

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JULY 19, 2016- -5:30 P.M.

Mayor Spencer convened the meeting at 5:32 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:

(16-355) Conference with Real Property Negotiators (Pursuant to Government Code § 54956.8) PROPERTIES: Northwest Territories at Alameda Point; City Negotiator: Jennifer Ott, Director of Base Reuse. Organizers Represented: East Bay Regional Park District Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment.

(16-356) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9). Case Name: Skilling V. City of Alameda Court; Superior Court of the State of California, County of Alameda Case No: RG14752466.

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

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 OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JULY 19, 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

None.

ORAL COMMUNICATIONS, NON-AGENDA

(16-357) Robb Ratto, Downtown Alameda Business Association, made an announcement and provided glasses for the upcoming Art and Wine Faire on July 30<sup>th</sup> and 31<sup>st</sup>.

(16-358) Bill Rowan, Alameda, expressed concern over Council meetings going late; stated the Council should discuss the matter as an agenda item to solve the problem and have meetings end at a reasonable time for people who take public transportation; the 51A is the only bus which runs after midnight and is replaced by a bus that runs only once per hour.

(16-359) Sammy Gutierrez, Filipino Advocates for Justice, expressed concern over meetings being fair for everyone, youth, the elderly and people of color; urged Council to make meetings fair to all people in the community.

CONSENT CALENDAR

Mayor Spencer stated the contract with Simpson, Gumpertz & Heger [paragraph no. 16-362] was removed from the Consent Calendar for discussion.

Councilmember Ezzy Ashcraft moved approval of the remainder 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.]

(\*16-360) Minutes of the Special and Regular City Council Meetings Held on June 21, 2016. Approved.

(\*16-361) Ratified bills in the amount of \$2,974,775.44.

(16-362) Recommendation to Award a Contract in the Amount of \$456,800, and Authorize the City Manager to Approve Contract Changes, if Necessary, Up to a Ten Percent Contingency in the Amount of \$45,680, for a Total Amount of \$502,480, to Simpson Gumpertz & Heger, Inc. for the Interim Inspection, Testing, Preliminary Analyses and Reporting Services for Rehabilitation of Piers 1, 2 and 3 at Alameda Point.

The Assistant Community Development Director gave a brief presentation and showed a map and pictures of pier conditions.

Councilmember Ezzy Ashcraft inquired what is the importance of U.S. Maritime Administration (MARAD).

The Assistant Community Development Director responded that the MARAD ships are ready reserve fleets that are deployed in the event of natural disasters.

Councilmember Daysog stated the ships represent 6% of all the energy consumed out of Alameda.

The Assistant Community Development Director stated when there is a blackout the ships convert to their own power source to not draw power from the City; the ships are a major consumer and have the ability to support themselves, all of which helps the City.

Councilmember Daysog stated the MARAD ships supports a lot of the maritime industry in the Bay Area.

Councilmember Ezzy Ashcraft inquired if the ships could be used to evacuate a large number of citizens, to which the Assistant Community Development Director responded in the affirmative, continued the presentation.

Councilmember Oddie inquired how sewage is processed on Pier 2.

The Assistant Community Development Director responded Pier 2 had a major sewer line break; stated the sewage is under the piers; not many contractors want to work under the piers; currently, the sewage is on the ships in tanks; the City is paying to have the tanks pumped out and the waste trucked out; the Council approved a sewer replacement project that will be completed next month.

Councilmember Oddie stated the pictures draw attention to how the piers have deteriorated.

Mayor Spencer inquired what is the funding source.

The Assistant Community Development Director responded the project is being funded out of the Tidelands Trust fund; stated all of the revenue collected from Tidelands property has to be reinvested in Tidelands property.

Councilmember Oddie moved approval of the staff recommendation.

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

(\*16-363) Recommendation to Authorize the City Manager to Amend an Agreement with Carlson Barbee & Gibson to Increase the Original Contract by \$169,000 for a Total Contract Amount of \$479,500 for Civil Engineering and Surveying Consulting Services for Alameda Point. Accepted.

(\*16-364) Recommendation to Award a Contract in the Amount of \$333,069 to Nute Engineering for Engineering Design Services for Cyclic Sewer Rehabilitation Project, Phase 14. Accepted.

(\*16-365) Recommendation to Accept Report on the Appointment of One Member to the Open Government Commission. Accepted.

(\*16-366) Resolution No. 15184, “Calling for a General Municipal Election to be Consolidated with the Statewide General Election to be Held in the City of Alameda on Tuesday, November 8, 2016, and Requesting the Alameda County Board of Supervisors to Permit the Registrar of Voters to Render Specified Services to the City Relating to the Conduct of Said Election Pursuant to Section 10403 of the Elections Code.” Adopted.

(\*16-367) Ordinance No. 3157, “Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Three-Year Lease with Kai Concepts, LLC, a California limited liability company, for Building 168, Suite 300, located at 1651 Viking Street.” Finally passed.

(\*16-368) Ordinance No. 3158, “Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Ten Year Lease with One Five-Year Extension Option with La Costa Pacifica Inc. dba Urban Legend Cellars for Building 25, Unit 300 Located at 1951 Monarch Street at Alameda Point.” Finally passed.

## REGULAR AGENDA ITEMS

(\*16-369) Resolution No. 15185, “Appointing Troy Hosmer as a Member of the Civil Service Board.” Adopted; and

(16-369A) Resolution No. 15186, "Appointing Ron Taylor as a Member of the Golf Commission." Adopted.

Vice Mayor Matarrese moved approval of the appointments [adoption of the resolutions].

Councilmember Oddie 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. Hosmer and Mr. Taylor.

(16-370) Ordinance No. 3159, "Authorizing an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Alameda to Include Provisions Pursuant to Government Code 20516 for "Cost Sharing" for Local Police Members and for Local Fire Members." Adopted.

The Human Resources Director gave a brief presentation.

Vice Mayor Matarrese moved adoption of the urgency ordinance.

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

(16-371) Resolution No. 15187, "Approving the Site A Phase 1 Subdivision Tentative Map Tract 8334 for 12 Parcels, including for Condominium Purposes on Lots 2 and 3, on 21.35 Acres of Land at Alameda Point." Adopted. [PLN15-0570; Applicant: Alameda Point Partners. A Proposed Tentative Map Application to Implement the Alameda Point Master Infrastructure Plan and Site A Development Plan].

The Base Reuse Director gave a brief presentation.

Expressed support for the project; urged Council to continue the momentum by approving the Tentative Map as presented: Mike McDonough, Chamber of Commerce.

Stated that he is not opposed to the matter, but wants to raise an issue regarding Site A; expressed concern that the City of Alameda does not have the revenue to support additional housing; stated staff assured him a Community Facility Districts (CFD) would be put in place; requested staff to provide assurance that agreements include requirements for CFDs: Paul Foreman, Alameda.

The Base Reuse Director stated Section 3.1(c) of the Disposition and Development Agreement (DDA) addresses a number of special taxes and public agency contributions required by the developer; stated the section complies with the fiscal neutrality policy.

Councilmember Ezzy Ashcraft expressed her excitement about the project moving forward.

Councilmember Daysog stated the Site A project will help contribute to the transit system and encourage people to get out of their cars; the project will be transit oriented development; the City will also receive a large share of the property taxes out of Alameda Point.

Councilmember Oddie addressed the importance of keeping the momentum moving forward for the Site A project; stated that he hopes the City prioritizes the development of commercial space for innovators to grow their business.

Mayor Spencer thanked staff, the Planning Board and the applicant for their work on the project.

Vice Mayor Matarrese moved adoption of the resolution.

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

The Base Reuse Director stated the Site A affordable housing project recommended by the Metropolitan Transportation Commission looks promising to receive cap and trade funding.

Councilmember Ezzy Ashcraft inquired when the City would hear about the cap and trade funding, to which the Base Reuse Director responded in September.

(16-372) Recommendation to Accept Certificate of Sufficiency for an Initiative Entitled: A Proposed Charter Amendment to Establish Rent Control, a Rent Control Board, and Regulate Termination of Tenancies;

(16-372A) Resolution No. 15188, “Calling an Election in the City of Alameda on November 8, 2016, for the Purpose of Submitting to the Electors an Initiative Entitled A Proposed Charter Amendment to Establish Rent Control, a Rent Control Board, and Regulate Termination of Tenancies.” Adopted;

(16-372B) Provide Direction to Staff on Whether the City Council Wants to Place a City Sponsored Charter Amendment on the Ballot; and

(16-372C) Resolution No. 15189, “Revising the 2016 Regular City Council Meeting Dates to Add August 8, 2016.” Adopted.

The City Clerk and City Manager gave a brief presentation.

Mayor Spencer stated that she would prefer to have had a presentation of the proposed language for Council and the public to review.

The City Manager stated if the Council agrees to proceed, the presentation would be drafted and posted to the website on July 27<sup>th</sup>, which would allow two weeks for public review and comment; the Council would consider the initiative on August 8<sup>th</sup>.

Mayor Spencer requested the City Manager repeat staff's proposal.

The City Manager stated the proposal is the City's Rent Review Stabilization and Limitations on Evictions Ordinance would be placed on the November, 2016 ballot with the following stipulations, in addition to what the Council adopted in March 2016: 1) the measure would provide that the City Council has the discretion to amend or repeal the ordinance in the future.

Mayor Spencer inquired whether people could vote on the measure, then Council could repeal the ordinance that is approved by the people.

The City Manager responded in the affirmative.

Mayor Spencer stated the Council cannot currently repeal something that is voted on by the people.

The City Manager stated the second point is: 2) if there is another measure on the ballot that deals with the same subject matter, such as the rent control or landlord's initiative, and all measures pass, if the City sponsored measure receives more votes, the other measure would be of no legal force and effect.

The Assistant City Attorney stated if the two measures pass and the City sponsored measure receives more votes than the renter's initiative, the result would be as if the renter's initiative had not passed at all.

Mayor Spencer inquired why the measure needs to have the additional language.

The Assistant City Attorney responded putting the language in makes it clear that the intent of the voters is to give no force and effect to the measure that receives less votes; the landlord's initiative has the same language, if the measure is on the same ballot with another measure on the same issue, that landlord measure would prevail over the competing measure.

Mayor Spencer inquired if the Alameda Renter's Coalition (ARC) measure has the same language.

The Assistant City Attorney responded in the negative; stated there is language in the renter's initiative dealing with a Council adopted ordinance, but not an ordinance adopted by the voters.

Mayor Spencer inquired if Council's measure does not have the language and both measures receive at least 50% plus 1, would attorneys from both sides try to reconcile

the two measures.

The Assistant City Attorney responded in the affirmative; stated most of the renter's initiative is substantively different than the City ordinance.

Mayor Spencer inquired what would happen if Council does not include the new language.

The Assistant City Attorney responded items that could be reconciled would be; with items that cannot be reconciled, the measure that receives the higher number of votes would prevail.

Mayor Spencer inquired whether whichever one has the higher number of votes would prevail.

The Assistant City Attorney responded that if the City sponsored measure does not have the provision and it receives more votes than the renter's initiative, there would be the conflict described earlier.

Mayor Spencer inquired whether the language added to the City ordinance would state the City Council has discretion to amend or repeal what the people vote for at any time; inquired if the City ordinance passes, could the Council repeal the ordinance entirely at the next Council Meeting.

The Assistant City Attorney responded in the affirmative; stated the distinction is the measure that the City Manager is referring to is an ordinance, not a Charter amendment; an ordinance can be amended.

Mayor Spencer inquired whether the City is asking voters to approve the ordinance and also asking to give Council the power to repeal the ordinance entirely, to which the Assistant City Attorney responded in the affirmative.

The City Attorney stated the Council currently has the ability to repeal or amend the ordinance; the process takes two readings of the ordinance and has to be noticed; the advantage is an ordinance allows flexibility to make modifications.

Mayor Spencer stated her objection is that if the ordinance passes with the highest votes, the Council could change the outcome the following week; she feels there is a significant difference.

Vice Mayor Matarrese inquired whether the signatures submitted by the landlords failing the random sample check would require a higher threshold of examination.

The City Clerk responded in the affirmative; stated if the check of signatures falls into the 95 to 110% range, the signatures go to a complete check and every signature will be checked.



Vice Mayor Matarrese stated if the check is finished by the 27<sup>th</sup>, the measure would be put on the agenda for August 8<sup>th</sup>, inquired if the signature check is later, would the measure show up on a future election.

The City Clerk responded in the affirmative; stated if the August 12<sup>th</sup> deadline is not met, the measure would go on a future ballot.

Councilmember Oddie inquired which election the measure would go on.

The City Clerk responded the election would need to be consolidated with a Statewide election in an even number year, that would be June 2018 or the next general municipal election, unless the City establishes a different election date.

Councilmember Oddie inquired if the renter's initiative passes and in three months there is a rent board election and the landlord ordinance qualifies, will the landlord and board election ordinance be on the same ballot, to which the City Clerk responded it is a possibility.

Councilmember Oddie inquired what is the requirement.

The City Clerk responded the date is not an established municipal election, but the City Charter gives the Council the flexibility to establish election dates.

Councilmember Oddie inquired whether the Council would have no choice but to have the rent board election, to which the City Clerk responded in the affirmative.

Councilmember Oddie inquired if an entity wanted to have a parcel tax election in September, would the City have to hold the election with another City election.

The City Clerk responded that the Election Code specifies that initiatives be consolidated specifically with a Statewide or the next General municipal election; there is nothing forcing the Council to put the measure on a special election.

Vice Mayor Matarrese stated the City will not know about the landlord initiative until the Registrar of Voters finishes counting the signatures; stated that factor should be considered.

Councilmember Daysog inquired whether language could be added stating for a period of time the ordinance cannot be amended; after that time the Council could use their amendment powers.

Councilmember Ezzy Ashcraft inquired if Councilmember Daysog is more concerned with the repeal process as opposed to the amendment process.

In response to Councilmember Daysog's inquiry, the City Attorney responded in the

affirmative, stated the City will draft the measure to fit what the Council requests.

Councilmember Oddie inquired what the consequences would be if the landlord measure qualifies if the Council placed the landlord measure on the November ballot.

The City Clerk responded once she receives a certificate of sufficiency, she would bring the matter to Council to have the initiative measure placed on the ballot.

Councilmember Oddie inquired if the Council places the landlord measure on the ballot as a Council measure and it is defeated, then if the initiative qualifies, could it be voted on again.

The City Clerk responded if the Council used the language and made it a Council measure; the initiative would still go through the process and could be on the ballot.

Councilmember Oddie inquired whether there are two chances for the measure.

The Assistant City Attorney responded in the affirmative; stated if the measure did not pass in the November election, there could be another opportunity for the measure to be voted on.

Stated that he is opposed to the City measure because the amendment is confusing and would be too legally complex for the average voter; urged staff to work on implementing the renter's initiative: Bill Rowan, Alameda.

Stated his family is moving due to the building being sold; urged Council to do work on the rent ordinance to protect the people of Alameda: An Nguyen, Filipino Advocates for Justice.

Stated the rent ordinance does not provide protection to renters; she collected signatures for the ARC initiative and heard from other renters who are experiencing the same harassment from their landlords: Krystal Osorio, Filipino Advocates for Justice.

Urged Council to vote no on the City ordinance: Erin Subido, Filipino Advocates for Justice.

Stated ARC stands for keeping Alamedan's in their homes; there is an imbalance of power between landlords and tenants; urged Council to not put the landlord's initiative or the City ordinance on the ballot; stated the ordinance will confuse people: Brad Hirn, Alameda.

Stated other initiatives should need to pass the same stringent process that the ARC initiative had to pass; rent control is a necessary balance: Evan Angus, Alameda.

Urged Council not to vote against the ARC initiative; stated putting both measures on the ballot will confuse voters: Eric Stimmling, Alameda.

Stated the rent ordinance is deeply flawed; there is a loophole in favor of the landlords; tenants are afraid to go to the Rent Review Advisory Committee (RRAC) for fear of retaliation; throwing families on the streets to make more money is immoral; urged Council to not amend the City Charter with such a flawed ordinance: Monty Heying, Alameda.

Stated that he strongly supports the ARC initiative; there are a diverse group of people in ARC, all in the same situation of not being able to afford to live in Alameda; urged Council to not put the City Council ordinance on the ballot: Carlos Serrano Pareja, Alameda.

Stated the fact that there are three initiatives is evidence that the City ordinance contains significant gaps; there are loopholes in the City's ordinance; the City Council voting to extend the ordinance to a Charter amendment by way of three votes is a misuse of power; urged the City Council to pause and find creative solutions to community development: Katrina Walker, Alameda.

Stated that she would like to know why Council wants to change the ordinance to a Charter amendment; urged Council to keep the ordinance flexible to allow Council to amend the ordinance: Toni Grim, Alameda.

Stated the ARC initiative is draconian; the initiative will cause increased rents, a reduction in the housing inventory and property maintenance will deteriorate; he does not believe there will be confusion if more than one initiative on the ballot; urged Council to put the ordinance on the ballot to allow voters to have a fair choice between the two: Paul Foreman, Alameda.

Stated teachers, social workers and minimum wage workers cannot afford to live in Alameda; urged Council to not vote to put the ordinance on the ballot: Matt Langwerowski, Alameda.

Stated that he does not support the ARC initiative, which is extreme and will prevent mom and pop landlords from making improvements and repairs; he would like to see an alternative to the landlord and ARC initiative put on the ballot; supports putting the rent ordinance on the ballot to let the voters decide: Todd Wayman, Alameda.

Stated if both measures are on the ballot, the one with less votes will fight to have their purpose incorporated into the winning initiative: Elizabeth Tuckwell, Alameda.

Stated the City ordinance is not effective; the Council needs more data to make changes; she is appalled that the City would come up with a recommendation that would completely void a vote of more than 50% of the people; people want an elected rent board: Catherine Pauling, ARC.

Urged Council to consider the ARC initiative; she is a senior citizen on a fixed income

and her rent has increased every year: Eutine Thompson, Alameda.

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Mayor Spencer called a recess at 9:12 p.m. and reconvened the meeting at 9:22 p.m.

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Vice Mayor Matarrese moved approval of accepting the certificate of sufficiency and adoption of resolution placing the measure on the ballot.

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

Mayor Spencer outlined the next direction needed from Council is regarding placing a City measure on the ballot and establishing a meeting date.

Councilmember Ezzy Ashcraft inquired whether there will be a placeholder for the landlord measure in case the signature count is done in time.

Vice Mayor Matarrese suggested the August 8<sup>th</sup> meeting needs to occur in order to address a number of items.

Councilmember Oddie stated he does not agree with scheduling the additional meeting; inquired if Mayor Spencer would not be available in August.

Mayor Spencer stated that she will be on vacation the first two weeks of August.

Councilmember Oddie suggested a meeting be scheduled to just talk about referrals.

Vice Mayor Matarrese withdrew his suggestion.

Councilmember Ezzy Ashcraft stated she believes there needs to be a meeting to address the landlord initiative only, not the referrals and other items that the Council needs to address.

Councilmember Ezzy Ashcraft moved adoption of a resolution revising the regular 2016 City Council meeting dates to add a meeting on August 8, 2016.

Vice Mayor Matarrese seconded the motion with the understanding that the meeting on August 8<sup>th</sup> is only to discuss rent issues.

Under discussion, Councilmember Oddie inquired what is the procedure if the landlord initiative qualifies after the agenda goes out.

The City Clerk responded the agenda for the August 8<sup>th</sup> meeting would go out on July 27<sup>th</sup>; stated if the results are received by then, the item could be added; there is an exception under the Sunshine Ordinance that allows items to be added past the 12 day

deadline; the Sunshine Ordinance does not provide a timeline of when the items have to be added.

Councilmember Oddie stated it is important that the public know that the landlord initiative could be added.

The City Clerk stated that a notice could be placed on the agenda that part of the reason the meeting is being held is in case the landlord initiative complete signature check is received.

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

Councilmember Daysog outlined the effectiveness of the City ordinance on rent stabilization; stated the City's ordinance is not as strict as ARC's Berkeley style rent control initiative; that he supports moving forward with staff's recommendation to place the City's ordinance on the ballot.

Mayor Spencer inquired if Councilmember Daysog would include the two proposals, to which Councilmember Daysog responded in the affirmative.

The City Manager noted there are currently 70 Housing Authority cases to be reviewed.

Vice Mayor Matarrese stated 70 is a large number of cases; he would object to placing the City ordinance on the ballot as a Charter amendment because there are flaws; he would like to keep the ordinance and allow amendments; rent control, as a Charter amendment, does not allow for adjustments as needed; the key is to have voters look at what is available now, the progresses made and participate in changes that need to be made.

Mayor Spencer inquired if Vice Mayor Matarrese is okay with the two proposals from staff, to which Vice Mayor Matarrese responded in the affirmative.

Councilmember Ezzy Ashcraft stated the City ordinance is a work in progress which has been a very long process; she is not in support of having the ordinance as a Charter amendment so that the ordinance can still be amended; inquired what the significance is to the City's ordinance if both measures receive more than 50% plus 1 votes.

The Assistant City Attorney responded language would have to be included that if the City sponsored measure does not receive more votes than the renter's Charter amendment, it would trump the City's ordinance.

Councilmember Oddie stated that he is very proud of the City's ordinance; reviewed positive points of the ordinance; stated the data from the RRAC shows the City's ordinance is working; all Councilmembers and staff worked together to develop the City's ordinance; people have a right to vote on optional measures; people should be aware of the cost of the ARC initiative that will come out of the City's budget; fixing the

housing crisis is the long-term solution, not Charter amendments.

Mayor Spencer inquired whether Councilmember Oddie supports the two suggestions by staff, to which Councilmember Oddie responded in the affirmative.

Mayor Spencer stated that she supports the City's ordinance and placing the ordinance on the ballot; the data is there to support the fact that the City's ordinance has allowed for meaningful conversation; more cases are settling; she has a concerns about the ability to repeal or amend the vote, but she will support staff's two recommendations.

Councilmember Ezzy Ashcraft stated binding mediation is not applicable for units under Costa Hawkins; there needs to be a way to address the most vulnerable renters, such as seniors and the disabled; the RRAC will not be helpful to protect people who are afraid to come forward; she would like staff to come up with solutions after November.

The City Manager inquired whether Council direction is to give the ability to amend, but within the first year, Council cannot repeal or amend the ordinance.

Mayor Spencer responded that she would like to keep the initial proposal as presented; the original ordinance does allow for revisions.

Councilmember Ezzy Ashcraft stated she agrees with Mayor Spencer; the ordinance, as currently written, allows for yearly review and Council can call the ordinance for review at any time.

Mayor Spencer moved approval of [directing staff to return with a measure] placing Council's ordinance on the ballot for November 8<sup>th</sup>, including giving Council the discretion to amend or repeal, as well as, if there is another initiative, that if the highest votes are received by the City's measure, the measure would supersede and there would be no reconciliation between the two ballot measures.

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

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Mayor Spencer called a recess at 10:10 p.m. and reconvened the meeting at 10:17 p.m.

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(16-373) Introduction of Ordinance Approving Two Leases and Authorizing the City Manager to Execute the Terms of Lease with National Response Corporation, Environmental Services (NRC) for Building 15 Located at 1605 Ferry Point and Building 616 Located at 1750 Orion Street at Alameda Point for Five and Two Years, Respectively. Introduced.

The Assistant Community Development Director gave a brief presentation.

Councilmember Ezzy Ashcraft inquired why the lease term is not more than 5 years.

The Assistant Community Development Director responded the tenant negotiated the lease terms; stated the company does not know what their future holds, they are under new ownership.

Councilmember Ezzy Ashcraft inquired if the tenant wants an extension option.

The Assistant Community Development Director responded the City currently wants the flexibility.

Councilmember Ezzy Ashcraft inquired whether there are sales tax revenue numbers from the sales in the area.

The Assistant Community Development Director responded there is a current lag in the reporting of the sales tax revenue; stated the businesses are doing very well and are contemplating doing a two year agreement with the City because of the success of the location.

Vice Mayor Matarrese moved introduction of the ordinance.

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

(16-374) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of Lease with Wonky Kitchen LLC for Ten Years in Building 44 Located at 2400 Monarch Street at Alameda Point. Introduced.

The Assistant Community Development Director gave a brief presentation.

Councilmember Ezzy Ashcraft inquired if Wonky Kitchen originated in Berkeley.

The Assistant Community Development Director responded that she believes Wonky Kitchen originated in Oakland.

Councilmember Ezzy Ashcraft inquired whether the packaging for Wonky Kitchen does not say Alameda; stated the packaging currently says Oakland or Berkeley; she would like the packaging to reflect the product is being made in Alameda.

The Assistant Community Development Director responded that she can speak with the company.

Mayor Spencer stated she agrees with Councilmember Ezzy Ashcraft.

Councilmember Daysog suggested the City discuss a branding strategy as part of the economic development strategy, to which the Assistant Community Development Director responded a branding strategy is a part of the economic development strategy.

Vice Mayor Matarrese moved introduction of the ordinance.

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

In response to Mayor Spencer's inquiry regarding Oaktown Jerk, Councilmember Ezzy Ashcraft stated the City of Alameda should appear on the packaging.

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(16-375) Mayor Spencer stated a motion is needed to consider the remaining items.

Councilmember Ezzy Ashcraft moved approval of hearing only the League of California Cities delegate [paragraph no. 16-385].

Mayor Spencer inquired whether the motion could be amended to include the State Budget Trailer Bill [paragraph no. 16-376], to which Councilmember Ezzy Ashcraft responded that more input from the public is needed on said item.

Councilmember Oddie inquired if the League of California Cities item is a time sensitive matter, to which Mayor Spencer responded in the affirmative.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Spencer clarified the motion is to go past 10:30 p.m. and hear only the League of California Cities item.

On the call for the question, the motion, which required four affirmative votes, failed by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Daysog and Oddie - 3. Noes: Vice Mayor Matarrese and Mayor Spencer - 2.

Vice Mayor Matarrese moved approval of hearing the State Budget Trailer Bill and the League of California Cities items.

By consensus, the motion, which required four affirmative votes, failed by the following voice vote: Ayes: Vice Mayor Matarrese, Mayor Spencer and Councilmember Daysog - 3. Noes: Councilmembers Ezzy Ashcraft and Oddie - 2.

Mayor Spencer moved approval of reconsidering the first motion to hear only the League of California Cities item.

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



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(16-376) Recommendation to Discuss State Budget Trailer Bill, Concerning Streamlining Affordable Housing Approvals, and Consider Directing the Mayor to Send a Letter Opposing the Proposal in its Current Form. Not heard

(16-377) Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter (Zoning Ordinance) to Streamline Improvements to Existing Residential Properties and Minor Administrative, Technical, and Clarifying Revisions to the Zoning Ordinance Regarding Chimneys, Accessory Buildings, Windows, Existing Driveways and Parking, Non-Conforming Setbacks, Home Occupation Signage, and Other Miscellaneous Amendments. The proposed amendments are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations. Not Heard. [Continued to September 20, 2016]

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(16-378) Consider Directing the City Manager to Initiate and Begin the Process with the Planning Board to Propose Revisions to the Ordinance and Code Sections Defining Alameda's Inclusionary Housing for Residential Development. (Vice Mayor Matarrese) Not heard.

(16-379) Consider Directing the City Manager to Schedule a Priority Setting Work Session. (Mayor Spencer) Not heard.

(16-380) Consider Directing the City Manager to Immediately Hold a City Council Workshop on the Final Phase of the Bayport-Alameda Landing Disposition and Development Agreement (DDA)\Development Plan. (Councilmember Daysog) Not heard.

(16-381) Consider Directing the City Manager to Have the Social Service Human Relations Board (SSHRB) Review City Policies and Procedures for Aiding Alameda's Homeless in Order to Make Recommendations to the City Council for Policy Revisions and Additions. (Vice Mayor Matarrese). Not heard.

(16-382) Consider Directing the City Manager to Initiate Revisions to the Ordinances and Code Sections for Mixed-Use Zoning in the City of Alameda to Aid Retention of Beneficial Commercial Uses within Areas Zoned for Mixed Use. (Vice Mayor Matarrese) Not heard.

(16-383) Consider Directing Staff to Review Enacting a Minimum Wage Increase in

Alameda. (Mayor Spencer). Not heard.

(16-384) Consider Directing Staff to Renegotiate the Terms of the Friends of the Alameda Animal Shelter (FAAS) Lease and Relocate/Modernize the Shelter Facility, including Addressing Funding. (Mayor Spencer). Not heard.

### COUNCIL COMMUNICATIONS

(16-385) Written Communication from the League of California Cities Requesting Designation of a Voting Delegate and Alternates for the Annual Conference.

Mayor Spencer inquired which Councilmembers will be attending the Annual Conference in Long Beach from October 5<sup>th</sup> through 7<sup>th</sup>.

Councilmember Oddie moved approval of nominating Councilmember Daysog as the delegate and Mayor Spencer as the alternate.

Councilmember Ezzy Ashcraft seconded the motion.

Vice Mayor Matarrese inquired whether direction can be given to the delegates; stated that he would like the item of the housing crisis and homelessness raised; the topic does not show up in any of the League of California Cities emails, notifications or letters; one city is looking to ask the Governor to declare a state of emergency to allow for funding; he would like the message carried by the delegates to the League to get some help for the City of Alameda.

Councilmember Ezzy Ashcraft stated that she would like to see the agenda and the items to be voted on before the Annual Conference.

Vice Mayor Matarrese stated the issues of homelessness and rent escalation are crises that are not being mentioned.

Councilmember Daysog stated that he can get in touch with the East Bay League of Cities staff person to find out if there is a range of issues regarding the rent crisis and homelessness that will be a part of the agenda for the October Annual Conference.

Councilmember Ezzy Ashcraft stated the message should be that these topics should be a part of the Conference in October.

The City Manager stated the City could put the request on the agenda; 3 to 4 weeks before the conference is when city submittals are due and Council could vote on the items.

Councilmember Ezzy Ashcraft inquired if staff needs to be given direction now to prepare a request to the League.

Vice Mayor Matarrese offered a friendly amendment to the motion to provide the delegates with direction to raise the issue of homelessness and rent crisis.

Mayor Spencer inquired if Vice Mayor Matarrese wants the League of California Cities to come up with a solution and undo what Council just did earlier in the meeting.

Vice Mayor Matarrese responded in the negative; stated he is looking for things the State can do to help the City of Alameda and funding for affordable housing or tax credits to help; stated he wants to address housing crisis assistance.

Councilmember Oddie accepted the friendly amendment to the motion.

Councilmember Daysog inquired whether the amendment is that the delegates and the alternate, pursue, in conjunction with the League of California Cities, issues regarding housing, the rent crisis and homelessness.

Vice Mayor Matarrese responded in the affirmative.

Mayor Spencer inquired if those are the only issues to add to the Annual Conference.

Vice Mayor Matarrese responded that those two issues are the only ones he wanted added.

Councilmember Ezzy Ashcraft stated she would like to see the agenda in September.

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

Vice Mayor Matarrese stated giving direction to the delegates is important.

#### CITY MANAGER COMMUNICATIONS

(16-386) The City Manager inquired whether Council would allow final passage of the leased on the August 8<sup>th</sup> Council meeting.

The Council expressed support.

The City Manager stated there would be a Seaplane Lagoon celebration on Saturday, July 23<sup>rd</sup>; there will be walking tours and kayak tours starting at 9:00 a.m.

Mayor Spencer inquired if the walking tours are still open.

The Base Reuse Director responded the walking tours are still open; stated there has been a good response and lunch will be served; people should R.S.V.P.

Mayor Spencer inquired if people would meet at the Seaplane Lagoon.

The Base Reuse Director responded the walking tour will start on the east end of the lagoon.

### COUNCIL COMMUNICATIONS

(16-387) Councilmember Daysog stated that he and Vice Mayor Matarrese attended the City of Alameda/AC Transit liaison meeting on July 13<sup>th</sup>; the bus rapid transit and planning with AC Transit were discussed.

Vice Mayor Matarrese stated Line 19 is due to start in December; the line will run along the northern waterfront with 20 minute headways; the change will be a big improvement; a major corridor study that AC Transit is conducting districtwide, includes the Line 51, which is the top traffic line in the system; the study will go to their board in August.

(16-388) Councilmember Oddie stated the stopwaste.org Board gave the Casitas Homeowners Association a \$5,000 grant to replace lawns for 400 homes with drought resistant landscaping.

(16-389) Councilmember Ezzy Ashcraft stated on July 9<sup>th</sup>, she and Mayor Spencer attended the Restoration Advisory Board (RAB) tour; encouraged the public to take the bus tour.

Mayor Spencer noted the RAB tour is free.

(16-390) Councilmember Ezzy Ashcraft stated there will be a BART bond on the November ballot; she would like the BART representative come to a Council meeting to discuss the measure.

### ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 10:51 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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