmember Tam left the dais at 8:46 p.m. and returned at 8:48 p.m.

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Councilmember Chen stated that he does not support bifurcating the motion; updating fees is important; Alameda is hard pressed for funding resources; an RFQ was sent out for Alameda Point; developers should know the exact costs per acre; bifurcating is not fair to future developers and sends the wrong message; staff needs to be sensitive and aware of the developments already in the pipeline and do a better job of outreach.

Councilmember Tam inquired how many potential developers with projects in the pipeline attended the public meetings and how were they contacted.

The Public Works Administrative Management Coordinator responded there were at least two developers with projects in the pipeline at the public meeting; stated all developers were contacted via outreach to the Chamber of Commerce, commercial realtors, brokers, local developers, and by following up with the BIA; everyone was provided the same information.

The Community Development Director stated the initial outreach was with the Chamber of Commerce; staff sent information to the commercial brokers list which included at least two members of the BIA; a day after the public meeting, she personally phoned all home builders with active projects to give them a heads up; she personally presented the fees to the Economic Development Board of Realtors and Government Relations Committees.

Vice Mayor Ezzy Ashcraft inquired how many developers were contacted personally, to which the Community Development Director responded four key projects: 1) Andrew Warner, City Ventures, Oak Street and Hangstrom Project; 2) Grant Reid, Lennar Marina Cove II; 3) Scott Roylance, Boatworks; and 4) Del Monte.

In response to Vice Mayor Ezzy Ashcraft's inquiry, the Community Development Director stated Andrew Warner of City Ventures and a representative for Alameda Marina and Shipways attended the June 21<sup>st</sup> meeting.

In response to Councilmember Tam's inquiry, the Community Development Director stated the developers were aware of the initiative and are working with members of the BIA.

Councilmember Tam stated the letter and comments heard this evening indicate that the BIA would like their consultants to review the Nexus Study and delay adoption for 60 days; inquired whether the entire BIA agreed with this direction.

The Community Development Director responded stated she cannot answer the question for the entire membership; however, the homebuilders she spoke with directly were primarily focused on where their projects are in the pipeline and how the fees would affect their specific projects.

Councilmember Tam inquired how a moratorium on building permits would affect developers with projects already in the pipeline.

The Community Development Director responded the Marina Cove II project is the only one ready to pull permits; stated submitting a building permit is the cutoff to be grandfathered and not be impacted by the new fees.

In response to Councilmember Tam's inquiry, the City Manager stated a moratorium would not stop the entitlement process; staff does not recommend it, unless Council decides to postpone the approval; a moratorium should be in place until the issue can be resolved in order to protect the City.

Councilmember Daysog stated that he is concerned with the headline a moratorium would cause; no matter how it is parsed, it is not the message the Council wants to send about Alameda Point.

The City Manager stated a moratorium is not staff's recommendation, just a back-up position.

Vice Mayor Ezzy Ashcraft stated that she fully supports the proposed fees; the moratorium she is suggesting would only be for the rest of the Island.

In response to Councilmember Daysog's inquiry, the City Manager stated the City Clerk polled Council for their availability to meet on July 29<sup>th</sup> in the event the DIF issue needs to be amended or brought back.

The City Attorney stated an emergency interim moratorium could last 45 days; a moratorium done by ordinance can last more than 45 days but must have a first reading at a regularly scheduled meeting, which would be July 15<sup>th</sup>; the second reading could be done on July 29<sup>th</sup>.

Mayor Gilmore stated fees have not been raised in 13 years; that she is sympathetic to home builders, but Council will need to find a way to bridge the delta if the proposed fees are not approved; she is in favor of passing the fees, but if a Council majority decides to extend, she would only agree if there is an accompanying moratorium.

Vice Mayor Ezzy Ashcraft moved introduction of the Ordinance with a modification that the residential DIF for the main island be bifurcated with the condition that a moratorium, as explained by the City Manager and City Attorney, be in place until such time the issue returns, and the Alameda Point DIF proposal move forward.

The motion failed due to a lack of second.

Councilmember Daysog moved introduction of the ordinance.

Councilmember Chen seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Chen, Daysog, Tam and Mayor Gilmore – 4. Noes: Vice Mayor Ezzy Ashcraft – 1.

(14-289) Resolution No. 14950, “Approving the 2014 Alameda County Transportation (ACT) Expenditure Plan and Recommendation to the Alameda County Board of Supervisors to Place a 30-Year Extension and Augmentation of the Existing Transportation Sales Tax on the November 4, 2014 General Election Ballot.” Adopted.

Arthur Dao, Alameda County Transportation Commission (ACTC), made brief comments; and Tess Lengyel, ACTC, gave a Power Point presentation.

The City Manager noted work was done by the City Auditor and Treasurer’s Fiscal Sustainability Task Force; the new measure would double the amount of money going to local roads from the County to the City, which is a sizeable increase and dovetails nicely with the City’s plan for upgrading storm sewers and other facilities.

In response to Councilmember Chen’s inquiry, Mr. Dao stated Alameda is currently operating on one-half cent sales tax; if voters approve an increase in November, the sales tax would increase to one cent, effective April 1, 2015 through 2045; the Council is approving the plan, not how it is funded.

Councilmember Chen stated that he likes that almost \$1 billion is being allocated for much needed affordable transit for youth and seniors.

Councilmember Tam stated the Cities of Livermore, Dublin, and Pleasanton all fell short in securing 66.7% voter approval for the measure in 2012; their Councils were supportive then and now; inquired what is different that the cities were able to secure the votes this time around.

Mr. Dao responded ACTC learned a lesson in 2012 and is more organized; stated education and outreach in the Tri Valley is more robust; ACTC has made \$1.3 billion in transportation improvements in the Tri Valley alone and are making sure the policy makers and voters understand the benefits.

Ms. Lengyel stated there was no sunset date in 2012; voters were more comfortable having a sunset date which gives assurances that the tax does not last forever.

Vice Mayor Ezzy Ashcraft stated that she agrees with having a sunset date; the economy has improved since 2012; she is hopeful meet the threshold ACTC needs.

Councilmember Daysog requested a summary of the Broadway/Jackson improvements contemplated and the \$75 million set aside for the project.

Mr. Dao stated there is no decision on the terms of the project's scope; essentially, the project is beyond freeway improvement; ACTC will continue to work towards a solution with Oakland and Alameda to take care of traffic issues; ACTC is committed to achieving environmental clearance in three years.

Ms. Lengyel noted Alameda Point is mentioned as part of the project description.

Mayor Gilmore thanked ACTC staff; stated it is enlightening to hear the concerns of Oakland and China Town and to see how efficient ACTC staff is; that she is confident the Broadway/Jackson project will move forward in the proposed timeline.

Councilmember Chen inquired whether the free estuary crossing is funded by ACTC.

The Public Works Director responded the shuttle is funded through 2015; Alameda is currently looking for grant funds to go beyond 2015.

Councilmember Chen inquired whether funds for the shuttle are coming out of Measure B, to which the Public Works Director responded in the negative.

Mr. Dao stated ACTC is conducting a comprehensive transit study and has made efforts to write the shuttle into the expenditure plan so that it can be eligible for funding out of the \$300 million community development project funding.

The Public Works Director gave a Power Point presentation.

Expressed support for the measure: Mary Lim-Lampe, Genesis; and Reverend Krista Fregoso, Genesis and St. John's Episcopal.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution and approval of the staff recommendation.

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

(14-290) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of the First Lease Amendment with Environmental Management Services for Twelve Months in a Portion of Building 7, Suite 103 and 112 Located at 851 West Midway Avenue at Alameda Point. Introduced.

The Economic Division Manager gave a brief presentation.

Councilmember Tam moved introduction of the ordinance.

Vice Mayor Ezzy Ashcraft seconded the motion which carried by unanimous voice vote – 5.

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Mayor Gilmore called a recess at 9:39 p.m. and reconvened the meeting at 9:50 p.m.

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(14-291) Introduction of Ordinance Adopting the Alameda Point Waterfront Town Center Plan. Introduced.

The City Planner gave a Power Point presentation.

Councilmember Chen inquired whether the 500 acres of nature preserve include Building 25, to which the City Planner responded in the negative.

Councilmember Daysog inquired whether Alameda citizens have proposed specific language about prioritized wetland creation at Seaplane Lagoon/de-pave park, to which the Chief Operating Officer – Alameda Point responded in the negative.

Councilmember Tam inquired whether the 500 acre nature reserve is Alameda's designation or Federal designation, to which the Chief Operating Officer – Alameda Point responded it is Alameda's designation.

Councilmember Tam inquired whether property was conveyed to U.S. Fish and Wildlife Service (USFWS).

The Chief Operating Officer – Alameda Point responded in the negative; stated the Navy planned to convey the land to USFWS, but negotiations fell through because of landfill liability issues; the Veterans Administration (VA) stepped forward, is willing to accept liability issues and are now the recipients of the land; the USFWS has a biological opinion with strict measures, which restricts the VA from doing anything on the property; the USFWS does not want to upset the delicate environment for the least tern.

In response to Councilmember Tam's inquiry, the Chief Operating Officer – Alameda Point stated the USFWS did not recommend creating wetlands from the area, the wetlands just exist.

The City Planner continued the presentation.

Mayor Gilmore thanked staff for the presentation; stated the huge project has been years in making; thanked the public and the Planning Board.

In response to Councilmember Daysog's inquiry, the City Planner stated the Enterprise District is not subject to the plan; Council already approved a Master Infrastructure Plan (MIP) for the whole base; the Plan supports the MIP.

The Chief Operating Officer – Alameda Point added the plan also implements zoning and creates two sub-districts that need greater attention with more specific detail; the plan finishes entitlements for the district; the Enterprise District is more commercial and not required to have the same level of detail in the plan.

Councilmember Chen inquired whether there are any plans to reserve DIF for wetland creation.

The Chief Operating Officer – Alameda Point responded in the affirmative, stated the DIF has \$79 million allocated for parks and open space at Alameda Point; the Recreation and Park Commission did not recommend any changes to the Plan.

Stated that she is excited about the Plan, but concerned the wetland space will not come to fruition; suggested including a timeline and osprey nest: Leora Feeney, Alameda.

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(14-292) Vice Mayor Ezzy Ashcraft moved approval of considering the Report on the Initiative Measure [paragraph no. 14-294], the Fiscal Responsibility Measure [paragraph no. 14-295] and the Resolution establishing Integrated Waste Collection Ceiling Rates [paragraph no. 14-296] after 10:30 p.m.

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

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Expressed concern over retaining Building 25 while setting a goal to remove pavement: Richard Bangert, Alameda.

In response to Mayor Gilmore inquiry regarding removing pavement, Mr. Bangert stated staff has to be committed to look into methods, costs and funding; a Wetland Mitigation Bank could be created for Alameda Point which would give value to the land; credits from the bank could be sold to developers to mitigate development.

Mayor Gilmore stated there are other projects in the Plan, such as a Sports Complex; inquired about prioritization.

Mr. Bangert responded staff should have a public workshop to discuss priorities; stated there is a big difference between construction of a Sports Complex versus removing pavement.

Expressed support for the Planning Board recommendations regarding the western edge of the Sea Plane Lagoon; urged the City to seek cost information: Irene Dieter, Alameda.

Commended everyone supports the Plan; discussed the importance of wetlands; suggested less intensive, quieter use: William Smith, Alameda.

Stated Building 25 should be removed to create continuity with the wetlands behind the building; expressed concern over impacts of the ferry service on slips and wetlands: former Councilmember Doug deHaan, Alameda.

Vice Mayor Ezzy Ashcraft complimented staff on the report; stated that she met with Irene Dieter and Richard Bangert; projects are done in phases but there is not enough funding for all the projects; prioritizing projects is determined by many factors; the Building 25 tenant has a lot of capital investment in the building and she is hesitant to cast aside a \$250,000 revenue stream; creating wetlands is not a priority, to do so will remove a revenue stream and sends a message she cannot support; inquired whether the sea level rise would eventually address what happens to Buildings 25 and 29.

The Chief Operating Officer – Alameda Point responded in the affirmative for Building 29; stated Building 29 is zoned open space, is currently used for interim leasing and generates \$30,000 lease revenue annually; once the park is funded, leasing would cease; the Planning Board wanted to include language that Building 25 would be removed by the end of build-out of the Plan; staff was against including said language because it would be premature to cut off a revenue source until funding for the park is found; excluding the language preserves the flexibility for continued revenue.

Vice Mayor Ezzy Ashcraft stated having flexibility is compelling; inquired whether language change come back at a later time, to which the Chief Operating Officer – Alameda Point responded in the affirmative; stated the Council has the ultimate decision to rezone land.

Councilmember Daysog stated the entitlement phase of the waterfront area is coming to a close; Alameda is ready to move forward; the Request for Proposals (RFQ) process has started; the plan gives enough details and ideas to allow future developers a great starting framework; suggested creating a mechanism to fund depaving from the revenue-generating buildings within close proximity to the park.

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(14-293) Councilmember Chen moved approval of continuing past 11:00 p.m.

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

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Councilmember Chen stated that he supports the plan; suggested creating a funding reserve by setting aside a portion lease revenues from Building 25; stated the reserve could be used to hire a consultant to create a plan for wetlands and see whether or not wetlands are feasible; he would like to add language giving Council and staff time to reevaluate Building 25 after the park is funded and language which directs staff to work with the community to come up with funding sources for the park; in terms of prioritizing, Alameda has over 20 parks, he would like to see the wetlands.

Mayor Gilmore inquired whether existing language allows Council to reevaluate the existence of Building 25 at any time, to which the Chief Operating Officer – Alameda Point responded in the affirmative.

In response to Mayor Gilmore's inquiry regarding lease revenues, the Chief Operating Officer – Alameda Point stated the fund balance is tight and Alameda needs a long term sustainable budget approach.

Mayor Gilmore inquired whether there is room in the budget to sequester a portion of lease revenues.

The Chief Operating Officer responded staff does not recommend creating a reserve fund; the budget is already tight; there is no need to hire a consultant as cost estimates have already been done and a consultant's scope of work could be accommodated by staff; creating a reserve fund may set a precedent and will impact the budget.

Councilmember Daysog stated the language does not need to be as prescriptive as he originally stated and could be included in the financing strategy; the language could be open ended and just indicate that the creation of wetlands should be investigated.

The Chief Operating Officer – Alameda Point concurred with Councilmember Daysog; stated including language regarding wetlands creation in the financing strategy is a great idea; enhancing existing wetlands is preferred over creating new wetlands, which involves an onerous permitting process; that she is happy to work cooperatively with the community to find funding sources.

Councilmember Tam stated flexibility and accountability for future Councils is important; her department at East Bay Municipal Utilities District (EBMUD) manages wetlands mitigation banks; finding buyers is difficult since habitats take a lot of initial funding; designation of the land as wildlife refuge is an option.

The Chief Operating Officer – Alameda Point suggested including language in the conceptual financing strategy that staff will explore creative funding opportunities, including wetland mitigation banks, potential designation as national wildlife refuge and other opportunistic and creative strategies.



Councilmember Chen stated if a reserve fund is not feasible, there should at least be a draft plan for wetland creation; that he would also like language added that Building 25 be reevaluated when the park is fully funded.

Councilmember Daysog stated that he is wary of being overly prescriptive; being too specific on items happening far into the future would tie the hands of a future Council.

Mayor Gilmore stated that she concurs with Councilmember Daysog; when the park becomes fully funded, it will be logical and obvious for a future Council to determine what to do.

Vice Mayor Ezzy Ashcraft concurred with Mayor Gilmore and Councilmember Daysog; stated many developers have implied that they would take Building 25 out and it does not to be included in a specific plan; that she does not want to tie future Council's hands.

Councilmember Daysog moved staff recommendation to adopt specific plan; inquired whether the revised language needs to be drafted now.

Mayor Gilmore inquired whether Councilmembers Daysog and Tam's comments were direction to staff or actual language.

Councilmember Daysog responded his comments were actual language he wants to add.

The Chief Operating Officer – Alameda Point suggested the recommendation should be to adopt the plan including the Planning Board recommendations with the exception of Building 25, and adding language to address creative funding opportunities in concert with the community.

The City Attorney stated if the language the Chief Operating Officer – Alameda Point suggested is acceptable to the Council, it is on the record and staff can draft the language, which will be passed at the second reading.

The Chief Operating Officer – Alameda Point stated changing the plan is not simple, staff would have to create an addendum sheet and attach to the revised ordinance for a second reading.

Councilmember Daysog clarified that his motion is to approve introduction of the ordinance.

Vice Mayor Ezzy Ashcraft inquired whether Council was modifying the ordinance.

The City Attorney responded in the affirmative; stated Council is approving the ordinance with the addendum sheet.

Councilmember Daysog clarified this motion is to approve introduction of the ordinance with an addendum to address creative funding opportunities in concert with the community.

Vice Mayor Ezzy Ashcraft seconded the motion.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 4. Noes: Councilmember Chen – 1.

(14-294) Recommendation to Receive the Report on the Initiative Measure to Amend City of Alameda General Plan including the 2007-2014 Housing Element and the Zoning Ordinance to Classify Approximately 3.8999 Acres of Land Adjacent to McKay Avenue as Open Space and Consider Options: Option 1 - Adopt the Ordinance; or Option 2 - Adopt a Resolution Submitting the Ordinance to the Voters, Decide Interest in Drafting Arguments and Direct City Attorney to Prepare Impartial Analysis.

The Report on the Initiative Measure and the Fiscal Responsibility Measure [paragraph no. 14-294] were addressed together.

The City Attorney gave a brief presentation on the initiative measure and the fiscal responsibility measure; provided copies and outlined corrections to the ordinances and resolution.

Mayor Gilmore inquired what clarification needs to be made if Council places the measure on the ballot.

The City Attorney responded if Council chooses to adopt the open space initiative, staff recommends language changes to the ordinance: “without alteration” should be added after “The City Council hereby adopts...” and “The City Council shall be authorized to take such measures including, but not limited to, suspension or stay of the effectiveness of the initiative ordinance as are necessary to mitigate any other possible detrimental impacts.”; the changes ensure consistency in the language and conform to the requirements of the law.

Urged more serious analysis of the initiative; stated placing the initiative on the ballot with no analysis of the risk is irresponsible; that does not support a companion measure: Jane Sullwold, Friends of Crown Beach.

Stated the issue spun out of control; legal costs continue to accumulate; urged adoption of the measure without a companion measure: former Councilmember Doug deHaan, Alameda.

Urged adoption of the initiative or placing the initiative on the ballot without companion measure: Irene Dieter, Alameda.

Stated Council would be responsible for any litigation costs that occur from the initiative:  
former Councilmember Karin Lucas, Friends of Crown Beach.

Stated Neptune Point does not need to be housing to meet the Housing Element target:  
Jim Smallman, Alameda.

Stated that he opposes the companion measure; which would bring a lot of opposition from the environmental community: William Smith, Alameda.

Stated that he supports the initiative; the compelling need for a companion measure should be clearly explained to the voters: Harry Reppert, Alameda.

Mayor Gilmore stated Council has received briefings from the City Attorney in closed session on the matter; Council understands the initiative, the companion measure and the ramifications of each; addressed the last speaker, stated the necessity for a companion measure is the City may be forced to pay to defend a lawsuit or a judgment in a lawsuit; Alameda is already struggling to find money for existing parks, paying for another park is not in budget; the fiscal responsibility measure ensures the City's General Fund is protected.

Councilmember Daysog stated the issue is important; if Council adopts the initiative with a companion measure, and the City is sued, the Council would not just raise taxes, but would decide to reprogram General Fund dollars because it is the will of the people; that he supports adopting the initiative tonight.

Councilmember Chen concurred with Councilmember Daysog; stated that he is in favor of adopting the initiative, without any alternation or modification; that he has reservations about a companion measure.

Councilmember Tam concurred with Councilmembers Daysog and Chen regarding the initiative; stated Council should adopt the initiative; after eight years on the Council, she has learned the best way to be silenced is to be sued as it becomes difficult for the Council to explain preferences and views; concurred with speakers that a companion measure does not grant any more authority to the Council that it does not already have; however, the ordinance lets the public know Council's intent and accountability in carrying out its fiduciary responsibilities.

Vice Mayor Ezzy Ashcraft concurred with Councilmember Tam; stated adopting the open space initiative with a companion measure is prudent; inquired whether Council should consider any more specific language to protect the City's interests.

The City Attorney responded in the affirmative; stated the companion measure does allow an avenue for potential actions for Council, including, but not limited to, stay or suspension of the initiative.

Councilmember Daysog inquired whether the additional language to stay or suspend the initiative is an option the Council can exercise if a lawsuit is filed and the City has to deal with fiscal impacts through options such as property taxes, sales taxes, and reprogramming General Fund money; to which the City Attorney responded in the affirmative.

Mayor Gilmore concurred with her colleagues; stated the benefit of adopting the initiative is acknowledging the will of the people; if Council is not sued after 120 days, the property is rezoned to open space; if there is a lawsuit, the Council has authority to manage the fiscal impact of a lawsuit; a primary goal of the Council is to do what is best for the City and protect the General Fund.

Vice Mayor Ezzy Ashcraft moved approval of receiving the report and introduction of the ordinance.

Councilmember Tam inquired whether the motion included the amendment to the ordinance, to which Vice Mayor Ezzy Ashcraft responded in the affirmative.

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

(14-295) SUMMARY: Approve Actions Related to Proposed Alameda Open Space Fiscal Responsibility Measure.

Recommendation to Consider Options Pertaining to the Alameda Open Space Fiscal Responsibility Ordinance Pertaining to the Initiative Measure to Amend City of Alameda General Plan Including the 2007-2014 Housing Element and the Zoning Ordinance to Classify Approximately 3.8999 Acres of Land Adjacent to McKay Avenue to Open Space: Option 1 - Adopt the Ordinance; Option 2 - Adopt a Resolution Submitting the Measure to the Voters, Decide Interest in Drafting Arguments and Direct City Attorney to Prepare Impartial Analysis; or Option 3 - Take No Action.

For the discussion, refer to the Report in the Initiative Measure [paragraph no. 14-294].

Councilmember Daysog moved approval of option 1: introduction of the ordinance with amendments to include language regarding reprogramming the General Fund: “the City Council cuts services or modifies the City Budget in an amount sufficient to pay the judgment and all accrued interest thereon; pay all legal fees associated with defending the claim and lawsuit, make any required improvements to the property and pay for necessary maintenance of the property.”

Vice Mayor Ezzy Ashcraft seconded the motion, suggested including the amendment regarding Council’s ability to “suspend or stay” the initiative in the event of inverse condemnation.

Under discussion, Councilmember Daysog inquired whether the changes the City Attorney suggested are conforming changes, to which the City Attorney responded in

the affirmative; stated change were made for consistency and clarity.

Councilmember Tam noted the changes will be included for the second reading.

In response to Mayor Gilmore's inquiry, the City Attorney stated the second reading of the Ordinance would be July 15<sup>th</sup> and the initiative would become effective in 30 days, which is August 14, 2014.

Councilmember Chen stated that he would not support the motion; stated the additional language has not been vetted by the community; he prefers to delay the initiative, but understands delaying is not an option.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 4. Noes: Councilmember Chen – 1.

(14-296) Public Hearing to Consider Resolution No. 14951, "Establishing Integrated Waste Collection Ceiling Rates and Service Fees for Alameda County Industries, Inc. (ACI) for Rate Period 13 (July 2014 to June 2015)." Adopted.

The Administrative Services Manager and Marva Sheehan, Hilton Farnkopf & Hobson (HF&H), gave a Power Point presentation.

Stated PSBA is in support of the rate increase; thanked ACI for working with PSBA: Robb Ratto, PSBA.

Councilmember Tam moved adoption of the resolution.

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

#### CITY MANAGER COMMUNICATIONS

None.

#### COUNCIL REFERRALS

None.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL COMMUNICATIONS

(14-297) Councilmember Daysog stated that he attended the League of California Cities

Housing and Community Development Meeting; discussed progress on massage parlor laws.

(14-298) Councilmember Tam stated that she attended the League of California Cities Environmental Quality Policy Committee meeting and briefing about the Governor's budget.

(14-299) Mayor Gilmore reminded the public about the Fourth of July Parade.

#### ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 12:56 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

New Series

ALAMEDA OPEN SPACE FISCAL RESPONSIBILITY ORDINANCE  
PERTAINING TO THE INITIATIVE MEASURE TO AMEND CITY OF  
ALAMEDA GENERAL PLAN INCLUDING THE 2007-2014 HOUSING  
ELEMENT AND THE ZONING ORDINANCE TO CLASSIFY  
APPROXIMATELY 3.899 ACRES OF LAND ADJACENT TO MCKAY  
AVENUE TO OPEN SPACE

### SECTION 1. PURPOSE

To ensure that the adoption by the City Council of the "Initiative Measure to Amend City of Alameda General Plan including the 2007-2014 Housing Element and the Zoning Ordinance to Classify Approximately 3.899 acres of Land adjacent to McKay Avenue to Open Space" ("Initiative Ordinance") will not impose on the City of Alameda (the "City") an unfunded liability to pay for and maintain the property, requiring diversion of millions of dollars of City revenues currently used for police, fire, library and other city services.

### SECTION 2. FINDINGS

The City Council of the City of Alameda finds and declares as follows:

WHEREAS, the 3.899 acre portion of Alameda County Assessor's Parcel No. 74-1305-026 (the "Property") is currently zoned for residential development and its General Plan designation is Medium Density Residential; and

WHEREAS, the Property is currently owned by the federal government and the City of Alameda is informed that the federal government is under contract to sell the Property to a private developer who wishes to build residential housing on the Property in accordance with the current zoning and General Plan designation; and

WHEREAS, on February 10, 2014, a Notice of Intent to Circulate a Petition was filed in the Alameda City Clerk's Office for a measure seeking to amend the City's General Plan, including the 2007-2014 Housing Element and the Zoning Ordinance to classify the Property as open space; and

WHEREAS, on February 25, 2014, the City Attorney transmitted a Title and Summary to the initiative proponents and on April 30, 2014, the Petition was filed with the City Clerk and transmitted to the County Registrar of Voters to examine the signatures; and

WHEREAS, based on a random sample examination, the County Registrar determined that the initiative petition contained sufficient valid signatures; and

WHEREAS, the City Council held a public hearing on June 3, 2014 to consider various options pertaining to the initiative and at the same hearing, the Council directed staff to conduct an Impacts Analysis pursuant to Election Code 9212 and bring back an Impacts Report on the effects of the initiative within 30 days; and

WHEREAS, on July 1, 2014, the City Council received an Impacts Report analyzing the impacts of the Initiative and was advised of the potential fiscal impact to the City's General Fund; and

WHEREAS, pursuant to the Election Code Section 9215, the City Council has the option to adopt the Initiative by ordinance; and

WHEREA, on July 1, 2014, the City Council introduced an ordinance to adopt the Initiative to change the General Plan designation of the Property from Medium Density Residential to Parks and Public Open Space and change the zoning on the Property to Open Space, thereby preventing the development of residential housing on the Property

WHEREAS, to ensure that the adoption by the City Council of the Initiative will not impose an unfunded liability on the City to pay for and maintain the property, requiring diversion of millions of dollars of City revenues currently used for police, fire, library and other city services; and

WHEREAS, the City is concerned that the Initiative Ordinance may cause the owner of the Property, or other holder of rights to the Property, to file a lawsuit for inverse condemnation or taking against the City; and

WHEREAS, although the City would defend against any such lawsuits vigorously, there is risk in litigation, and if such a claim succeeds, a court could order the City to pay the Property owner the fair market value of the Property and related monetary relief; and



WHEREAS, the City of Alameda could not pay an inverse condemnation judgment against the City, legal fees associated with responding to an inverse condemnation lawsuit, and costs of continued maintenance of the property if the City is forced to acquire it, without diverting funds from existing services such as police, fire, library, and other city services, or obtaining voter approval of new taxes; and

WHEREAS; alternately, to ensure that the adoption of the Initiative Ordinance would not impose on the City of Alameda an unfunded liability to pay for and maintain the Property, the City could sell the Property if it was able to locate a purchaser; and

WHEREAS, such purchasers could potentially include the East Bay Regional Parks District as Measure WW, approved by voters in 2008, authorized funding for the District that could be used to acquire and improve the Property.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Alameda that:

If, within 120 days after the Initiative Ordinance becomes effective, the City is sued for inverse condemnation, ~~or a taking~~, or any other cause of action based on the General Plan designation and/or zoning change effected by the Initiative Ordinance, the City Council shall be authorized to take such measures, including but not limited to suspension or stay of the effectiveness of the Initiative Ordinance, as are necessary to mitigate any possible detrimental impacts on the General Fund until such time as the lawsuit is finally resolved in favor of the City or, if the lawsuit results in a final inverse condemnation judgment, or other judgment in favor of the plaintiff and against the City, until such time as:

- a) there is a vote of the electorate of the City authorizing new or increased taxes sufficient to pay the judgment and all accrued interest thereon, pay all legal fees associated with defending the ~~inverse condemnation or taking~~ claim and lawsuit, make any required improvements to the Property, and pay for necessary maintenance of the Property; OR
- b) the City Council cuts services or modifies the City's budget in an amount sufficient to pay the judgment and all accrued interest thereon, pay all legal fees associated with defending the claim

and lawsuit, make any required improvements to the Property, and pay for necessary maintenance of the Property; OR

c the City is able to sell the Property to a third party, including but not limited to the East Bay Regional Parks District which has publicly stated it has 2008 Measure WW funds available for this purpose, pursuant to a purchase agreement whereby the new owner would agree to pay to the City a purchase price in a sum equal to the amount of any judgment and all accrued interest thereon, pay all legal fees associated with defending the claim and lawsuit, make any required improvements to the Property, and pay for necessary maintenance of the Property; OR

~~a) d) Any combination of the above. judgment and all accrued interest thereon, pay all legal fees associated with defending the inverse condemnation or taking claim, make any required improvements to the Property and pay for necessary maintenance of the Property, at no cost to the City.~~

### SECTION 3. INTERPRETATION AND SEVERABILITY

- A. This Ordinance shall be broadly construed in order to achieve the purpose stated herein. The provisions of this Ordinance shall be interpreted and implemented by the City and others in a manner that is fully consistent with, and facilitates, the purpose set forth in this Ordinance.
- B. If any portion, section, subsection, paragraph, subparagraph, sentence, clause, phrase or application of this Ordinance is held invalid or inapplicable by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity or applicability of any other part of this Ordinance. Consistent with that, the provisions and applications of this Ordinance shall be deemed severable, and the voters expressly and deliberately declare that each portion, section, subsection, paragraph, subparagraph, sentence, clause, phrase or application of this Initiative would have been enacted irrespective of the fact that one or more other parts or applications is found to be invalid or inapplicable.

### SECTION 4. OTHER MEASURES OR ORDINANCES.

This Ordinance is intended to be complementary and supplemental to the Initiative Measure to Amend the City of Alameda General Plan including the

2007-2014 Housing Element and the Zoning Ordinance to Classify  
Approximately 3.899 acres of Land adjacent to McKay Avenue to Open Space  
Ordinance and is not intended to conflict or compete with that measure in any way.

#### SECTION 5. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

**LARA WEISIGER**

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**From:** Tracy Johnson <tracy.mccuiston@gmail.com>  
**Sent:** Friday, November 30, 2018 11:05 AM  
**To:** LARA WEISIGER  
**Subject:** Opposition to Crab Cove Open Space Ordinance

Good morning,

I am writing to express my opposition to the open space ordinance put forth by the Friends of Crab Cove group and to urge the council to place the initiative on the next general election. I encountered several of the people gathering signatures for the "Friends of Crab Cove" resolution and they gave very misleading information. They stated that they were trying to protect the park from development and made it sound like the park and beach were in danger. There was no mention of the project they were trying to block or of the actual location of said project. I did not sign the petitions because I wanted to do more research and I am glad I did! I think many people who signed the petition were misled about what they were supporting and would not have signed if they had not been lied to. Please give the residents of Alameda the opportunity to vote on this matter after being correctly informed about the issue.

Thank you,

Tracy McCuiston Johnson  
915 Shorepoint Court #E205  
Alameda, CA 94501