

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -AUGUST 8, 2016- -7:00 P.M.

Acting Mayor Matarrese 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.

[Note: Mayor Spencer was present via teleconference from Coast Bellevue Hotel, 625 116<sup>th</sup> Avenue NE, Bellevue, WA 98004]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(16-391) Glenn Steiger, General Manager Alameda Municipal Power (AMP), made brief comments regarding AMP which he observed during the two years he managed AMP; announced he would be retiring.

Councilmembers made brief comments thanking Mr. Steiger for his service.

(16-392) Bill Rowen, Alameda, stated that he previously suggested the City have a policy regarding late meetings, which did not receive a response; he spoke to Councilmember Ezzy Ashcraft and she indicated there will not be any more meetings until 3:00 or 4:00 a.m.; suggested the Council put the matter on the agenda.

(16-393) Chuck Phillips, Alameda, submitted a photo and discussed 1929 Webster Street.

CONSENT CALENDAR

Councilmember Ezzy Ashcraft moved approval of the Consent Calendar.

Councilmember Oddie seconded the motion, which carried by the following roll call vote: Councilmember Daysog: Ayes; Councilmember Ezzy Ashcraft: Aye; Councilmember Oddie: Aye; Vice Mayor Matarrese: Aye; Mayor Spencer: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*16-394) Ordinance No. 3160, "Approving Two Leases and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of Leases 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." Finally passed.

(\*16-395) Ordinance No. 3161, "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." Finally passed.

### REGULAR AGENDA ITEMS

(16-396) Resolution No. 15190, "Calling an Election to be Consolidated with the City's Next General Municipal Election on November 8, 2016, and Submitting to the Voters at That Election a Measure, the Rent Stabilization Act, that Proposes to Have the Voters Confirm Ordinance 3148, which Amended the Alameda Municipal Code by (a) Adding Article XV to Chapter VI concerning (1) Review of Rent Increases Applicable to Certain Rental Units and (2) Limitations on Evictions and the Payment of Relocation Assistance Applicable to All Rental Units; (B) Amending Section 2-23.4 Concerning the Duties of the Rent Review Advisory Committee and (c) Suspending Article XIV of Chapter VI in Its Entirety." Adopted; and

(16-396A) Consider Authoring a Direct and Possible Rebuttal Argument.

The City Clerk gave a Power Point presentation.

The City Manager made brief comments.

Councilmember Daysog inquired if all 5 Councilmembers could be included as the signatories on the ballot arguments.

The City Clerk responded in the affirmative; stated that if Council decides to author the argument, a subcommittee of two would write it, then all 5 Councilmembers can sign it; only two Councilmembers can write the argument, otherwise it has to be written in open session.

Councilmember Ezzy Ashcraft inquired whether the signatories is one of four options to decide upon.

The City Clerk responded in the affirmative; stated there could be a mix of Councilmembers and other people that sign the argument.

Councilmember Oddie inquired if the City Clerk could recap the changes with the proposals since the last Council meeting.

The City Clerk responded at the July 19<sup>th</sup> meeting, the Clerk's office was still waiting to see if the landlord initiative met the signature requirement; the petition was found insufficient by several hundred signatures; the landlord petition did not qualify and will not go on the ballot.

Mayor Spencer inquired if the ballot question is currently at 68 words; stated that she received an email question about modifying the ballot question; inquired how many words are currently in the ballot question.

The City Clerk stated she will count and get back to Mayor Spencer.

Mayor Spencer stated if the limit is 75 words, she would like clarification on the current word count to address the public's email regarding modifying the ballot question.

Acting Mayor Matarrese clarified there are two parts to Mayor Spencer's question: is the word limit 75 words and can the ballot question be modified.

The City Clerk responded the limit is 75 words and the wording can be changed.

Councilmember Ezzy Ashcraft requested clarification on Mayor Spencer's comment that the Council received one email regarding the modification of the ballot question, not an audience question; she is not sure if that forms the basis for changing the ballot question.

Stated that he wrote a letter asking the Council to put the City's ordinance on the ballot; the City's ordinance can be amended as opposed to the Alameda Renter's Coalition (ARC) initiative; the ordinance needs to be constantly monitored and improved; urged Council to put the City's ordinance on the ballot: Paul Foreman, Alameda Citizen's Taskforce.

Urged Council to let the ballot process work; stated negligent landlords or tenants are the cause of buildings deteriorating, not rent control; urged Council to not place the City's ordinance on the ballot: Eric Strimling, ARC.

Stated the residents from Bay View Apartments are facing a no-cause eviction; housing is a basic, fundamental right for all people: Sister Pat Nagle.

Stated ARC does not want the City's ordinance placed on the ballot; voters will be confused and might vote for both initiatives: Bill Rowen, ARC.

Stated that she does not support the City's ordinance going on the ballot; her income does not increase 5% each year; if rent increases 5% each year, she will not be able to afford to live in Alameda; she supports the ARC initiative: Beth Allen, ARC.

Stated that he supports the ARC initiative; putting the City's ordinance on the ballot will

only confuse voters: Monty Heying, Alameda.

Stated the City's ordinance only provides some protections, but allows no-fault and no-cause evictions; the City is putting a second ballot measure on the ballot to cause confusion among voters: Catherine Pauling, ARC;

Stated middle-class residents cannot afford to live in Alameda; urged moving forward and making Alameda a place for everyone, not just a few: Mari Perez-Ruiz, Alameda.

Councilmember Oddie stated that he is very proud of the City's ordinance; the landlords and renters do not want to compromise; the City Council should be devoting its time and energy to the Utility Modernization Act (UMA); he will not be voting to put the City's ordinance on the November ballot.

Councilmember Ezzy Ashcraft stated the City Council worked hard to put the City ordinance together to protect residents; she strongly supports the City's ordinance; she has concerns with the flexibility of a Charter amendment versus an ordinance; inquired if the City is going to provide educational material outreach similar to the UMA to educate the electorate about the City's ordinance.

The City Clerk responded in the affirmative; stated the City will simply present facts and educate people, not advocate a position.

Councilmember Ezzy Ashcraft stated if the ARC measure does not pass in November, she is ready to sit down with the members of ARC and see what can be done to make the City ordinance better; she feels the City ordinance does not necessarily need to go on the November ballot, but she strongly supports the ordinance.

Councilmember Daysog stated that he strongly supports the City's ordinance and placing the ordinance on the ballot; the ARC initiative is Berkeley style rent control; many cases that have come to the RRAC have been settled; the City ordinance represents the Alameda way of doing things.

Acting Mayor Matarrese stated the electorate being exposed to two campaigns is very important; an informed vote is better than a vote of frustration.

Mayor Spencer stated the City's ordinance is a result of the hard work of the Council listening to the community and is a reasonable solution to a very serious problem; she agrees with Acting Mayor Matarrese's comment to have both initiatives on the ballot.

Councilmember Ezzy Ashcraft inquired how the process works if there are two actions: 1) place the measure on the ballot, and 2) decide who would author the direct and rebuttal arguments.

The City Attorney responded to put the measure on the ballot, Council would have to adopt the resolution; then, decide whether Council wants to draft an argument for the

measure; a committee of two needs to be appointed similar to the UMA.

Councilmember Ezzy Ashcraft stated Vice Mayor Matarrese voted against the City's ordinance in the beginning.

Acting Mayor Matarrese stated he would have liked to have the relocation fees be subject to mediation, but he is supportive of the other measures; the serious flaw is that one standard is applied to the back end of the process; both measures not passing would be an opportunity to open up a discussion and modify the City's ordinance; he suggests placing the City's ordinance on the ballot as one motion and the argument as a second motion.

Councilmember Ezzy Ashcraft stated the good thing about an ordinance is that it has the flexibility to add other provisions; inquired if anyone could sign the argument.

Mayor Spencer stated she has some proposed changes to the ballot question.

The City Clerk responded that the adoption of the resolution includes the ballot question; if Council is adopting the resolution, then they are approving the language of the ballot question; the ballot question is currently 73 words.

Mayor Spencer suggested the following changes: "shall the voters adopt the City Council's March 31<sup>st</sup>..." she would like to add the word "Council" to help people understand it; change: "(b) requires mediation review..." add the word "review," and change: "(c) restricts reasons for evictions..." read, "limits and conditions evictions;" said changes do not change the number of words, yet are more forthcoming with what Council is proposing; lastly change to: "(b) including binding decisions on rent increases above 5%;" said changes would make the question more clear.

Acting Mayor Matarrese requested clarification about whether the word Council would be added after City to read "adopted by the City Council's," to which Mayor Spencer responded in the affirmative.

Acting Mayor Matarrese inquired whether the next change requested by Mayor Spencer is changing to "requires review," instead of "mediation of all residential rent increases above 5%," to which Mayor Spencer responded in the affirmative; stated the wording would be more clear by adding the word review and the second part of the phrase would be: including binding decisions on rent increases above 5%.

Acting Mayor Matarrese stated the Council does not have the capability to reconstruct the whole ballot question; inquired whether the last change is "limit and conditions reasons for evictions."

Mayor Spencer responded that she believes limits and conditions is more clear about what the Council is doing.

Acting Mayor Matarrese inquired how Council feels about changing “adopt the City’s” to “adopt the City Council’s”.

Councilmember Oddie stated he is not agreeable because he is not voting for the ballot measure.

The City Attorney stated City Council adopted the ordinance, but the City’s ordinance is what is in the Alameda Municipal Code.

Councilmember Daysog stated he will defer to the City Attorney and the City Manager on the ballot question.

Councilmember Ezzy Ashcraft agreed.

Acting Mayor Matarrese stated not hearing a majority he suggested a motion to approve the wording as written.

Councilmember Daysog moved adoption of the resolution as written.

Councilmember Ezzy Ashcraft inquired whether the motion is to put the measure on the ballot, to which Acting Mayor Matarrese responded in the affirmative.

Mayor Spencer seconded the motion, which carried by the following roll call vote: Councilmember Daysog: Aye; Councilmember Ezzy Ashcraft: No; Councilmember Oddie: No; Vice Mayor Matarrese: Aye; Mayor Spencer: Aye. Ayes: 3; Noes: 2.

Acting Mayor Matarrese stated the Council needs to address the question of authoring arguments.

Mayor Spencer stated that she would be interested in authoring the arguments.

Councilmember Ezzy Ashcraft stated that she objects to the Mayor participating in drafting the argument because the Mayor the authored an argument against the Council’s act, UMA, and the Mayor authored an argument opposing the renters’ initiative, which has substandard reasoning and poor writing; it is time for other people to step up to the task.

Mayor Spencer stated having her author the argument is very appropriate because she has been part of the process from the beginning, she is the Mayor and the measure is Council’s work; she would like to be part of it; inquired whether anyone else is interested in participating.

Councilmember Daysog stated that he was involved in the UMA and joined residents in raising concerns in the argument against the renters’ initiative; he is happy to be involved, but does not have to be involved; he would like to sign the argument; he has confidence that whoever authors the argument will write something persuasive.

Councilmember Oddie stated there is value in having argument authors other than those who authored the argument opposing the ARC initiative.

Councilmember Ezzy Ashcraft stated a couple of Councilmembers have not stepped up to the plate; she and Councilmember Oddie could author the arguments; she would like to highlight the strength of the City's ordinance rather than attacking anyone; thanked Councilmember Daysog and Vice Mayor Matarrese for doing a great job writing the UMA arguments.

Acting Mayor Matarrese outlined the process of working with staff on the UMA argument; stated Council needs to decide whether the same process will be followed.

Mayor Spencer stated that she does not have a problem working with staff.

Councilmember Ezzy Ashcraft moved approval of having herself and Councilmember Oddie author the argument.

Councilmember Daysog stated that he would like to sign one of the arguments, either the direct or rebuttal.

Councilmember Oddie suggested an option from the staff report be selected.

Councilmember Ezzy Ashcraft responded staff report Option 4 [authorize no more than two Councilmembers to draft an argument and sign and have up to three/four other eligible voters sign].

Councilmember Daysog seconded the motion.

Under discussion, Mayor Spencer inquired whether Councilmembers Ezzy Ashcraft and Oddie voted against placing the measure on the ballot and are now asking to author the argument in favor.

Acting Mayor Matarrese responded in the affirmative.

Mayor Spencer stated that she is concerned about having two Councilmembers, who voted against placing the measure on the ballot, write the argument in favor; however, if the Council is in agreement to do so, the argument should be reviewed by the majority of Council before it is submitted; she does not think it is appropriate to have the two Councilmembers, who voted against placing the measure on the ballot, be the only two Councilmembers involved in writing the argument; someone who voted to place the measure on the ballot should be involved in writing the argument.

Councilmember Daysog stated Mayor Spencer raises a good point; given the magnitude of the impact of the question before the City, he would hope Council would be united in expressing support for the ordinance.

Councilmember Oddie stated one thing some Councilmembers take seriously is respecting the will of the Council when the Council makes a decision, even if the Councilmember is on the losing side; if tasked with drafting the argument, he would respect the will of the Council; offered a friendly amendment to the motion; suggested Option 3, which allows some Councilmembers to sign.

Councilmember Ezzy Ashcraft stated that she accepts the amendment.

Acting Mayor Matarrese requested the Clerk to repeat the motion amendment.

The City Clerk stated the motion amendment is: to authorize no more than two Councilmembers to draft an argument and have a combination of Councilmembers and other eligible voters sign.

Councilmember Daysog stated that he would like it clear that two Councilmembers would author the argument and all five Councilmembers would be able to sign if they choose.

Councilmember Ezzy Ashcraft stated said suggestion would be Option 2.

Councilmember Oddie stated Option 2 is to have all Councilmembers sign the argument; suggested modifying the language in Option 3 to say that up to all Councilmembers council sign and others could sign if a Councilmember declines to sign.

Councilmember Ezzy Ashcraft agreed.

Mayor Spencer stated all Councilmembers being allowed to sign the argument is imperative.

Councilmember Daysog stated the language allows doing so.

On the call for the question, the motion carried by unanimous roll call vote: Councilmember Daysog: Aye; Councilmember Ezzy Ashcraft: Aye; Acting Mayor Matarrese: Aye; Councilmember Oddie: Aye; Mayor Spencer: Aye. Ayes – 5.

Mayor Spencer inquired about the rebuttal.

Acting Mayor Matarrese inquired whether the same subcommittee would write the rebuttal, just like the UMA.

The City Attorney responded in the affirmative.

## CITY MANAGER COMMUNICATIONS



(16-397) The City Manager thanked the AMP General Manager for his service; stated the Assistant City Manager will be the Interim Part Time General Manager and previous AMP employee, Julie Ann Boyer, will assist; stated the Human Resources department has started the search process for the next General Manager.

#### ORAL COMMUNICATIONS, NON-AGENDA

(16-398) Maria Dominguez, ARC, stated there is a housing crisis in Alameda; she is encouraging people to vote.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(16-399) Councilmember Oddie stated he, Councilmember Daysog and Mayor Spencer had a chance to attend the Seaplane Lagoon event, seeing people using the Seaplane Lagoon was great.

(16-400) Councilmember Daysog stated he, along with the City Manager and Councilmember Ezzy Ashcraft, attended an East Bay Division League of Cities event which summarized issues that will come before the voters in November.

#### ADJOURNMENT

There being no further business, Acting Mayor Matarrese adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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