

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

Mayor Spencer convened the meeting at 7:06 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

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(15-702) Jay Ingram, Alameda, discussed the Encinal Terminals, requested City Council be engaged in the project moving forward.

(15-703) Dennis Owens, Alameda, suggested the City Council consider a minimum wage ordinance; outlined other areas that have adopted minimum wage ordinances.

(15-704) Matthew Frost expressed concern over the way improvements are being done at the Golf Complex.

CONSENT CALENDAR

Councilmember Oddie moved approval of 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.]

(*15-705) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular City Council Meeting Held on November 3, 2015; and the Special City Council Meeting Held on November 4, 2015. Approved.

(*15-706) Ratified bills in the amount of \$3,705,478.26.

(*15-707) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending September 30, 2015 Collected During the Period April 1, 2015 to June 30, 2015.

Accepted.

(*15-708) Recommendation to Accept the Special Tax and Local Bond Measure Annual Report. Accepted.

(*15-709) Recommendation to Accept the Police and Fire Services Fee Report. Accepted.

(*15-710) Recommendation to Accept the Development Impact Fee and Fleet Industrial Supply Center (FISC)/Catellus Traffic Fee Report. Accepted.

(*15-711) Recommendation to Accept Automated License Plate Recognition (ALPR) Systems Audit Report. Accepted.

(*15-712) Resolution No. 15104, "Authorizing the Interim City Manager to Execute an Agreement with Moffatt & Nichol to Provide Design and Permit Services for the Encinal Boat Launch Facility Renovation in an Amount Not to Exceed \$226,302, Funded by a Grant from the California Department of Parks and Recreation Division of Boating and Waterways." Adopted.

(*15-713) Resolution No. 15105, "Setting the 2016 Regular City Council Meeting Dates." Adopted.

REGULAR AGENDA ITEMS

(15-714) Resolution No. 15106, "Appointing Christopher Griffiths as a Tenant Member of the Rent Review Advisory Committee (RRAC);" Adopted, and

(15-714A) Resolution No. 15107, "Appointing Suzanne Warner as Homeowner (Non Housing Provider) Member of the Rent Review Advisory Committee." Adopted.

Councilmember Daysog moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented certificates of appointment to Mr. Griffiths and Ms. Warner.

Expressed support for the change in membership; stated that he will be looking forward to an actual debate on the 10% rent increases with the new members to RRAC: John Klein, Alameda.

(15-715) Ordinance No. 3143, "Removing Certain Grounds for Just Cause Evictions by Amending Ordinance No. 3140, an Urgency Ordinance of the City of Alameda Imposing within the City of Alameda a Temporary (65-Day) Moratorium on Certain Residential

Rent Increases and on Evictions from all Residential Rental Units Except for Just Cause Evictions.” Adopted.

The Community Development Director gave a Power Point presentation.

Stated that she is a resident at Bay View Apartments and an Encinal High School student; renters rights deserve to be protected: Kristal Osorio, Filipinos Advocates for Justice.

Urged City Council to put importance on rent control now: Erin Subido, Alameda.

Expressed concern over the Bay View Apartments residents being evicted; urged the City Council to pass the ordinance: Jay Ferih, Filipinos Advocates for Justice.

Mayor Spencer noted that she counted 60 students present in the audience.

Urged passing the ordinance to protect families: Sammy Gutierrez, Filipinos Advocates for Justice.

Expressed concern over being able to stay in his housing; stated the community is beautiful because it is diverse; urged the ordinance be passed: Jimmy Nguyen, Alameda.

Questioned where evicted tenants will go and if they will have to live in tents; urged something be done about rent increases: Bunny Duncan, Alameda.

Urged the language in the ordinance be changed as proposed; stated people live through remodels all the time; the community values family stability: Duane Moles, Alameda.

Expressed concern over tenants receiving fair notice: Michael John Torres, Alameda.

Expressed concern over children not having stable housing; suggested following Santa Monica’s rent control ordinance; urged making the eviction ban a part of the permanent ordinance in Alameda: Eric Strimling, Alameda.

Thanked the Council for making the change: John Klein, Alameda.

Councilmember Ezzy Ashcraft moved adoption of the urgency ordinance.

Councilmember Oddie seconded the motion.

The City Attorney outlined changes in the urgency ordinance; she stated that there are two sections within Exhibit A: Section 5 and 10; the language is being struck and intentionally omitted.

Vice Mayor Matarrese noted that the intention of putting the moratorium in place is to emphasize the freeze on no-fault evictions and provide protection while staff puts together an ordinance for Council consideration on January 5, 2016.

Councilmember Oddie stated everyone has a right to stay in their homes; Council is united on the issue; he hopes staff comes back with a comprehensive set of reasonable tenant protections, not just a menu to choose from; he would like to see tenants protected above and beyond Christmas time; housing is a critical need; requested staff finds a way to structure the ordinance to protect tenants' rights to stay in their homes.

Councilmember Daysog stated Council will fight on behalf of the residents; the Council has to implement legislation and modify just cause evictions; the matter is not only about the West End, but all of Alameda is at risk; he would like to look at strengthening the RRAC process; everything is on the table and Council is doing their best to represent the City.

Mayor Spencer thanked staff for bringing the item to Council; stated Council is united behind the serious problem; there are excellent landlords with long term tenants, but there are a few outliers that do not seem to get the message; the Council goal is to give tenants time to breathe; thanked the students from Encinal High School for coming to speak at the meeting; stated that she hopes to continue to work together as a community; it is the Alameda way.

Councilmember Ezzy Ashcraft stated that the Council has serious challenges going forward; requested staff to take into account the needs of landlords; stated that she understands the needs to renovate, however, there are better ways to go about it; requested the City look into adding to the housing stock while addressing traffic concerns.

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

Mayor Spencer called a recess at 8:00 p.m. and reconvened the meeting at 8:09 p.m.

(15-716) Public Hearing to Consider Adoption of Resolution Upholding Planning Board Decision to Approve Design Review and Use Permit File No. PLN 15-0198 For the Construction of a Five-Building Mixed Use Development Constructed with Shipping Containers with Ground Floor Offices and Outdoor Seating at 1926 Park Street. Not adopted.

The City Planner gave a Power Point presentation.

Councilmember Oddie inquired whether there were outdated plans on website; requested staff to ensure all versions are up to date on the website.

The City Planner concurred; stated he would take care of it; continued his presentation.

Councilmember Ezzy Ashcraft inquired whether safeguards would go into place to assure the City is getting the highest quality materials, to which the City Planner responded final approval has to go to the Planning Board to review of the details.

Councilmember Daysog stated that the Design Review Manual on the City's website references North Park Street waterfront streets with an associated map; it is not a zoning designation, it is just an area; clarified the manual states the area may provide an appropriate setting for modern design; Council voted on the document called the City Design Manual: North Park Street District in March 2013; the online version states the area provides an appropriate setting for modern design.

The City Planner responded the intent of the design manual is not to prevent modern design in any other area.

Councilmember Daysog stated the issue is not one about design, it is about process; inquired whether the zoning says doing something other than the 9 things listed requires a variance.

The City Planner responded in the negative; stated nothing in the zoning states that if you are not within one block of the water you cannot do modern architecture.

Councilmember Ezzy Ashcraft noted the topic is not on the agenda.

Mayor Spencer stated the matter is on the agenda; requested that staff locate the document, which will be discussed at a later time.

Marcel Sengul, Applicant, gave a brief presentation.

Mayor Spencer inquired how many units will be upstairs; stated it looks like the units are being counted separately and not connected.

Mr. Sengul responded there are five separate structures, which are two stories each; four would be occupied by one company each; the last unit will be a coffee shop and his personal residence.

Councilmember Daysog left the dais at 8:46 p.m. and returned at 8:49 p.m.

Expressed concern over the location of the project; stated that he does not want to see shipping containers in the gateway to Alameda: Dave Case, Alameda.

Expressed concern over parking and the building looking cheap; stated this is a keystone location: Jim Smallman, Alameda Architectural Preservation Society (AAPS).

Expressed support for the project and change: David Cavanaugh, Alameda.

Expressed support for the modern design; urged the Planning Board decision be upheld: Jeff Cavanaugh, Alameda.

Stated Alameda's history includes shipping containers; the project is great and would be an asset for Alameda: Scott Koehler, Alameda.

Stated that he owns several properties on Park Street and likes the project: Bill Gonzalves, Alameda.

Discussed the AAPS letter and the types of architecture allowed; the project is in the gateway subdistrict and modern architecture is only allowed in 2 subdistricts, not the gateway: Elizabeth Tuckwell, Alameda.

Stated that she supports building with containers, but she thinks the project will cause people to oppose containers; the location is not correct: Mary Anderson, Alameda.

Stated the project is green and the process has been followed; the business community should be supported; urged approval: Michael McDonough, Alameda Chamber of Commerce.

Stated the gateway should reflect the historic buildings; the style of architecture belongs somewhere else: Gretchen Lipow, Alameda Citizen Task Force (ACT).

Urged the Council not to approve the project; stated the containers are unsightly no matter how they are masked: Maria Dominguez, Alameda.

Stated that she supports the project; expressed support for allowing new and interesting projects: Janet Koike, Rythmix Cultural Works.

Stated a car lot is not an appropriate place to construct a historic building; the area is bleak; expressed support for the green building and the project: Tina Blaine, Alameda.

Stated the design does not belong at the gateway to Alameda; suggested the design be changed to keep with the history of Alameda: Mary Tigh, Alameda.

Outlined design review requirements; stated Park Street's most interesting feature is brick buildings; expressed opposition to the project: Reyla Graber, Alameda.

Stated that she opposes the project and the location: Patricia Gannon, Alameda.

Stated that he supports the project; all adjacent neighbors support the project; discussed a previous box car project; stated small space is needed and would be great incubator for small business tenants in Alameda: Rich Krinks, Alameda.

Submitted and showed pictures; expressed concern over the design: Anthony Sloan, Alameda.

Stated his business is next door and he looks forward to the project being completed: Arthur Mercado, Alameda.

Stated the project will be a great entry for Alameda; another gateway project should be done to blend with the project: Kyle Conner, Alameda.

Stated the Downtown Business Association (DABA) Board unanimously supports the project; discussed the Planning Board hearings; stated shipping containers are being used all over the world: Robb Ratto, DABA.

Discussed historic buildings torn down years ago; stated that she does not appreciate the looks of the building in the location; discussed facade projects: Nancy Gordon, Alameda.

Submitted information; discussed visioning processes: Former Councilmember Doug deHaan, Alameda.

Stated that she supports the project; she works with tech companies which need incubator space: Yael Amyra, Alameda.

Stated that his business down the road is an incubator for artist; the area is industrial; the project is wonderful: Chuck DiGuida, Bridgehead Studio.

Stated that she is against the project; urged the Council to rethink notification; suggested that the City Planner have a column in the newspaper about projects: Janet Gibson, Alameda.

Councilmember Ezzy Ashcraft clarified the guiding principles of the strategic plan; noted the key word is revitalization; stated when the City lost the revenue from the car dealers, it provided an opportunity for new businesses; development is incremental; some of the most innovative projects have been developed the last few years; the economic strategy is innovative and there is a market for it; she appreciates the historic aspect, yet if being too fixated on the past could cause the City to miss out on opportunities in the present and the future; the corner property is industrial and does not have Victorians; the project already went through the process and merits the support of the City; she supports the project.

Councilmember Daysog inquired whether the project is consistent with the General Plan, zoning, and the Design Review Manual; stated the Design Review Manual contemplates certain design attributes; the Park Street waterfront district is south of Blanding Avenue; there is inconsistency with the Design Review Manual; zoning for the area, is under Municipal Code Section 30-4.25 for North Park Street District; the challenge that needs to be met is whether the project is consistent with the Alameda

Municipal Code; he does not see consistency; there was a lengthy process in creating the gateway district, which helped to shape the buildings; Councilmember Daysog moved approval of the City Council finding that the three issues have not been met, and therefore, denies the project.

Councilmember Oddie requested staff to address the key issues.

The City Planner responded that from a technical standpoint, the project meets the General Plan and zoning and is consistent with Design Review Manual; the manual is only a guideline; the way to regulate design is through Design Review.

Councilmember Oddie stated Councilmember Daysog indicated if the issue is black and white, the Council cannot approve it.

Councilmember Daysog clarified that was not what he said; the hearing de novo and the issue is not black and white.

The City Planner inquired whether Councilmember Daysog does not like the design or is it a question of the zoning.

Councilmember Daysog responded the issue is the process; there is a commitment to a particular architectural style.

In response to Councilmember Oddie's inquiry about the vision would be for all four corners, the City Planner gave a brief presentation of the gateway project vision.

Councilmember Daysog stated that he would like to correct the idea that modern architecture can be built, which is not accurate according to the Design Review Manual; the project is not in the correct zoning district.

Councilmember Ezzy Ashcraft inquired which zoning designation is on the Blanding side of the project, to which the City Planner responded the entire project is in the gateway district.

Councilmember Oddie inquired what is the vision for the gateway, to which the City Planner responded the vision is striving for excellent design in all areas; stated the goal is to incrementally improve the entire district on all four corners.

Councilmember Oddie inquired if something beautiful is built there would it be out of place, to which the City Planner responded that there is no beautiful design in the area except for the bridge.

Councilmember Daysog noted the parcel is difficult to build on.

Councilmember Oddie stated the issue comes down to opinion; other projects had derogatory terms attached when first built; then, eventually, everyone begins to love

them; people should be careful about demonizing projects; it sends the wrong message if Alameda makes property owners and developers go through a lengthy process then yanks it from them at the end; the project reduces greenhouse gas emissions; he feels what is important is what the neighbors think; most of the businesses are supportive and think it will be an asset to their businesses.

Vice Mayor Matarrese stated the site is difficult; the major constraint is that it is a gateway; that he was attracted to the project; the feedback from the community is that the design does not belong there, but there were no objections to the use from the community; if the design is changed, the community would like the project better.

Mayor Spencer expressed her concerns about the project; stated the Park Street Strategic Plan should have been shared with the owner at the beginning of the project; the Strategic Plan cannot be disregarded as just guidance; the document specifically calls out the intersection of Park Street and Blanding; the City cannot have a 10-month process and then, discount the report as just guidelines; the City should not depend on members of the community to bring the matter to the City's attention; the project has potential and she likes the green aspect; she is concerned there are no elevators; she will not be able to support the project.

Councilmember Daysog moved denying the project because approval of the findings have not been met.

Councilmember Oddie inquired whether changes to the design would make the project more palatable.

Councilmember Daysog responded that the project has to follow the Design Review Manual and gateway district plan; there is a framework in place on how to craft a project.

Vice Mayor Matarrese requested the design move closer to the criteria; stated that he supports the use and the placement; stated the simple question is, does the City really want to put containers there; suggested going back to the design manual.

Councilmember Ezzy Ashcraft stated she would like see more analysis from the City Attorney and the City Planner on language.

Mayor Spencer stated that a motion is needed to continue past 11:00 p.m.

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

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

Councilmember Oddie suggested amending the motion to refer the matter back to the Planning Board based on Council comments for redesign.

Councilmember Daysog agreed to amend the motion.

Mayor Spencer stated that she is looking for a significant redesign; every Planning Board member should read the strategic plan guidelines; the design does not reach the mark.

Vice Mayor Matarrese seconded the motion.

Councilmember Oddie inquired that if the containers are camouflaged, would the design fit in better; stated he is trying to give as much direction as much as possible.

Mayor Spencer responded if there is a way to manipulate the design so that the project does not look like stacked shipping containers; suggested reaching out to people who have concerns.

Councilmember Ezzy Ashcraft stated the developer should decide whether or not to use containers at all or start over with different materials.

Councilmember Oddie stated a sizeable amount of people did support the project; the neighbors cannot be discounted.

Councilmember Ezzy Ashcraft stated the property owner should have the ultimate say.

Councilmember Oddie responded that he does not want to send the owner back to change something, then have the project rejected again.

The City Planner stated giving the applicant clear guidelines would be helpful because the design will still be modern; inquired if Council has a problem with a modern design.

Councilmember Daysog responded modern architecture is a style; stated the urban design manual allows specific types of architectural design styles.

Mayor Spencer stated that she has no problem with modern design; the project should reflect the high degree of craft that is indicative of Alameda's past and forms the foundation for its future.

Councilmember Oddie inquired if the staff could fix the design manual flaw.

The City Planner responded in the affirmative; stated staff will go back to the Planning Board to continue dialogue regarding the manual.

Councilmember Daysog stated the issue is not what style is appropriate, it is the process.

The City Planner stated staff will clarify the manual.

Councilmember Oddie stated 2008 was 8 years ago, the community changes.

Councilmember Ezzy Ashcraft inquired what architectural style is the Perforce office building.

The City Planner responded the building is not in the gateway district.

Councilmember Daysog stated the building is in the district that allows modern design.

The City Clerk restated the motion.

The City Planner clarified the motion should also include that the Council confirms the Use Permit findings.

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

Mayor Spencer called a recess at 11:12 p.m. and reconvened the meeting at 11:15 p.m.

CITY MANAGER COMMUNICATIONS

(15-717) The Interim City Manager announced the Public Works Department is offering 5 free sandbags for upcoming storms; discussed the Fire Department receiving a Class 1 Insurance Services Office rating.

The Interim City Manager announced the Holiday Tree Lighting would be held on Saturday.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(15-718) Consideration of Mayor's Nomination to the Rent Review Advisory Committee. Not heard.

(15-719) Mayor Spencer discussed the trip to Dumaguete, Philippines; stated the sister

city memorandum of agreement was finalized; thanked the Dumaguete Mayor Sagarbarria; stated the community was very welcoming.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 11:20 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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