

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 2, 2016- -5:30 P.M.

Mayor Spencer convened the meeting at 6:03 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(16-039) Conference with Conference with Labor Negotiators (Pursuant to Government Code § 54957.6) City Negotiator: Elizabeth D. Warmerdam Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), Alameda Management and Confidential Employees Association (MCEA), Executive Management (EXME), and Alameda Municipal Power Unrepresented Management Employees (AMPU) UNDER NEGOTIATION: Salaries and terms of employment.

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

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:22 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES FOR THE REGULAR CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 2, 2016- -7:00 P.M.

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

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(16-040) Mayor Spencer read the Season of Non Violence word of the day.

(16-041) The Interim City Manager introduced the new Human Resources Director, Nancy Bronstein and the Community Development Director introduced the new Economic Development Manager, Lois Butler.

(16-042) Mayor Spencer announced there is a housing provider vacancy on the Rent Review Advisory Committee; encouraged anyone interested to apply.

ORAL COMMUNICATIONS, NON-AGENDA

(16-043) John Klein, Alameda, discussed undercover officers being at the January 5, 2016 meeting, which had an impact on the trust being built with the City; the officers were there because there was safety complaints; in response to his record request, he received over 140 emails and there was only one complaint from a landlord and board member, Doug Smith; read the email.

Mayor Spencer commented that she was really proud of the community at the January 5, 2016 meeting for conducting themselves in a professional manner.

(16-044) Robb Ratto, Downtown Alameda Business Association, thanked the Public Works Department for responding to a tree falling on Park Street, removing another tree that probably would have fallen, and for reopening the sidewalk on a portion of Park Street, including removing rivets and putting the fence back up twice.

CONSENT CALENDAR

Councilmember Ezzy Ashcraft moved approval of the Consent Calendar.

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

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*16-045) Minutes of the Special and Regular City Council Meetings Held on January 5, 2016. Approved.

(*16-046) Ratified bills in the amount of \$3,873,910.46.

(*16-047) Resolution No. 15115, "Amending the Electric Utility Professionals Association of Alameda (EUPA) Salary Schedule to Establish the Classification of Media Coordinator." Adopted; and

(*16-047A) Resolution No. 15116, "Approving Workforce Changes at Alameda Municipal Power." Adopted.

REGULAR AGENDA ITEMS

(16-048) Public Hearing to Consider Approving the Housing and Community Development Needs Statement for the Community Development Block Grant (CDBG) Annual Plan for Fiscal Year 2016-17.

The Housing Programs Manager gave a Power Point presentation.

Outlined the needs which the Social Service Human Relations Board (SSHRB) is focusing on and provided a history of the changes in types of services; stated the focus is now safety net services: Doug Biggs, SSHRB.

Stated Building Futures runs the Midway Shelter, leads the Domestic Violence Task Force and homeless prevention, and runs 52 units on the former Base; CDBG funds are used to leverage other funds; the services could not be done without the CDBG funds, as well as City staff and community support: Liz Varela, Building Futures.

Outlined services offered by 2-1-1; provided an example of a call received: Alison DeJung, Eden I&R.

Outlined Echo Housing's services; noted presentations are given to educate tenants and landlords: Marjorie Rocha, Echo Housing.

Vice Mayor Matarrese stated getting data from Echo Housing would be beneficial; stated that he would like Council to consider giving direction to do so.

Councilmember Ezzy Ashcraft expressed support for the recommendation.

Mayor Spencer requested information be forwarded to staff.

Outlined legal services offered; stated Legal Assistance for Seniors (LAC) might be able

to offer the City assistance with rental issues: James Treggiari, LAS.

Councilmember Ezzy Ashcraft thanked the organizations that help the vulnerable citizens; stated that she supports the proposal.

Councilmember Oddie thanked the SSHRB members and all the other organizations for their work; requested that staff work towards acquiring more funding to do more for the vulnerable citizens; urged Councilmembers to not just say they would like to do more, but to actually do more.

Councilmember Daysog thanked the service providers for all that they provide for the residents of Alameda.

Vice Mayor Matarrese requested follow up once implementation of the proposal has been decided; suggested the three housing providers assist the City in addressing the vulnerable population related to current rental issues; stated that he would like a plan to have the ability to adjust to the current crisis as needed.

Mayor Spencer thanked the SSHRB and the providers for their critical work; stated that she supports the issue coming back to Council in the future regarding the allocation of funds to further support the community.

Councilmember Ezzy Ashcraft moved approval of the Housing and Community Development Needs Statement for the CDBG Annual Plan for Fiscal Year 2016-17.

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

(16-049) Public Hearing to Consider Call for Review and Adoption of Resolution Upholding the Planning Board Resolution PB-16-01 to Deny Use Permit File No. PLN15-0440 to Allow the Sale of Beer and Wine at a Convenience Store (76 Gas Station) Located at 1716 Webster Street. Not adopted. [The proposed amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 - Projects Which Are Disapproved.]

Councilmember Daysog recused himself and left the dais.

The Planning Services Manager gave a brief presentation.

Councilmember Oddie inquired whether the request for a variance is being made for the first time and whether the Planning staff recommended approval at the Planning Board hearing; to which the Planning Services Manager replied in the affirmative.

Councilmember Oddie requested clarification on what the basis of the decision was.

The Planning Services Manager clarified the purpose included in the General Plan.

Councilmember Oddie inquired if there was data from the police department to support the complaints from the citizens.

The Planning Services Manager responded in 2012, data was downloaded from the Police database for incidents in the neighborhood vicinity.

In response to Councilmember Oddie's inquiry, the Planning Services Manager stated the report pulled alcohol related incidents in the neighborhood.

Councilmember Oddie inquired whether the 2012 staff report indicated restrictions could be placed on businesses if needed, if there were concerns raised from alcohol.

The Planning Services Manager responded in the affirmative.

Mayor Spencer inquired if staff would describe the conditions the Alcoholic Beverage Control (ABC) would put on the license.

The Planning Services Manager responded that the City would impose the conditions.

Mayor Spencer inquired whether ABC has some conditions on licenses already.

The Planning Services Manager responded as part of the liquor license, there are some State regulations that the business owner would need to follow.

Councilmember Oddie inquired whether the City has an opportunity to weigh in on some of the restrictions.

The Planning Services Manager responded the City could impose additional conditions.

Councilmember Oddie inquired whether a letter to ABC could be written stating the City granted a conditional use permit and would like specific conditions.

The Planning Services Manager responded ABC has its own set of restrictions related to businesses and alcohol; in addition to the State's standard regulations, the City can impose additional restrictions.

Councilmember Oddie inquired whether ABC can conduct investigations and impose further restrictions if it receives complaints from neighbors.

The Planning Services Manager responded in the affirmative; clarified the City's use permit process could also contain restrictions.

The Planning Services Manager continued the presentation.

Councilmember Oddie stated the City issued a permit to a big box retailer adjacent to a

neighborhood; it seems inconsistent to have one set of rules for big box retailers and another set of rules for small businesses.

Mayor Spencer added that Target is another big box in the neighborhood that has a beer and liquor license.

The City Planner clarified Safeway Gas is on the Gateway Site and Safeway grocery store is on Alameda Landing site; stated there were vested zoning rights under the Master Plan; grocery stores have a vested right to sell alcohol; the entitlements and vesting rights did not apply to the Gateway Site, i.e., Safeway Gas; Safeway Gas was built one year after the Council had unanimously denied the sale of alcohol on the Gateway Site; the City felt the policy was established and did not pursue changes.

Councilmember Oddie inquired if Target was also a part of the Master Plan, to which the Community Development Director responded in the affirmative.

Mayor Spencer inquired why there was no change when the issue came back to the Planning Board.

The City Planner responded there is a change in the environment and more competition.

Mayor Spencer inquired about the change in the availability of alcohol.

The City Planner responded the change is the availability of alcohol does not change the underlining findings of the City Council in 2012 or the reasons it was turned down; stated whether the Council cited the primary factors for the denial were an over concentration and a large number alcohol related Police incidents in that neighborhood; the Planning Board referred to said conditions as having no change.

Mayor Spencer inquired whether out of the 54 active off-sale licenses, 16 were issued after 2012, which is a 30% increase Citywide; question with so many licenses being issued, how can denying the use permit not be looked at as some sort of discrimination against this retailer.

The Planning Services Manager responded issuance depends on the type of business; spirits alley and Alameda Point have off-sale licenses; there are also businesses that can obtain an on-sale license without a use permit.

Mayor Spencer clarified that she was referring to off-sale licenses only.

The Planning Services Manager stated on-sale licenses allows people to take a bottle of wine home.

Mayor Spencer inquired whether 41 new on-sale license issued in the same time period which is a 26% increase across the City; questioned how does denial, not look

discriminatory or personal against this one particular vendor.

The City Planner responded the City does not issue ABC licenses

The Planning Services Manager clarified that on-sale licenses are generated differently; a new business coming to town will apply for a business license and go through zoning review; restaurants can serve alcohol under the ABC rules; generally off-sale licenses require conditional use permits; an increase on-sale licenses reflects other types of permitted use allowed in the zoning.

The City Planner stated the item before Council is a use permit; the findings are documented conditions in the neighborhood; the City cannot be arbitrary about the issue; there have to be clear reasons why the City is saying yes to some people and no to others.

Mayor Spencer stated at one of the Planning Board meetings it was stated that there are no beer and wine sales at gas stations; requested for clarification.

The Planning Services Manager stated there are currently three.

Mayor Spencer stated beer and wine sales have been allowed at Valero since 2001, at Chevron since 1993 and AM/PM since 1988; representations that the City does not do so even though it has been allowed since 1988, is a change that could be a finding that contradicts the prior findings.

The City Planner responded that the City has never made a finding in a written document that the City does not sell alcohol from a gas station; it is the Council's prerogative to decide whether the City has different priorities and then apply that to all businesses.

Councilmember Ezzy Ashcraft stated that she was on the Planning Board in 2012 when the Board denied the application; the application was denied because of community input regarding public drunkenness, loitering, littering and crimes being committed.

Councilmember Oddie inquired where the off-sale licenses have been issued in Alameda since the original application was denied in 2012.

The Planning Services Manager responded that there were numerous locations such as spirits alley, WalGreens on Park Street, Bonfare Market and Neptune Plaza on Webster Street.

Councilmember Oddie inquired if the location on Webster Street is in close proximity to the gas station.

The Planning Services Manager responded in the affirmative; stated that Bonfare Market and Neptune Plaza would be considered a grocery store; outlined the difference

between a grocery and a convenience store.

Councilmember Oddie inquired whether the permit was issued on May 12, 2015 and whether the issue date was before or after the rules were changed for grocery stores.

The Planning Services Manager responded it was issued before 2015 in mid-2012.

Councilmember Oddie questioned whether the point that the area is saturated is valid if licenses have been issued in the area.

Clarified that the original entitlement for Alameda Landing specifically prohibited grocery stores in the area, the MOU was subsequently changed and Safeway and Target were built; urged Council to approve the use permit application by Circle K; stated there are currently three gas stations on Park Street that have been selling beer and wine for several years; the Circle K is not a freeway location, it is a neighborhood location and most of Mr. Liu's customers are residents of Alameda; Mr. Liu and his brother invested time and money to build Circle K; allowing Circle K to sell beer and wine will allow them to increase their sales: Sandip Jariwala, West Alameda Business Association (WABA).

Stated that he owns the building adjacent to the Circle K and he and his tenants are opposed to the proposal: David Franklin, Alameda.

Urged Council to allow Circle K to sell beer and wine; stated that he has been working with Mr. Liu from day one to support and train him on how to be a responsible retailer for the community; clarified Circle K is not a typical convenience store; the focus is healthy, gourmet foods and gluten free alternatives; the loiterers and trouble makers do not typically shop for beer at Circle K; the beer and wine will give Circle K the competitive edge that it needs; staff goes through an extensive sales training program that is more restrictive than ABC or Police requirements: Mike Faquiryan, Circle K Stores.

Urged Council to approve the beer and wine license use permit; addressed Councilmembers Ezzy Ashcraft's concerns that if a license for Circle K is approved they would have to approve one for the Chevron and the Shell gas stations also; stated Chevron and Shell are auto shops with a snack shop, not convenience stores; he spent close to \$1 million to beautify Webster Street; if he knew Safeway gas was going to build there he would have never built his store; he cannot compete with Safeway gas without the license to sell beer and wine: Delong Liu, Applicant.

Councilmember Oddie inquired if the applicant would be willing to adhere to restrictions such as cut off times for the sale of alcohol or hiring a security guard in the evenings.

Mr. Liu responded there is a garbage or recycle pick up at his store every day; he requires his cashiers to go outside every hour and pick up trash; the restrooms are state of the art and very clean; the coolers can be locked.

Councilmember Oddie inquired what would be a reasonable restriction to Mr. Liu.

Mr. Liu responded that he would adhere to the Council's recommendations in regards to the hours.

Vice Mayor Matarrese stated he would like to hear from the other speakers on this topic and then call the applicant back up after the discussion.

Expressed support for allowing the sale of alcohol: Jianhong Lin.

Expressed support for allowing the sale of alcohol: Lap Chi Wong.

Expressed support for allowing the sale of alcohol: Catherina Chen.

Stated that she works at the store; customers support the sale of alcohol: Jessica Zhao.

Stated approving the application would be fair; the Council can approve conditions: Cynthia Bonta, Alameda.

Stated that issue is fairness and equity for all businesses; questioned why the station should be prevented from selling beer and wine when others stations are allowed to do so; urged Council to approve allowing the sale of alcohol: Former Councilmember Stewart Chen, Alameda.

Stated that he lives near the gas station; the rules were known before the business was established; the previous Council decision should not be allowed to be revisited; people gather at the liquor store across the street: Keith Weitzen, Alameda.

Stated the West End is turning an important corner; that she is concerned with the oversaturation of liquor stores; gave a recent example of a drunk driver hitting three cars; stated that she is fighting for a safe neighborhood: Karen Bey, Alameda.

Councilmember Ezzy Ashcraft stated the Circle K station was approved without the beer and wine license; she met with the WABA board members, spoke with the Police Chief and with neighbors to balance competing arguments; she feels the Planning Board made a good decision, which she will support; Webster Street has been transitioning and she would like to see it continue to transition in a positive way.

Councilmember Oddie stated that he called the item for review because he does not think the applicant had a fair hearing; concerned with the Mayor that the conditions have changed; stated that he does not believe there will be a saturation of liquor licenses in the City; he feels it is incongruent to allow it for some and not others; if the applicant is willing to abide by some reasonable conditions, he would vote to overturn the decision and support the application; he informed the neighbors that if they have a complaint regarding loitering, the ABC takes complaints seriously, conduct hearings and can place restrictions on the license; he would like to see the Council approve the license with the

restrictions that take into account the concerns of the neighbors.

Vice Mayor Matarrese stated the three gas stations on Park Street already had a liquor license and operate without use permits; the Planning Board decided to allow the operation to continue and legalized it with use permits; the City has not granted a liquor license since 1995; it is not in line with the General Plan; the use permit would go with the land so if Mr. Liu sells the property a new owner might not be as conscientious as Mr. Liu; the conditions could be hard to enforce.

Vice Mayor Matarrese moved uphold approval of upholding the Planning Board decision.

Mayor Spencer inquired if the Bonfare Market's license stays with the location.

The Community Development Director responded that Bonfare has been there for a long time and the 40 new licenses were a transfer from the old owner to the new owner; when a business is sold a new license has to be issued by ABC.

Mayor Spencer inquired if the license stays with the land.

The Community Development Director responded that the use permit stays with the land and the license stays with the business.

Mayor Spencer stated the handout the Council received states the original issue date of the license for Bonfare Market was on May 2015; she plans to support the use permit; she disagrees that the findings are arbitrary and capricious; since the City continues to issue licenses, she feels it appears to be discrimination against this one business.

Councilmember Ezzy Ashcraft stated there are an even number of Councilmembers; inquired what would happen in a two-two vote.

The City Attorney responded that the Planning Board decision stands.

Vice Mayor Matarrese stated that he disagrees with the comments about the decision being arbitrary or capricious; the distinctions people have brought up with him were the ability to pump gas, purchase a beer then immediately get back into the car.

Vice Mayor Matarrese moved approval upholding the Planning Board decision.

Councilmember Ezzy Ashcraft second the motion; stated that the volunteer Boards and Commissions put a lot of time and effort into the decisions they make.

Mayor Spencer noted the vote at the Planning Board was not unanimous.

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

Mayor Spencer – 2.

Mayor Spencer moved approval of issuing the use permit.

The motion failed for a lack of second.

Mayor Spencer called a recess at 9:00 p.m. and reconvened the meeting at 9:08 p.m.

(16-050) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a 5-Year Lease with Dreyfuss Capital Partners, a California Limited Liability Company, for Building 29 Located at 1701 Monarch Street at Alameda Point. Introduced.

The Assistant Community Development Director gave a brief presentation.

Stated that he has a small workspace and supports Peter Dreyfuss and the lease; Dreyfuss Partners provides reasonable and affordable rent: Tim Laistico, Building 29.

Stated having to move is disruptive and expensive; a five year lease is critical; small businesses operate on narrow margins, so the reasonable rent is critical: Wolfgang Brinck, Building 29 Tenant and Alameda resident.

In response to Councilmember Ezzy Ashcraft's inquiry, Mr. Brinck stated that he builds kayaks.

Stated that he is a steel sculpture; most tenants make a living doing machining work; responded to concerns raised in the Sierra Club letter: Peter Dreyfuss, Lessee.

Urged Council to let tenants keep the amazing collaborative environment in Building 29: Andrea Johannessen, Alameda Wooden Trailers.

Stated that he has found a real home in Building 29 and the community; he wants to employ people from the community and stay in Alameda: Thomas Bianco, Alameda Wooden Trailers.

Stated there is rich, craftsman culture in Building 29; Building 29 craftsmen offer something meaningful to the Alameda community, both culturally and economically; urged Council to approve a five year lease: Joan Boucher, Alameda.

Stated that he runs a business out of Building 29 and employees other people; there is a lot of wildlife outside the building; the raptor's that the Sierra Club is referencing also perch on all the buildings in the area; removing the building will not change that; the building houses businesses that manufacture things for people in the community and beyond; urged Council to approve the 5 year lease: Chris Hirneisen, Vectorpickle.

Stated that the building is his livelihood; relocating is easy for a big business but is hard for a small business; he is concerned with Google coming into the area; big companies come in and take over; invited the community and Councilmembers to come out and see his space and work; stated low rent from Mr. Dreyfuss keeps him in the area; urged Council to extend their time in Building 29: Sean Hibma-Cronan, 1701 Monarch.

Requested City Council shorten the lease of the tenants in Building 29 and for the City to assist in finding them a new home; stated tenants should receive first choice in any available space at Alameda Point; the tenants should not be displaced or moved from Alameda Point; inquired whether Council has an idea to solidify the De-Pave Park plans; urged Council to do something to show support for De-Pave Park: Irene Dieter, Sierra Club.

Stated there is an approved plan but there are also existing tenants; he supports the tenants staying at Alameda Point; the plan approved in 2014 for the waterfront does not include Building 29; the lease does not guarantee the tenants will remain there because a clause in the lease states the tenant or landlord can retract the lease; the approved plan states that the building can be torn down once funding is available for the park; urged tenants to start looking for another building now: Richard Bangert, Alameda.

Vice Mayor Matarrese stated that he would like the businesses to stay at Alameda Point and also would like the park; the plan that was approved by the City does not include Building 29; he would like the Council to consider the 5 year lease to accomplish both the goals; the lease would generate \$250,000 over the 5 years; the cost to demolish Building 29 is approximately \$300,000; he feels 2 years is an unrealistic time frame and supports the 5 year lease; the 5 year lease would give the City enough time to accomplish both goals; inquired whether staff can work on the goals of relocating the tenants and removing Building 29 to expand the wetlands and whether the lease revenues from the building could be set aside for the demolition of the building.

The Assistant Community Development Director responded relocating existing tenants is always a priority; stated the best economic strategy is to retain businesses; the City is currently working with a developer who creates these types of spaces; there is a shortage of stock because of the redevelopment at Alameda Point; the tenants require spaces because of the type of work they do; in response to Vice Mayor Matarrese's inquiry, stated the City is continuing to prioritize finding a space for these tenants; the City is trying to build more creative spaces at Alameda Point possibly within the next 5 years.

In response to the question regarding taking the proceeds from the 5 year lease to demolish Building 29, she believes the funds are already spoken for; there are some significant priorities in the area of parks which staff has already been directed to ensure are happening; De-Pave park is added to that list; there is only so much the City can do with the limited resources and time.

Vice Mayor Matarrese responded that he believes the horizon for executing De-Pave Park and the wetlands is a long one; the plan commits the City to the park; he would like to get the ball rolling to put the City on the path to get the park; execution of the plan depends on the building going away.

The Interim City Manager stated that she will ask the Chief Operating Officer – Alameda Point and the Community Development Director to look into reallocating the \$250,000; stated that it would mean the money would not go into the Base Reuse department and something else would have to come off the table; Council would have to decide if this is a priority; the matter can be brought back at budget time.

Councilmember Oddie stated that he does not think this is the time for said discussion; he feels the lease should be considered on its own; he would like to defer the discussion regarding the money; he does not see anything that would want to make him vote against the lease; he supports approving the lease.

Councilmember Daysog stated that he feels the type of activity in the building is something Alameda wants to encourage; small, artisanal, craft manufacturing needs the appropriate space; Building 29 houses like-minded individuals that can work with each other; encouraged Vice Mayor Matarrese or Councilmember Ezzy Ashcraft to craft referrals on how to implement De-Pave Park; he supports the 5 year lease.

Councilmember Ezzy Ashcraft stated the Council is worried about the loss of jobs in the face of development; she does not see the De-Pave Park plan and a 5 year lease for Building 29 as mutually exclusive; the work will be done in phases; she supports the staff recommendations; lease revenues are spoken for; the matter is for a future Council discussion; she cannot support eliminating jobs and loss of revenue; she supports the ordinance and the 5 year term; suggested staff organize a tour of the building and the tenants open their doors for the community to see what they are doing.

Mayor Spencer inquired whether staff could take steps to make the area more accessible to the public.

The Assistant Community Development Director responded staff is in the process of removing the gates to allow cars to go through.

Mayor Spencer inquired if the community will be allowed to take pictures, which is a complaint heard frequently.

The Assistant Community Development Director responded currently, people can walk through the gate; stated the fencing was put in place to prevent vandalism and car shows; staff hears the public and Council and are working to make the area more accessible.

Mayor Spencer stated saying the building has to be demolished to give the public more access to the area is not true; staff is working on giving more accessibility to the area;

suggested that the tenants hold an open house and the City does not necessarily need to be involved; steps to move forward with the park is a separate issue; moving forward with the lease does not mean that the City is not committed to De-Pave Park; it is very important to look for new space for the tenants; stated she supports the 5 year lease and having the tenants stay in the building until it is demolished.

Vice Mayor Matarrese inquired how staff should pass on the sentiment that the building is not going to be there forever; he would like a report back and progress towards the goal of relocating the tenants within the 5 year window.

Mayor Spencer inquired whether would be the issue in the form of a Council referral; stated that she feels there are not three Councilmembers who want to prioritize demolishing a building ahead of building De-Pave Park.

The Interim City Manager clarified Vice Mayor Matarrese wants to make sure the tenants know their lease is going to end.

Vice Mayor Mataresse reiterated that the building is not in the plan.

The City Attorney noted a provision in the lease allows either party to terminate the lease on 12 months' notice; stated the tenants clearly heard the Council and understand; the Assistant Community Development Director is working on relocating the tenants; staff will come back to report on the progress; a Council referral is not needed.

Vice Mayor Matarrese responded that he supports the 5 year lease; he would like to know how staff would make the matter a priority.

Mayor Spencer inquired whether Vice Mayor Matarrese is questioning how to prioritize demolishing the building, to which the Vice Mayor Matarrese responded in the affirmative.

Mayor Spencer stated that she does not believe there are three votes to prioritize demolishing a building ahead of when the building would need to be demolished; she does not want to demolish a building just to demolish it and have it be ahead of the plans for De-Pave park; she stated if that is the question, a Council referral would need to be done.

Vice Mayor Matarrese responded that if there is a 5 year lease and there is no plan for what happens after the lease is up, the lease will be pushed out again and the park gets pushed out with it; the building is next to the wetland, removal of the building is key in getting outside funding to expand the wetland.

The Interim City Manager stated the discussion is veering too far off of the agenda.

Vice Mayor Matarrese stated that there will be a Council referral.

Councilmember Oddie moved introduction of the ordinance.

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

(16-051) Recommendation to Approve the AC Transit Service Expansion Plan's Buena Vista Avenue/Line 19 Alternative.

The Transportation Coordinator gave a Power Point presentation.

Mayor Spencer left the dais at 10:05 p.m. and returned at 10:06 p.m.

Vice Mayor Matarrese inquired whether the Measure BB monies are Alameda City designated monies.

The Transportation Coordinator responded AC Transit has enough money for a 14% increase districtwide, which provides one additional bus line in Alameda running at 30 minute frequencies.

Vice Mayor Matarrese inquired whether the money provided is Alameda's portion, to which the Transportation Coordinator responded in the affirmative.

Vice Mayor Matarrese inquired whether the new service would start in the summer cycle, to which the Transportation Coordinator responded in the affirmative.

Vice Mayor Matarrese inquired whether Council has to vote now to make the window and not defer to the fall cycle, to which the Transportation Coordinator responded in the affirmative.

Mayor Spencer inquired whether Vice Mayor Matarrese and Councilmember Daysog serve on the liaison committee and were able to weigh in on the plan, to which the Transportation Coordinator responded in the affirmative.

Vice Mayor Matarrese stated both he and Councilmember Daysog were at the meeting when AC Transit requested to make a decision on the three options; staff arranged it so the Transportation Commission could review and make recommendations so that it could come to Council to meet the AC Transit deadline of March and be included in the summer cycle; route changes are in the summer and the fall; if the window is missed, the City misses out on the 14% of Measure BB money for six months.

Mayor Spencer inquired whether the recommended line is Vice Mayor Matarrese and Councilmember Daysog's recommendation, to which Vice Mayor Matarrese responded in the affirmative.

Councilmember Daysog thanked the various agencies involved; stated he agrees with staff's recommendation; the area is underserved when it comes to bus transit and there needs to be reliable transportation; questioned if the 19 line is redone will it relieve the developers of projects in the area from providing a physical shuttle and have them contribute to a renewed line 19; inquired whether there are any calculations on what it would take to get to a 15 minute headway if line 19 is renewed.

The Transportation Coordinator responded the developers have demand management and transit requirement's; stated instead of providing their own shuttle, they could contribute to improving the AC Transit route; using the money provided for the shuttle, the City could get 20 minute frequency.

Councilmember Daysog stated the 15 minute headway is something to consider if there is funding; inquired whether line 19 will go up Webster Street or up Constitution, to which the Transportation Coordinator responded the request to AC Transit is to have line 19 run through Marina Village to capture more development money and requirements; stated a goal is to keep the connection between the College of Alameda and the College of Alameda annex.

Vice Mayor Matarrese stated the City was cautioned not to tweak the plans, the hearing is to pick one.

Councilmember Ezzy Ashcraft referenced the staff report regarding development funds increasing frequency to 20 minutes; stated that she places huge stock in what the Transportation Commission and the Councilmembers on the liaison committee are recommending; she supports the recommendation for restoring line 19.

Councilmember Oddie inquired whether the estuary shuttle would go away.

The Transportation Coordinator responded the estuary shuttle goes between Lake Merritt Bart, West Alameda, Marina Village and Wind River; Wind River contributes \$20,000 a year; a majority of the funding coming from grants; the solution is not good long term due to lack of funding from the Air District; line 19 would be very similar and would capture those riders; the Wind River money would go into increasing the frequency of line 19.

Councilmember Oddie inquired if the Wind River money would contribute the \$20,000.

The Transportation Coordinator responded Wind River is required to contribute \$20,000 a year to the City; stated the City decides how to use the money.

Councilmember Oddie inquired whether contributions from the developer and Wind River would not cost less for AC Transit.

The Transportation Coordinator responded the AC Transit has enough money to fund one additional bus line; stated if there are developer monies would improve the

frequency during peak periods.

Councilmember Oddie stated the ferry terminal is not being served; inquired what is AC Transit willing to commit to the terminal.

Robert Del Rosario, AC Transit, stated AC Transit can only commit to one additional route; that he is happy to look into other revenue sources with the City.

Councilmember Oddie inquired whether AC Transit is taking into consideration staff's request to commit funding for the cross island connection.

Mr. Del Rosario responded the operating funds do not cover three options; Council is being asked to pick just one.

In response to Councilmember Oddie's inquiry, Mr. Del Rosario stated AC Transit is always in communication with the City on planning efforts and are committed to actively planning routes; however, there are not enough operating dollars to have a bus on the road.

The Transportation Coordinator stated the City is looking into how to generate money and will brainstorm with AC Transit on options.

Councilmember Oddie stated funding should be a priority of AC Transit if the City is going to restore line 19.

Councilmember Daysog expressed concern for ferry commuters with regards to the buses being on time.

(16-052) Mayor Spencer stated a motion is needed to consider the remaining items: Alameda Point environmental clean-up [paragraph no. 16-053]; the resolution regarding conveyance [paragraph no. 16-055]; direction to staff regarding rent [paragraph no. 16-056]; the referral regarding the Airport Operations Committee [paragraph no. 16-058]; and the referral regarding the clean water, pollution prevention, and habitat restoration ballot measure [paragraph no. 16-059].

Councilmember Ezzy Ashcraft moved approval of considering the remaining items.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Oddie inquired how many items were mandatory.

The Interim City Manager responded a consultant is present for the environmental clean-up; conveyance needs to be done and rent stabilization needs to be done if Council wants to continue on February 16th.

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

Councilmember Daysog stated that he is tracking how long it takes to get through the Posey tube; it is important for people taking mass transit to get the benefit of Webster Street.

Mayor Spencer inquired if the busses will connect to the Bart or the ferry.

Mr. Del Rosario responded in the affirmative; stated it will connect to both.

Mayor Spencer stated someone inquired why the bus has to go all the way across the Island and why there are not shorter routes.

Mr. Del Rosario responded in Alameda, the route plan is to go from East to West instead of North to South to be more efficient.

Mayor Spencer stated there is a need to find a way to connect to the ferry because of the shortage of parking spaces; thanked the Councilmembers for serving on the committee.

Councilmember Daysog moved approval of the staff recommendation.

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

(16-053) Presentation on Status Report of Environmental Conditions and Clean-up at Alameda Point.

Peter Russell, Russell Resources, gave a Power Point presentation.

Councilmember Daysog stated the process is important.

Vice Mayor Matarrese inquired if there is funding from the Navy or Department of Defense to pay for the sediment management that is required in the seaplane lagoon; stated there are three levels of insurance for the clean-up, but costs for the sedimentation plan are additional.

The Chief Operating Officer – Alameda Point responded that there will be a minimal cost associated with managing the sediment; stated the City is designing the terminal to ensure there will be no need to dredge because of the high cost.

Councilmember Daysog stated the Maritime Administration (MARAD) is reviewing their options regarding dredging; which would have ramifications for the City because MARAD is a large customer of Alameda Municipal Power.

The Chief Operating Officer – Alameda Point stated the MARAD ships are large and require a certain depth; the lagoon has very little to no shoaling; benefits in the lagoon that are different; the City does not anticipate MARAD ships in the lagoon, only ferrys and recreational boating.

Mayor Spencer thanked Mr. Russell for his work; encouraged the community to attend the Restoration Advisory Board meetings.

(16-054) Mayor Spencer stated a motion is needed to continue the meeting past 10:00 p.m.

Councilmember Ezzy Ashcraft moved approval of continuing the meeting.

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

(16-055) Resolution No. 15117, “Authorizing the City Manager to Accept, on Behalf of the City, Certain Surplus Federal Property, and to Accept, Execute, and Record Conveyance Documents in Substantial Conformance with Certain Phase 2 Property and Conveyance Documents from the United States of America, Acting by and through the Department of the Navy, to Implement the Economic Development Conveyance Agreement for the Former Naval Air Station, Alameda (Phase 2 Alameda Point Conveyance).” Adopted.

The Chief Operating Officer – Alameda Point gave a Power Point presentation.

Councilmember Daysog stated that he met with the Chief Operating Officer – Alameda Point and the Assistant City Attorney to question whether the Navy is responsible for remediation since the Navy caused contamination following conveyance; the answer was yes; questioned what would happen if there is disagreement as to the cause of contamination discovered later to which the answer was it would fall on the facts of the discovery; staff has procured insurance in the event the City is found liable.

Vice Mayor Matarrese inquired whether the developer would be required to acquire insurance when the property is conveyed.

The Chief Operating Officer – Alameda Point responded in the affirmative; stated the City also has its own insurance.

Councilmember Ezzy Ashcraft thanked Mr. Russell and staff for their work.

Mayor Spencer thanked staff; stated that she looks forward to obtaining the property from the Navy.

Councilmember Ezzy Ashcraft moved adoption of the resolution authorizing the City Manager to accept, on behalf of the City, Certain Surplus Federal Property, and to Accept, Execute, and Record Conveyance Documents in Substantial Conformance with Certain Phase 2 Property and Conveyance Documents from the United States of America, Acting by and through the Department of the Navy, to Implement the Economic Development Conveyance Agreement for the Former Naval Air Station, Alameda (Phase 2 Alameda Point Conveyance).

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

(16-056) Provide Direction to Staff Regarding Certain Elements of a Proposed Rent Stabilization and Tenant Protection Ordinance.

Mayor Spencer called a recess at 11:12 p.m. and reconvened the meeting at 11:20 p.m.

The Community Development Director gave a Power Point presentation.

Urged Council to put restrictions on evictions; stated more than 53% of Alamedan's are renters: Eric Strimling, Alameda.

Stated mom and pop landlords are concerned with being able to sustain their business; cost of repairs might be greater than the 5% threshold: Keith Weitzen, Landlord.

Stated Alameda is a very tight community; landlords pay parcel tax to support the School District; restricting rent control in one format will penalize mom and pop landlords: Phoebe Yu, Landlord.

Stated he is a mom and pop landlord; 5% increase are too small to make necessary repairs; there are tenants that are not compliant with the rules; no just cause evictions helps landlords: Kevin Ye, Landlord.

Stated the 5% increase does not cover costs for mom and pop landlords to make repairs; it is difficult to refinance when under market value: Amanda Yee, Landlord.

Requested certain exemptions for the proposed ordinance; stated rent control should be income based: Frannie Mok, Landlord.

Stated he is a mom and pop landlord; stated he makes very small rent increases; requested clarification on the RRAC process and who will be required to pay for the process; stated if he has to sell his properties, he would like to get market value: Don Scellato, Landlord.

Read points outlined in the letter submitted by Alameda Renters Coalition (ARC): Catherine Pauling, ARC.

Mayor Spencer called a recess and reconvene 12:02 a.m. and reconvened at 12:06 a.m.

Stated rent comes in on one hand and goes right out for costs; when the economy is bad, no one helps landlords recoup the vacancy cost; he is against rent control: Malcolm Lee, Landlord.

Stated rent control started at 8% and now it is at 5%; landlords have a lot of expenses; urged Council to have consideration for landlords: Tony Charvet, Landlord.

Mayor Spencer stated the proposal is not a 5% cap, it is a trigger to require going to the RRAC.

Expressed how imposing a cap when the market is good is not fair; suggested Council look at how other cities handle rent control; stated Redwood City has incentives for landlords who have volunteer rent control: Chunchi Ma.

Stated more time is needed; urged using the RRAC; suggested going case by case; stated rent control will put the mom and pop landlords out of business: Lester Cabral, Alameda.

Inquired who would pay the cost of arbitration, the landlord or tenant; stated costs for repairs are high: Dan Wang, Alameda.

Questioned how rent control would affect tax revenue; stated having more laws and restrictions makes it hard to run a business: Meina Young, Landlord.

Stated property owners should not be guaranteed a raise every year; she will not get a 10% raise every year: Tristen Schmidt, ARC.

Stated mom and pop landlords should get exemptions; rent control should be income based; historic properties should have an exemption: Rosalinda Corvi, Alameda.

Stated he is a mom and pop landlord and does not think it is fair to be put in the same category as the large 50 to 100 unit owners; he feels the RRAC works well and should not be changed: Lawrence Quintero, Landlord.

Stated if he had to do earthquake retrofitting and had to evict the whole building the just cause eviction would now allow him to do so; rent control should be case by case: Dan Zhang, Landlord.

Stated rent control is unfair for small mom and pop landlords: Margaret Tong, Landlord.

Stated rent control is not fair to landlords, it favors the tenants: Mimi Rohr.

Urged Council to look elsewhere for solutions; stated landlords have a lot of expenses: Lejla, Landlord.

Stated he does not evict rent paying tenants; he is opposed to rent control: Daniel Lee, Bay Area Homeowners Network (BAHN).

Councilmember Daysog left the dais at 12:36 a.m. and returned at 12:38 a.m.

Stated that she opposes rent control; landlords have a lot of expenses; she does work on her property to keep costs down: Susan Gao, BAHN.

Stated his tenant makes more money than he does; urged Council to consider all of the elements, not just the tenants: Stephen Shi, Landlord.

Stated tenants are fearful of speaking to the RRAC for fear of retaliation; urged Council to use a semi-private mediation process instead of RRAC: Jeff Cambra, Alameda.

Stated mom and pop landlords will be the most impacted from the ordinance; property values would go down from the ordinance; relocation assistance should be means tested: Karen Bey, Alameda.

Stated data collection needs to be for all types of units: John Klein, ARC.

Stated rent control creates tension with landlords and tenants: Rita Hui, Landlord.

Urged Council to put a cap on rent increases; stated 65% of the Bay Area CPI is acceptable: Maria Dominguez, ARC.

Provided and read a handout which provided stories of four renters: Denny, Jillian, Maria and Seana: Monty Heying.

Urged Council to give exemptions only to owner occupied parcels: Brian McGuire, Alameda.

The Community Development Director stated there was a question regarding whether Council wanted to offer one year leases to in place tenants, which is staff's recommendation.

Councilmember Daysog inquired if the requirement is done in other cities, to which the Community Development Director responded several cities, including Palo Alto and

Mountain View.

Councilmember Daysog inquired whether the provision has been effective in addressing housing issues.

The Community Development Director stated a one year lease exempts all other requirements regarding relocation in Glendale.

Councilmember Ezzy Ashcraft inquired whether staff is addressing relocation benefits yet.

The Community Development Director responded in the affirmative; stated the recommendation to offer one year leases for tenants' protection and to bring stability; clarified the only question is whether the Council wants to include in place tenants.

Mayor Spencer inquired if a one year lease would then become month to month.

The Community Development Director responded residential leases typically roll to month to month.

Mayor Spencer inquired if there is an actual requirement.

The Community Development Director responded that if there is an existing lease, the new lease would have to be materially the same.

Councilmember Oddie inquired whether a tenant who chooses the month to month instead of a year lease would still only get one increase a year, to which the Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether the staff recommendation includes the tenant receiving an option of a one-year lease of one year when a lease expires and whether the offer is only one time.

The Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether tenants would be subject to a rent increase after the year.

The Community Development Director responded in the affirmative; stated the offer would be the first time there is notice of a rent increase after the ordinance goes into effect.

Mayor Spencer inquired whether it would only apply to rent increases in the first year after the ordinance goes into effect.

The Community Development Director responded the ordinance is written to require,

the first time there is a notice of a first rent increase, whether it is a year from now or 24 months from now.

Councilmember Ezzy Ashcraft inquired whether a tenant does not want to accept a one year lease and would like to go month to month they would not be penalized, to which the Community Development Director responded in the affirmative.

Mayor Spencer inquired whether they would still need to pay the rent increase, to which the Community Development Director responded in the affirmative.

Councilmember Oddie inquired if month to month tenants would still be protected for the next year.

The Community Development Director responded that month to month tenants would get the same protections like the ones provided in a lease.

Councilmember Oddie stated tenants that do not have formal leases or have oral agreements would get standardized terms.

Councilmember Daysog inquired if staff is suggesting the Glendale model, to which the Community Development Director responded in the negative.

Mayor Spencer stated that she agrees with staff's recommendation.

Vice Mayor Matarrese stated he would like it to stay the same and not have the provision apply to the existing tenants.

Councilmember Ezzy Ashcraft stated that she agrees with staff's recommendation to offer the lease to existing tenants.

Councilmember Daysog stated he needed more time.

Councilmember Oddie stated that he agrees with staff recommendation.

The Community Development Director stated a majority agree; she stated staff would capture the one time lease offer for prospective as well as in place tenants.

Mayor Spencer clarified the in place tenants would be when there is a rent increase.

The Community Development Director responded in place tenants with an existing lease would be offered a new lease 60 days before the current lease expires.

Councilmember Oddie inquired whether it would be just once, to which the Community Development Director responded in the affirmative.

Councilmember Ezzy Ashcraft stated it is important to not have the tenant bear the cost

of arbitration; suggested the fee could be divided; stated the binding hearing process will be an onerous process; inquired on the time and cost for the entire binding hearing process.

Vice Mayor Matarrese stated binding arbitration and binding hearings do not provide enough benefit for the cost and the problem; Alameda has a RRAC process that is non-binding.

The Assistant City Attorney stated that the program fee would cover the cost of the hearing process; beyond that, the tenant or housing providers would cover cost to go through the judicial process.

The Interim City Manager stated the process is not on the agenda; the program fee is not on the agenda and will be brought back to Council on February 16th.

Councilmember Ezzy Ashcraft stated she was trying to give staff direction.

The Interim City Manager stated it is not a part of the ordinance.

Mayor Spencer inquired whether the item is separate, to which the Interim City Manager responded in the affirmative.

Councilmember Daysog stated looking at another city's process might be helpful.

The Community Development Director stated staff is focusing on what the proposed ordinance is and what the cost will be to administer it; there will be flow charts and a lot of information.

Councilmember Oddie stated the fee will benefit tenants and landlords; it is fair to share the cost equally.

Mayor Spencer stated she will hold off on comments per the Interim City Manager's request; requested to stay focused on what is needed to craft the ordinance.

The Community Development Director requested direction on the cap for the next tenant's rent increase if there is a no cause eviction for an in place tenant.

Mayor Spencer stated that she would like the cap to be the same as if that tenant was still in the unit.

The Community Development Director inquired if there should be a 5% cap.

Councilmember Oddie inquired whether the old tenant could not get a rent increase until the lease expires.

The Community Development Director responded the landlord would be able to raise

the rent an unlimited amount.

Councilmember Ezzy Ashcraft inquired whether there is no cap on rent increases.

The Community Development Director stated the 5% is a trigger that would require initiating the RRAC process.

Mayor Spencer inquired whether the cap is for a new tenant's rent, to which the Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether the point of the policy was to disincentivize evictions to raise rent, to which the Community Development Director responded in the affirmative.

Councilmember Oddie stated increasing by 25% no disincentive.

The Community Development Director stated which is why staff is requesting direction on a cap.

Councilmember Oddie stated Mayor Spencer's suggestion is if a tenant received a rent increase in the last 12 months, then the new tenant could not get a rent increase for 12 months; if the tenant was eligible for a 5% increase, then the increase should be 5%.

Councilmember Daysog inquired what if the in place tenant is evicted; would the landlord have to pay relocation benefits and cap new tenant's rent.

Mayor Spencer stated according to the Code section the next time the rent could be increased would be when the previous tenant would have been eligible.

The Community Development Director requested clarification on the percentage cap.

Councilmember Ezzy Ashcraft recommended 5%.

Councilmember Daysog inquired whether such a clause exists in other cities.

The Community Development Director responded most other cities with rent stabilization do not allow no cause evictions; stated the City is accommodating the requests from landlords while including limitations to address the important issue of economic evictions.

Councilmember Daysog stated the landlord would be penalized twice; the landlords would have to pay the relocation benefits plus not be able to impose a rent increase.

The Community Development Director responded that Capital Improvement Plans (CIP's) would be different grounds for eviction; staff is requesting direction on what the percentage cap should be.

Mayor Spencer stated Council was told in rent controlled city, when evicting for no cause rent cannot increase for the next tenant, per the Civil Code section.

The Assistant City Attorney responded that the Council has the discretion to set the 5% cap.

Mayor Spencer inquired what the Code section refers to.

The Assistant City Attorney responded it refers to a different issue.

Mayor Spencer stated it is not about evicting someone and then raising the rent as much as a landlord wants for a no cause eviction.

Councilmember Ezzy Ashcraft stated both sides of the issue have to be addressed; she supports allowing no cause evictions and agrees to the 5% cap.

Councilmember Oddie stated that he agrees with the 5% cap.

Mayor Spencer stated that she agrees with the 5% cap.

The Community Development Director requested direction from Council on the cap for the number of allowable no cause evictions.

Councilmember Ezzy Ashcraft inquired why the City would allow property owners to evict all tenants without a CIP.

The Community Development Director responded the City is trying to prevent doing so; stated direction on a cap is needed; if a landlord needs to do substantial rehabilitation, they would need to go through the CIP process.

Councilmember Ezzy Ashcraft inquired whether the cap is to prevent a housing provider from doing a mass no cause eviction, to which the Community Development Director responded in the affirmative; stated staff is recommending 25% for buildings with 5 or more units and buildings with 4 or fewer units, could do 1 no cause eviction a year.

Mayor Spencer stated that she agrees with staff recommendation.

Councilmember Daysog inquired if this was a tool to prevent Harbor Island from happening again, to which the Community Development Director responded in the affirmative.

Vice Mayor Matarrese stated he would support the recommendation for buildings with 10 or 20 more units; the City has not had a problem with the smaller buildings.

Mayor Spencer inquired whether Vice Mayor Matarrese is okay with mass evictions for

property owners with 4 or fewer units.

Vice Mayor Matarrese stated it would depend on the circumstance; he would like to see evictions within the scope of the RRAC so that people have recourse.

Councilmember Daysog stated anyone who owns a fourplex runs the risk of doing a no cause eviction.

The Community Development Director stated the number of no cause evictions would be capped annually; the idea is to not do a lot of no cause evictions as a way to get rid of tenants and not require a CIP.

Councilmember Daysog inquired whether a four or sixplex landlord could remove a person to move in a family member and still do another no cause eviction.

The Community Development Director responded a family member is a no fault eviction not a no cause eviction; stated staff is requesting direction strictly on a no cause evictions not no fault.

Councilmember Daysog inquired whether there are examples of other cities that have this process.

The Community Development Director stated this is new territory.

Councilmember Oddie stated he is fine with the staff recommendation.

Councilmember Ezzy Ashcraft stated she objects to having any exceptions; all tenants should be protected; she agrees with staff recommendation.

Mayor Spencer stated that she supports staff recommendation.

Councilmember Daysog inquired if any other city has incorporated this.

The Community Development Director responded that in cities with rent stabilization no cause evictions are not allowed.

Councilmember Ezzy Ashcraft stated it is an added protection.

The Community Development Director requested clarification from Council on whether there should be an exemption for mom and pop landlords; stated if so, mom and pop landlords need to be defined.

Mayor Spencer inquired if, legally, the City could require landlords to grant additional time to tenants for the buyout, based on how long the tenant has lived in the unit, unless the landlord and tenant agree.

The Assistant City Attorney responded the current way the ordinance is written is the tenants can exchange staying a month for a month less in relocation assistance.

The Community Development Director stated direction from Council is needed if there would be an exemption for mom and pop landlords.

Councilmember Ezzy Ashcraft stated that tenants need cash to relocate; to leave it up to tenants and landlords to work out on their own is not fair; she agrees with the staff recommendation.

Mayor Spencer inquired if Councilmember Ezzy Ashcraft is requesting to leave it the tenant's choice, which is what the ordinance currently states, to which Councilmember Ezzy Ashcraft responded in the affirmative.

Councilmember Oddie stated if a landlord is willing to give up the income by taking the unit off the market, they can afford to pay relocation fees; mom and pops violate the rules too and the City has to protect all tenants.

Councilmember Daysog stated that most mom and pops are good landlords and the City should recognize that; he would like the small mom and pop landlords exempted from the relocation benefit or given consideration where time is given.

Vice Mayor Matarrese concerned with Councilmember Daysog; stated the distinction of mom and pop landlords needs to be defined; the issue should be subject to mediation to allow for a combination of finance and time and worked out on a case by case basis.

Councilmember Ezzy Ashcraft stated Council has heard that people are afraid to go to the RRAC; she would like to give the staff recommendation a year to see if it works.

Mayor Spencer stated she, Councilmember Oddie, and Councilmember Ezzy Ashcraft are in agreement with staff's recommendation.

The Community Development Director requested Council direction on the issue of no cap for rent increases; stated the cap was set for when a landlord has to initiate the RRAC process at 5%.

Councilmember Ezzy Ashcraft stated there was no discussion on the issue; she agrees the 5% threshold is reasonable.

Councilmember Daysog inquired whether landlords who do not raise the rent for several years would be able to do a higher rent increase like in Los Gatos.

The Community Development Director responded said information would be taken into account by the RRAC when making a decision.

Mayor Spencer stated Los Gatos' rent control is not a trigger, it is a cap.

The Community Development Director stated Los Gatos has rent control at 5%.

Councilmember Oddie stated that he is agreeable to staff's recommendation.

Vice Mayor Matarrese stated that he agrees with staff's recommendation.

The Community Development Director requested Council direction on data collection.

Vice Mayor Matarrese stated that he agrees with staff's recommendation; clarified anything that goes to RRAC would be tracked.

Mayor Spencer stated that she agrees with staff's recommendation.

Councilmember Ezzy Ashcraft stated data collection is needed; she agrees with staff's recommendation.

Councilmember Daysog inquired how many cases currently come to the RRAC for 5% rent increases.

The Community Development Director stated there are not a lot, but it will change if the ordinance is passed because it will be a mandatory.

Councilmember Daysog stated in the first year, the City should collect data on everything that goes to RRAC.

Mayor Spencer stated 4 members of the Council are in agreement with staff's recommendation.

Mayor Spencer stated the first reading of the ordinance will be on February 16th.

Councilmember Ezzy Ashcraft stated she would like to see clear written standards and guidelines for the RRAC and arbitrator regarding what documentation a landlord is required to provide and when a tenant is requesting lowered rent to ensure that the parties are dealt with in consistently; inquired whether a property manager could attend the RRAC meeting in case an owner could not attend.

The Community Development Director stated staff understood from Council that it would need to be someone with owner interest or someone who has legally binding interest.

Mayor Spencer inquired if the housing provider does not agree with the Committee's decision, the housing provider must file a petition to consider the new rent increase; if no petition is filed, the rent increase is void.

The Community Development Director responded the Mayor is correct.

CITY MANAGER COMMUNICATIONS

(16-057) The Interim City Manager stated the City of Alameda has an advertisement in the San Francisco Examiner, Big Game Guide; staff would like to organize a driving tour of the northern waterfront.

Mayor Spencer stated there were no objections.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(16-058) Consider Directing the City Manager to Prepare Analysis and Recommendations Regarding Reviving the Airport Operations Committee. (Councilmembers Daysog and Oddie).

Councilmember Daysog stated the impact of the altered flight plan are a concern to residents; Alameda needs its own entity to address airport issues.

Councilmember Oddie stated it would be a short term Committee; he would like to make sure Alameda has a say in this issue.

Councilmember Ezzy Ashcraft stated the City pays a Federal lobbyist in Washington, D.C.; inquired what could be done to lobby the Federal Government.

Vice Mayor Matarrese stated he would like an analysis and recommendation to reinstate the Committee.

Councilmember Daysog stated the City could work with the lobbyists and others to get some ideas on how to proceed effectively.

Mayor Spencer stated that she supports the proposal; requested information on the dormant Airport Operations Committee and how it was formatted.

The Interim City Manager stated the City now monitors 6 Committee's on airport noise, which is very time intensive for staff; the City would need to rely heavily on the citizens that have the expertise and connect them with the lobbyists to assist staff.

Mayor Spencer stated the Mayor of San Leandro is connecting with the FAA and is trying to set up a phone conference.

Councilmember Ezzy Ashcraft stated there is strength in numbers, so the City should connect with other cities to move forward.

Vice Mayor Matarrese moved approval of the proposal.

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

(16-059) Considering Endorsing the San Francisco Bay Clean Water, Pollution Prevention, and Habitat Restoration Program Measure, which will be on the June 7, 2016 Ballot. (Councilmember Oddie). Continued to February 24, 2016.

Councilmember Oddie suggested the referral be continued to the Special Meeting on February 24th.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 2:36 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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