

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -MAY 5, 2015- -7:00 P.M.

Mayor Spencer convened the meeting at 7:05 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

(15-288) The City Clerk announced that the Resolution amending the Alameda Municipal Power Unrepresented Management Employees salary schedule [paragraph no. 15-301] would be heard at a later date.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(15-289) Proclamation Declaring May as Older Americans Month.

Mayor Spencer read the proclamation and presented it to Rom Limogs, Mastick Senior Center Advisory Board.

(15-290) Proclamation Declaring May 7 to May 18, 2015 as the 19th Annual East Bay Affordable Housing Week “Here to Stay: Building Inclusive Communities.”

Mayor Spencer read the proclamation and presented it to Laura Thomas, Renewed Hope and Easy Bay Housing Organization (EBHO), Helen Sause and Dian Lichtenstein, Alameda Home Team, and Neil Saxby, EBHO.

Ms. Thomas, Ms. Sause and Mr. Saxby made brief comments and submitted information.

Following the other proclamations, a video was shown on Jack Capon Villa and Councilmember Ezzy Ashcraft made brief comments on an award the City received for the project.

Mayor Spencer made brief comments on Jack Capon.

(15-291) Proclamation Declaring May 11 through May 16, 2015 as Salvation Army Week.

Mayor Spencer read the proclamation and presented it to Captain Dan Williams, Salvation Army.

(15-292) Proclamation Declaring May 14, 2015 as Bike-to-Work Day.

Mayor Spencer read the proclamation and presented it to Lucy Gigli and Donna and Emma Eyestone.

#### ORAL COMMUNICATIONS, NON-AGENDA

(15-293) Robb Ratto, Park Street Business Association, submitted copies of a Chronicle insert on Alameda, discussed the endeavor and thanked the sponsors.

(15-294) Ken Peterson, Alameda, expressed concern about ongoing operational and financial burdens of the City; other cities are doing well and Alameda is having difficulty.

(15-295) Anne DeBardeleben, Alameda Realtors Association, showed a video and submitted information regarding a bone marrow registry drive for Joey LoParo.

(15-296) Michael John Torrey, Alameda, stated the College of Alameda One Stop Career Center is holding a job fair tomorrow at 10 a.m.

#### CONSENT CALENDAR

Mayor Spencer announced that the ordinance pertaining to retention of grocery workers [paragraph no. 15-302] was removed from the Consent Calendar for discussion; and the Alameda Municipal Power Unrepresented Management Employees salary schedule [paragraph no. 15-301] would not be heard.

Councilmember Ezzy Ashcraft moved approval of remainder the Consent Calendar.

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

(\*15-297) Minutes of the Special City Council Meeting Held on April 1, 2015; and the Special City Council Meetings, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular City Council Meeting Held on April 7, 2015. Approved.

(\*15-298) Ratified bills in the amount of \$3,986,874.15.

(\*15-299) Recommendation to Approve the Execution of a Reciprocal Tax Information Sharing Agreement between the City of Alameda and the Franchise Tax Board of the State of California. Accepted.

(\*15-300) Recommendation to Authorize Call for Bids for Legal Advertising for the Fiscal Year Ending June 30, 2016. Accepted.

(15-301) Adoption of Resolution Amending the Alameda Municipal Power Unrepresented Management Employees (AMPU) Salary Schedule Revising the Salary Ranges for the Classifications of Assistant General Manager - Administration, Assistant General Manager - Energy Resources Planning, Assistant General Manager – Customer Resources, and Assistant General Manager - Engineering & Operations. Not heard.

(15-302) Ordinance No. 3124, “Amending the Alameda Municipal Code by Adding Chapter VI, Article XIII, Section 6-56 to Impose Requirements Relating to the Retention of Grocery Workers in Certain Circumstances involving the Transfer of Ownership of Large Grocery Establishments.” Finally passed.

Stated that he is opposed to the ordinance; expressed concern over the message being sent to the business community, which might result in fewer jobs: Rion Cassidy, Alameda.

Councilmember Oddie moved adoption of the ordinance.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer stated the State court case to provide safe food supply only applies to stores over 15,000 square feet.

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

(15-303) Ordinance No. 3125, “Amending and Restating Ordinance Levying Special Taxes within the City of Alameda Community Facilities District No. 13-1.” Finally passed.

### REGULAR AGENDA ITEMS

(15-304) Receive Report on the Mastick Senior Center 2014 Annual Report.

The Mastick Senior Center Director and Board President gave a Power Point presentation.

Vice Mayor Matarrese moved approval [of accepting the report].

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

(15-305) Resolution No. 15031, “Adding Additional 2015 Regular City Council Meeting Dates.” Adopted.

The City Clerk gave a brief presentation.

Councilmember Ezzy Ashcraft stated adding more meetings is hard on staff and members of the public; additional meetings do not have to be the entire year, Council could vote to revert back to the original schedule; that she supports the resolution.

Councilmember Oddie stated that he will not support the resolution; the Council could be more efficient in how meetings are done; the Mayor gives courtesy to go over the three-minute speaker limit; the public should respect that time adds up; the City of Oakland has a four-minute cap on Councilmember comments; suggested being more efficient and respectful; stated the issue could be revisited in three months.

Councilmember Daysog stated the public is well served when staff is fresh and on their toes; he is open to adding more meetings; would like to hear input from the Open Government Commission.

Vice Mayor Matarrese stated the Alameda Reuse and Redevelopment (ARRA) held regular meetings to discuss Alameda Point redevelopment; the meeting went away, but the development did not; that he supports the resolution; until Alameda Point is substantially under the rest of the City, it is appropriate to set aside meetings for timely discussion which allows the public to participate at a reasonable hour.

Mayor Spencer stated she is concerned Council would be meeting past 11:00 p.m. three times a week.

Councilmember Ezzy Ashcraft stated Council could follow Oakland's four-minute rule.

Mayor Spencer stated she would like feedback and will not support the resolution if meetings go past 11:00 p.m.

Councilmember Oddie moved approval of tabling the item for 60 days and having the matter go before the Open Government Commission first.

Mayor Spencer seconded the motion.

Vice Mayor Matarrese stated waiting 60 days could potentially take away any value gained from the extra meetings; additional meetings provide Council the ability to hear initiatives, referrals and follow-up.

The City Attorney stated the additional meetings would be Regular Meetings which would allow ordinances to be introduced.

Vice Mayor Matarrese stated Council could choose not to introduce ordinances in the additional meetings.

Councilmember Ezzy Ashcraft stated that she does not want to tie staff's hands; the additional meetings would not start until June; additional regular meetings are a good idea.

Councilmember Oddie stated that he would support a compromise to have meetings added in June or July and withdrew his motion.

Councilmember Daysog concurred with Councilmember Oddie on a compromise; stated that he would like input from the Open Government Commission.

Vice Mayor Matarrese moved approval of adding regular meetings on the second Wednesday of June and July, and evaluating scheduling more meetings at the end of the July.

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

The Interim City Manager requested clarification about whether ordinances could be introduced at the additional meetings.

Vice Mayor Matarrese moved approval of not having ordinances introduced at the Wednesday meetings and saving them for Tuesday nights unless there are legal ramifications.

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

(15-306) Resolution No. 15032, "Establishing Integrated Waste Collection Ceiling Rates and Service Fees for Alameda County Industries, Inc. (ACI) for Rate Period 14 (July 2015 to June 2016)." Adopted.

The Deputy Public Works Director and Assistant City Attorney gave a Power Point presentation.

The Assistant City Attorney explained the 10% franchise fee included in Option 3 has to be done by ordinance to amend the franchise fee agreement.

In response to Mayor Spencer's inquiry about the franchise fee, the Deputy Public Works Director stated the amount is a little over \$90,000.

In response to Councilmember Oddie's inquiry, the Deputy Public Works Director stated ACI is paying the franchise fee on the incremental cost; the City is receiving the additional cost for the franchise fee.

The Deputy Public Works Director continued the presentation.

Councilmember Ezzy Ashcraft inquired the vote outcome in other cities.

The Deputy Public Works Director responded the City of Livermore approved a similar proposal; the City of San Leandro vote will take place later this month.

Councilmember Ezzy Ashcraft inquired at what point will the City know if the rate increases would be sufficient to support the agreement.

Kent Kenny, ACI, stated the MOU sets a structure to go forward in the next five years; the bigger issue is ACI's credit facilities with banks is up in June; it is imminent to show the banks that ACI has cooperation with the cities and the union; the intent is to move forward July 1<sup>st</sup>.

Councilmember Ezzy Ashcraft inquired whether ACI's position is that small incremental increases would be sufficient, to which Mr. Kenny responded in the affirmative.

Fred Pecker, International Longshore and Warehouse Union (ILWU), stated the ILWU and ACI are close to an agreement similar to what has been done in other cities.

Councilmember Ezzy Ashcraft inquired whether it is ILWU's position that the proposed rate increases are sufficient, to which Mr. Pecker responded in the affirmative; stated the process being contemplated creates a standard in labor value; having medical benefits is big.

Councilmember Daysog inquired whether the medical portion of the agreement is driving the uncertainty, to which Mr. Kenny responded in the negative; stated all three cities have to participate; ACI would like the agreements to be fair across the board.

Mayor Spencer inquired whether annual reviews will still take place, to which the Deputy Public Works Director responded in the affirmative; stated Alameda's franchise requires annual adjustments; reviews happen two years with indexed rate review; the third year is a more detailed rate review; staff would come back to Council with a recommendation for adjustments next year.

Mayor Spencer inquired whether there could be a difference in the numbers, to which the Deputy Public Works Director responded in the affirmative; stated rate impacts are measured as projections.

In response to Councilmember Oddie's inquiry regarding the impact of the wage component, the Deputy Public Works Director stated the adjustment would be in effect July 1, 2015.

Councilmember Oddie inquired which portion of the rate increase attributes to the wage, to which Councilmember Daysog responded \$1.76.

Councilmember Ezzy Ashcraft inquired whether the multi-family pick up pilot program will start on July 1<sup>st</sup> or staff will report back to Council.

The Deputy Public Works Director responded if the program is approved, staff will evaluate the requirements and structure of the pilot program and return to Council.

Councilmember Ezzy Ashcraft stated that she is more interested in how the public will be informed; she wants to make sure there is an effective means of getting information to the community.

Stated ACI workers help the City's goal toward zero waste; urged Council to support Option 3: Pedro Sanchez, ACI.

Stated there is huge support for recycling as public policy; he appreciates the liberations allowed by staff and the Council; Alameda is part of historical change in making recycling truly sustainable: Fred Pecker, ILWU.

Expressed excitement and appreciation that Alameda is joining the Countywide standard for wages and benefits; that she supports the staff recommendation: Ruth Abbe, Sierra Club.

Stated ACI workers deserve a living wage; urged Council to pass the item: Robb Ratto, PSBA.

Stated low wage workers are not free; the government provides subsidies; urged Council to pass the item: Bill Smith, Alameda.

Vice Mayor Matarrese moved adoption of the resolution to establish integrated waste collection ceiling rates and service fees for ACI as described in Option 3.

Councilmember Oddie seconded the motion.

Councilmember Ezzy Ashcraft stated that she would like to see workers treated fairly; there should also be reasonable and just cost for ACI; she supports Option 3.

Councilmember Oddie concurred with the Council and speakers; stated it is a testament to everyone working together; ACI complied with the living wage ordinance and bargained with ILWU to bring workers out of poverty and provide benefits.

Councilmember Daysog inquired whether the 7.7% adjustment would continue the next year or if there would be a more typical index adjustment.

Marva Sheehan, HF&H, responded the 7.7% adjustment is attributable to the sorter wage increase; the next year would be a cost based year where everything is reviewed in total; there are also health benefit impacts; adjustments would be dealt with in the usual way.

Councilmember Daysog stated that he appreciates the charts and additional information provided regarding San Leandro and Livermore; he is ready to support the resolution.

Mayor Spencer stated staff did a great job on negotiating a compromise; thanked the ACI workers.

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

(15-307) Public Hearing to Consider Adoption of the Community Development Block Grant (CDBG) Fiscal Year (FY) 2015-20 Five-Year Strategic Plan and the FY 2015-16 Action Plan, and Authorize the City Manager to Negotiate and Execute Related Documents, Agreements, and Modifications.

The Housing and Community Development Program Manager gave a Power Point presentation.

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Councilmember Daysog left the dais at 9:13 p.m. and returned at 9:14 p.m.

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In response to Councilmember Ezzy Ashcraft's inquiry, the Housing and Community Development Program Manager stated all public service application would receive their full requested amount this year; the remaining \$6,753 was set aside for a rent conciliation program and would be reprogrammed back into public services if a rent conciliation program is not needed.

Mayor Spencer requested the chart summary be shared on the screen for the public.

Thanked Council for funding; discussed programs provided by his organization: James Treggiari, Legal Assistance for Seniors.

Thanked Council for their support; stated many families have been helped by the services funded by the grants: Patricia Bidar, Building Futures with Women and Children (BFWC).

Thanked the Social Service Human Relations Board (SSHRB), Council and staff for support; stated the grant keeps them anchored in the City: Erin Scott, Family Violence Law Center.

In response to Councilmember Ezzy Ashcraft's inquiry, Doug Biggs, Alameda Point Collaborative (APC)/SSHRB, stated the Community Based Development Organization (CBDO) funding is a specific CDBG designation for organizations that comply with very strict guidelines for community development; CBDO's ultimate goal is to train and prepare low income residents for employment; the public service allocation has a cap;

CBDO is not included in the cap which allows more services without negatively impacting BFWC and the Food Bank; the SSHRB does not use CBDO funding.

Councilmember Ezzy Ashcraft moved adoption of the CDBG Five-Year Strategic Plan.

Vice Mayor Matarrese seconded the motion.

Under discussion, Councilmember Daysog stated that he supports the resolution; the speakers representing 15% of the dollars being deliberated is key; the remaining 85% underscores the abiding partnership with the Housing Authority; there is crying need for affordable housing.

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

(15-308) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Article XII to Chapter VI Concerning the Review of Rent Increases, and Adding Section 2-23 to Article II Concerning the Creation of a Rent Review Advisory Committee (RRAC); and Recommendation to Provide Direction to the City Manager Regarding a Study to Analyze the Impacts of Rising Rents on Alameda Residents. Not introduced.

The Community Development Director gave a brief presentation.

Councilmember Oddie stated the draft ordinance language: “attempts to evict a tenant within six months after a requested hearing is deemed retaliatory” is an incorrect blanket statement; retaliatory action is a presumption and the landlord should be allowed to present evidence to rebut the presumption.

The City Attorney stated the ordinance’s intention is to provide a process to amicably work out rent issues, not to have City enforcement; the ordinance allows the City to fall back on State law.

Councilmember Oddie stated the language is too precise; there may be valid reasons for a tenant eviction within six months after a hearing; there would be no defense for the landlord; the law is retaliatory actions are a presumption that could be overcome.

The Community Development Director inquired whether substituting “deemed” with “presumed” would suffice.

The City Attorney stated the intention is to rely on the Civil Code; she would look up if it is misstated.

Councilmember Ezzy Ashcraft stated that she is troubled by the practice of issuing a 60-day notice to vacate in lieu of a rent increase notice; inquired whether the City can do anything to prevent the practice and how many times it has occurred.

The Community Development Director stated the City cannot do anything without a just cause eviction ordinance; the occurrence of the 60-day notices is a relatively new phenomenon with the discussion of putting more teeth in the rent review process, which could be a strategy for those less interested in the RRAC process.

Councilmember Ezzy Ashcraft suggested the propositions do not have to be mutually exclusive.

The Community Development Director stated staff has only heard about a few instances of the 60-day notices.

Councilmember Ezzy Ashcraft stated that she would like some attempt to quantify the number of Alameda tenants having a problem.

Councilmember Daysog stated the RRAC makes a determination in the current process whether or not the property owner is involved; the new process would provide the tenant the ability to cite the ordinance and void the rent increase; the property owner could choose to disagree with the RRAC determination; the process is just a mechanism to get the property owner to attend the meeting.

The Community Development Director concurred with Councilmember Daysog; stated the proposed ordinance mandates participation; any outcome or mediated solution is voluntary.

The City Attorney stated that she found Civil Code citation; the law says “in an action brought by or against the lessee, the lessee should bear the burden of producing evidence that the lessor’s conduct was in fact retaliatory of retaliatory;” suggested changing the language in the notice to reflect that efforts to evict a tenant within six months of requesting a hearing: “may be used as evidence in a retaliatory eviction”.

Councilmember Oddie concurred with the City Attorney; stated changing the language would work.

Stated that she is excited about the RRAC’s added strength; encouraged renters to use the ordinance as a tool to deal with rent increase issues; urged Council to find ways to address 60-day notices: Angela Hockabout, Alameda Renters Coalition (ARC)

Read a letter from Tony Berg in support of the proposed ordinance Option A: Anne DeBardeleben, Alameda Association of Realtors.

Urged Council to do something about rent increases: Ute, Alameda.

Presented a rental increase notice she received; stated her landlord increased her rent by \$170: Barbara Duncan, Alameda.

Stated that he applied to the RRAC with 30 other tenants last year and was able to

lower a 25% rent increase to 10%; he received another rent increase this year; he supports ARC and Ordinance A: Garfield Kincross, Alameda.

Stated ARC is not opposed to all rent increases, just egregious ones; that he supports Ordinance A: Jon Spangler, ARC

Stated that he supports Ordinance B; suggested giving tenants longer notice: John Sullivan, Alameda.

Stated that she supports Ordinance B; the small group of landlords being asked to carry the full burden of the issue is unfair; the core issue is lack of housing stock: Karen Bey, Alameda.

Stated the value of properties have increased; property owners do not need to penalize tenants to make a profit; the RRAC is doing good work, but all the power is with the property owners: Catherine Pauling, Alameda.

Councilmember Oddie stated disturbing words such as “punishment” and “penalize” were used in twitter and on the blogs; Council is not being punitive; the process is mediation and all parties should work together; that he is concerned that adding a threshold would deprive certain tenants; he would like to see data to evaluate the extent of the issue; he would rather make a decision based on a study rather than what is on twitter.

Councilmember Daysog stated that he has always wanted to have official bodies deal with housing related issues; comments have been heard from property owners and tenants regarding a threshold; the RRAC advises no threshold; that he supports Ordinance A.

Councilmember Ezzy Ashcraft stated there is no threshold now and the process is working well; the biggest issue is lack of awareness; adding the availability of RRAC services to all leases in Alameda is the next step; understanding that a resolution may not happen is important, but meeting face-to-face increases the likelihood of resolution; there is no one magic solution and housing stock cannot be added overnight; ways to increase the number of affordable units with existing housing stock could be explored; the City could consider waiving transfer tax in exchange for an agreement to hold rent increases at a certain level and criteria.

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(15-309) Mayor Spencer stated a vote is required to consider the remaining agenda items: Webster Street BIA [paragraph no. 15-311], Park Street BIA [paragraph no. 15-312], subcommittee selection [paragraph no. 15-313], the referral [paragraph no. 15-315] and the nominations [paragraph no. 15-316].

The City Clerk noted in order to be included in the business license mailing, the BIA items need to be addressed tonight.

Councilmember Oddie moved approval of considering the remaining items.

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

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Vice Mayor Matarrese stated both ordinances provide a fair and reliable process; that he would not like a threshold; tenants will have same rights they currently have; creation of the RRAC is important; that he supports Ordinance A.

In response to Mayor Spencer's inquiry regarding whether a tenant has to prove financial hardship as specified in the ordinance, the City Attorney stated the intent of the language is so the tenant can pursue the process if they have a problem meeting the financial burden of the rent increase.

Mayor Spencer requested modifying the language of the ordinance to that effect.

Councilmember Ezzy Ashcraft stated Section 2-23.4 includes initial language that is consistent; that she would like to hear any modifications before she approves them.

Mayor Spencer stated the financial hardship issue should be included on a list of issues.

The City Attorney stated that she will come back with alternative language.

Mayor Spencer stated commission members should be Alameda residents.

The City Clerk stated the Transportation Commission allows for members that have businesses in Alameda and work for the School District.

Mayor Spencer stated it is her position that commission members should always be residents because important decisions will be made which impact the community.

Councilmember Ezzy Ashcraft suggested reviewing the data with a consultant; stated the City of San Leandro has one landlord member who is a resident and one who is not.

Mayor Spencer stated that she would like to add language: "and housing provider to respond" after "tenant can voice concern about a rent increase"; excluding certain landlords from rent control is a major concern; she would like a legal opinion on whether or not a landlord who rents a room in a private home would be excluded under Costa Hawkins; the landlords should be required to provide the notice.

Councilmember Daysog stated that he concurs with the RRAC recommendation requiring commission members be residents; business license fees for landlords renting rooms in private residences could be considered a revenue source; regarding Costa

Hawkins issues, language regarding a separability clause should be contemplated in the ordinance.

Mayor Spencer stated a consultant report would cost \$35,000; she would be interested in knowing the percent of rentals excluded under Costa Hawkins; she strongly supports addressing the highest percentage, if not all, rentals in the community; her focus is the effectiveness once the changes move forward.

Councilmember Ezzy Ashcraft requested clarification on the Mayor's comments regarding rent control.

Mayor Spencer stated she is not suggesting rent control; the profile of rental market conditions includes rent increases across the board which may suggest Council could make changes to address all concerns; recognizing Costa Hawkins excludes a significant amount of rentals is important; strengthening the RRAC is important; emphasized RRAC is voluntary; stated that she would like quantitative data.

The City Attorney clarified that Costa Hawkins applies to duplexes and apartments built before 1995 and does not apply to single family homes.

Councilmember Oddie inquired whether Mayor Spencer wanted to quantify the number of units that would be subject to rent control and which units would be exempt, to which Mayor Spencer responded in the affirmative.

Councilmember Oddie stated that he is concerned Council may run afoul of Costa Hawkins with the rent ordinance because of the threats of litigation.

In response to Mayor Spencer's inquiry, the City Attorney stated she could come back with more information on legal questions.

Vice Mayor Matarrese stated the ordinance provides tenants with a tool to use as evidence in their case; questioned how wording could be reconciled, but still provide the tenant with protection

The Community Development Director clarified a rent increase can be imposed if properly noticed under the ordinance; failure to participate in the hearing bars the landlord from increasing rent for 12 months; however, the landlord has the ability to prevent being barred by participating in the process; other jurisdictions have the same requirements.

Mayor Spencer inquired whether the requirements have been challenged legally by a landlord, to which the Community Development Director responded in the negative.

Councilmember Oddie concurred with the Mayor on the composition of the commission members as Alamedans only; inquired whether Council is able to move the item forward.

Mayor Spencer stated she does not support moving the item at this time.

The City Attorney stated the item cannot move forward tonight; the proposed modifications are not minor; the ordinance has to be solid.

Councilmember Ezzy Ashcraft stated Council could give the City Attorney clear direction on what points to research and bring back.

Councilmember Oddie stated it is more efficient to just focus on one ordinance.

Vice Mayor Matarrese stated there is consensus on giving direction on the laundry list of data, doing the study, and that RRAC members should be Alameda residents; that he would like to see the item go forward with resolution of the Costa Hawkins issue.

Councilmember Ezzy Ashcraft requested an explanation of Costa Hawkins.

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(15-310) Mayor Spencer stated a vote is required to continue the meeting past 11:00 p.m.

Vice Mayor Matarrese moved approval [of continuing the meeting.]

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

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The City Attorney explained the Costa Hawkins Rental Housing Act, California Civil Code 1954.50 et. sec., is a law passed by State legislature which authorizes limited rent control provisions.

Councilmember Oddie moved approval of doing a study to analyze the impacts of rising rents on Alameda residents and the data points raised by the Mayor.

Mayor Spencer stated other Councilmembers also had data points.

The City Attorney stated staff has noted the requested data points; the points do not to be re-stated unless Council wants to vote on them.

Mayor Spencer inquired whether a vote is needed or direction should be given, to which the City Attorney responded giving direction to staff is fine.

The City Attorney inquired whether Council would like the study to come back at the same time as the re-drafted ordinance.

Vice Mayor Matarrese stated it would not be possible for the study and ordinance to come back at the same time.

Councilmember Ezzy Ashcraft stated amending the ordinance does not require having the data; the study would take about six months.

Mayor Spencer stated that she would like data on how successful RRAC is moving forward.

In response to Councilmember Oddie's inquiry, the Assistant City Manager stated compiling the RRAC data would be done in-house.

Vice Mayor Matarrese inquired when the ordinance would come back.

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Mayor Spencer called a recess at 11:02 p.m. and reconvened the meeting at 11:07 p.m.

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The City Attorney responded the ordinance will be brought back to Council in July.

(15-311) Public Hearing to Consider Resolution No. 15033, "Confirming the Webster Street Business Improvement Area (BIA) Report for Fiscal Year 2015-16 and Levying an Annual Assessment on the Webster Street BIA." Adopted.

Councilmember Daysog stated that he would recuse himself and left the dais.

The Economic Development Manager gave a brief presentation and provided a handout.

Councilmember Ezzy Ashcraft inquired whether new businesses at Alameda Landing would be included in the boundary map, to which the Economic Development Manager responded in the affirmative.

In response to Mayor Spencer's inquiry, the Economic Development Manager stated Target is located in Area A, is 136,302 square feet and is charged 40 cents per gross revenue.

Mayor Spencer inquired what is Target's gross revenue, to which the Economic Development Manager responded he does not know.

Mayor Spencer inquired Target's fee amount without the maximum cap on gross revenue.

The Economic Development Manager responded he would have to research the gross revenue reported by Target.

Sandip Jarwahal, Webster Street Business Association (WABA) President, stated BIA dues are calculated and paid on the business license tax; Target's revenue was estimated because it was their first year.

Expressed concern about WABA activities and lack of effort to promote businesses; stated that he feels WABA is not being transparent on the use of BIA fees and does not contribute financially to events: Michael Cooper, Alameda.

Addressed Mr. Cooper's concerns; stated WABA is transparent and all meetings are open to members; copies of financial reports are distributed at all meetings; WABA is a non-profit organization and does not contribute to event promoters: Sandip Jariwala, WABA.

Mayor Spencer inquired whether Safeway and Target would exceed 50% of the assessment.

The Economic Development Manager responded WABA's 2014 BIA was approximately \$50,000; Safeway and Target would be approximately \$12,000.

Mayor Spencer inquired what the amount would be without the cap; to which the Economic Development Manager responded he does not have the information readily available.

Councilmember Ezzy Ashcraft stated one effect of removing the cap would place Target and Safeway ahead of other business members and make it a less even playing field; the Webster Street BIA should get as much assessment as possible, but voting rights hinge on percent of assessment.

Mayor Spencer inquired whether adding up the Webster Street businesses would make the 50% mark.

The Economic Development Manager stated he would have to calculate the gross receipts for each of the new businesses at Alameda Landing; amounts are hard to estimate since the businesses are not at full buildout.

Mr. Jarwahal stated BIAs for new businesses are estimated; if the cap is removed, Alameda Landing businesses would be contributing more to the BIA than the businesses on Webster Street; the cap makes it a level playing field.

Councilmember Ezzy Ashcraft inquired whether a protest was received on the assessment.

The Economic Development Manager responded in the negative; stated one phone call was received and tonight's speaker is only 2.8%.

In response to Councilmember Ezzy Ashcraft's inquiry, the Economic Development Manager stated all noticing was done properly.

Mayor Spencer inquired how member concerns would be addressed.

The Economic Development Manager stated members of the BIA are encouraged to attend meetings and be involved; the health of WABA depends on a very active membership.

In response to Mayor Spencer's inquiry, the Economic Development Manager stated Council has oversight through public hearings and an agreement with WABA regarding reporting and meeting requirements.

Mayor Spencer inquired whether the agreement can be viewed by staff to ensure requirements are being met, to which the Economic Development Manager responded in the affirmative; stated staff reviews financial reports annually.

In response to Mayor Spencer's inquiry, the Economic Development Manager stated staff follows up on WABA work plans and marketing activities; WABA submits an annual business report to Council.

Mayor Spencer inquired whether it is staff's position that WABA performed satisfactorily, to which the Economic Development Manager responded in the affirmative.

Councilmember Ezzy Ashcraft stated the Webster Street business district was greatly impacted by the base closure; improvements have happened over the years; that she applauds the work of WABA; the BIA assessment is a very important part of Webster Street's economic viability; she would like the momentum to continue; she is prepared to move adoption of the resolution.

Vice Mayor Matarrese stated the surcharge and cap is a good way to manage the effect of Alameda Landing; the effectiveness of the board will always be a challenge; the challenge is to get involved and serve; that he is ready to vote on the item.

Mayor Spencer stated she would like consideration and focus on the historic significance of Webster Street.

Councilmember Ezzy Ashcraft moved adoption of the resolution confirming the Webster Street BIA Report for Fiscal Year 2015-16 and levying an annual assessment on the Webster Street BIA.

Vice Mayor Matarrese seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Daysog – 1.]

(15-312) Public Hearing to Consider Resolution No. 15034, "Confirming the Park Street Business Improvement Area (BIA) Report for Fiscal Year 2015-16 and Levying an

Annual Assessment on the Park Street BIA.” Adopted.

The Economic Development Manager gave a brief presentation and provided a handout.

Stated there were no Park Street businesses that did not want to be part of the BIA:  
Robb Ratto, PSBA.

Vice Mayor Matarrese moved adoption of the resolution confirming the Park Street BIA Report for Fiscal Year 2015-16 and levying an annual assessment on the Park Street BIA.

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

(15-313) Recommendation to Select Two City Councilmembers to Serve on the Joint Subcommittee with East Bay Regional Park District (EBRPD).

The City Clerk gave a brief presentation.

Vice Mayor Matarrese stated that he would like to serve on the liaison committee.

Mayor Spencer stated that she would also like to serve on liaison committee.

Councilmember Daysog moved approval of selecting Vice Mayor Matarrese and Mayor Spencer to serve on the Joint Subcommittee with EBRPD.

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

Councilmember Daysog moved approval of selecting Councilmember Ezzy Ashcraft to serve as an alternate on the Joint Subcommittee with EBRPD.

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

Expressed appreciation of the subcommittee; stated communication and cooperation is helpful to plan for the future; that he is looking forward to the new relationship: Doug Siden, EBRPD.

#### CITY MANAGER COMMUNICATIONS

(15-314) The Interim City Manager announced a budget meeting would be held tomorrow night at 6:00 p.m.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

### COUNCIL REFERRALS

(15-315) Recommendation that City Council Establish a Procedure for Appointments to Regional Boards and Commissions, and Guidelines for How Appointees Reflect City Policy and City Council Directives. (Councilmember Ezzy Ashcraft)

Councilmember Ezzy Ashcraft made brief comments about her referral.

Councilmember Daysog stated he concurs with Councilmember Ezzy Ashcraft.

Vice Mayor Matarrese stated it is the prerogative of the Mayor to represent the City on the boards; expectations include staff making the City representative aware of agenda items which are of interest to the City and reporting back during Council Communications; the current practice has seemed to serve the City well.

Councilmember Oddie concurred with Vice Mayor Matarrese; stated appointees should represent policies already adopted by the City; that he would like to see written policy of how appointees should represent the City with proper authority and positions.

Councilmember Ezzy Ashcraft stated regional bodies are significant to the City, especially regarding funding streams; the entire Council as a body would be held accountable for decisions; all appointments should be treated equally; the implications of service on regional bodies could be even greater than another body such as the Historical Advisory Board, which comes before the Council; concurred with Councilmember Oddie regarding policy; stated the appointed representative should carry out the will of the Council and the City.

Mayor Spencer stated that she would not support asking Council to do more work at this time; she supports the prior practice.

Vice Mayor Matarrese stated that he would like assurances that when regional bodies produce an agenda, the primary or alternate representative has to attend; a briefing should be done prior to the meetings; he would like the practice to continue.

In response to Councilmember Ezzy Ashcraft's inquiry, Mayor Spencer stated staff is sometimes sent to the meetings with the representative.

The Interim City Manager stated there are thresholds on when staff should attend the meetings, primarily when money is involved; waste management rate increases is an example.

In response to Councilmember Ezzy Ashcraft's inquiry, Vice Mayor Matarrese stated the representative could report to the Council in closed session.

Vice Mayor Matarrese stated a committee does not need to be set up now; assignees are set; that he would like to make sure briefings are done and representatives are reporting out after.

Councilmember Ezzy Ashcraft stated appointments can be done the same as public bodies.

Mayor Spencer stated she does not support any change to the existing practice.

Councilmember Ezzy Ashcraft stated Mayor Gilmore polled members of the Council asking their interest on serving on a particular body; regional bodies are just as important to the public; she is not asking for a major change.

Councilmember Oddie concurred with Vice Mayor Matarrese's direction; stated Council should be made aware of whether or not there is any City policy.

Councilmember Ezzy Ashcraft moved approval of using the same appointment procedure as done for internal boards and commissions and having clarification of a City policy on how appointees represent the City.

Councilmember Oddie requested bifurcating the motion.

Councilmember Ezzy Ashcraft moved approval of establishing a procedure for appointments to regional boards and commissions.

Councilmember Daysog seconded the motion which FAILED by the following voice votes: Ayes: Councilmember Ezzy Ashcraft and Daysog – 2; Noes: Vice Mayor Matarrese and Mayor Spencer – 2; Abstentions: Councilmember Oddie - 1

Councilmember Ezzy Ashcraft moved approval of the City Attorney come back with guidelines on City policies that might be considered when representing the City on regional boards and commissions.

Councilmember Oddie seconded the motion which passed by the following voice votes: Ayes: Councilmembers Ezzy Ashcraft, Oddie and Vice Mayor Matarrese – 3; Noes: Mayor Spencer – 1; Abstentions: Councilmember Daysog - 1.

## COUNCIL COMMUNICATIONS

(15-316) Consideration of Mayor's Nominations for Appointment to the Golf Commission, Housing Authority Board of Commissioners (HABOC), and Public Art Commission (PAC).

Mayor Spencer nominated Stephanie Shipe to the HABOC and Brandy Graham and Sommer Carter to the PAC.

## ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:08 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -MAY 5, 2015- -6:00 P.M.

Mayor Spencer convened the meeting at 6:00 p.m.

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

[Note: Councilmember Daysog arrived at 6:11 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(15-287) Conference with Legal Counsel – Existing Litigation (54956.9); Case Name: Navarro v. City of Alameda, et al.; United States District Court, Northern District, San Francisco; Case No. 3:14-cv-01954 JD

Following the Closed Session the meeting was reconvened and Mayor Spencer announced that direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:37 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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