

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 4, 2017- -7:00 P.M.

Mayor Spencer convened the meeting at 7:04 p.m. and led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(17-213) Proclamation Declaring the Month of April 2017 as National Autism Awareness Month.

Mayor Spencer read the proclamation and presented it to Jody Moore, Alameda Autism Community Network.

Ms. Moore provided a handout and made brief comments.

(17-214) Proclamation Declaring April 4, 2017 as Ron Cowan Day.

Mayor Spencer read the proclamation and presented it to Ron's wife, Shahla Cowan, and son, Kirk Cowan.

Mayor Spencer, Councilmember Oddie, Vice Mayor Vella and Councilmember Ezzy Ashcraft made brief comments.

(17-215) Mayor Spencer did a reading on celebration for the Season for Nonviolence.

ORAL COMMUNICATIONS, NON-AGENDA

(17-216) Arnold Brillinger, Alameda, discussed the Alameda shuttle.

(17-217) Irene Dieter, Alameda, expressed concern over Council referral titles.

CONSENT CALENDAR

Mayor Spencer announced that the Alameda West Lagoon agreement [paragraph no. 17-222] was removed from the consent calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

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

(*17-218) Minutes of the Regular City Council Meeting Held on March 7, 2017. Approved.

(*17-219) Ratified bills in the amount of \$1,784,021.66.

(*17-220) Recommendation to Authorize the City Manager to Execute an Amendment to an Agreement with Urban Planning Partners (UPP) to Add the Amount of \$11,500 for a Total Contract Amount of \$267,792 for Consulting Services Related to the Preparation of the Main Street Neighborhood Specific Plan. Accepted.

(*17-221) Recommendation to Appropriate \$11,000 from the Measure B Fund and \$11,000 from the Measure BB Fund to Amend the Contract with Ray's Electric to Increase the Contract Amount by \$22,000, Including Contingency, for the Park Street Pedestrian Safety Project for a Total of \$458,441. Accepted.

(17-222) Recommendation to Approve the Amended and Restated Maintenance and Cost Sharing Agreement between the City of Alameda and Alameda West Lagoon Homeowners Association.

The Assistant City Attorney gave a brief presentation.

Thanked the City and City staff for working to update the agreement; stated the public-private partnership is working: Karen Boutilier, Alameda West Lagoon Homeowners Association.

Councilmember Oddie announced that the Homeowners Association is looking for volunteers for two open spots.

Councilmember Oddie moved approval of the staff recommendation.

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

(*17-223) Recommendation to Award a Contract in the Amount of \$165,495.00, including Contingency, to Hydromax USA for Asset Mapping and Cross Connection Identification for Alameda Point's Water Infrastructure. Accepted.

(*17-224) Ordinance No. 3177, "Adopting the Alameda Point Main Street Neighborhood Specific Plan." Finally passed.

(*17-225) Ordinance No. 3178, "Levying Special Taxes within the City of Alameda

Community Facilities District No. 17-1 (Alameda Point Public Services District).” Finally passed.

REGULAR AGENDA ITEMS

(17-226) Recommendation to Approve an Implementation Term Sheet with Mid-Pen Housing, Alameda Point Collaborative, Building Futures with Women and Children, and Operation Dignity for the Relocation and Construction of New Supportive Housing Facilities on a 10.4-Acre Parcel in the Main Street Neighborhood at Alameda Point.

The Redevelopment Project Manager gave a Power Point presentation.

Stated it is important to move forward quickly: Marguerite Bachand, Operation Dignity.

Stated the project is one of a kind; a campus will be created; urged approval: Liz Varela, Building Futures.

Stated this is the next step to make the vision into a reality; the additional housing for the homeless is needed: Doug Biggs, Alameda Point Collaborative.

Thanked everyone partnering on the project for having a cohesive and clear vision for the community that will be created; stated the housing will have vital services for its residents: Abby Goldware, Mid-Pen Housing.

Stated the idea is great and a good use of space; adding density is a reasonable idea: Victoria Fierce, East Bay Forward.

Councilmember Ezzy Ashcraft stated that she cannot wait to see shovels in the ground; the Alameda Point Collaborative has done so much with so little for so long; that she would be interested in setting up a trust similar to the Silicon Valley Housing Trust.

Vice Mayor Vella stated there is an option to use the City’s project stabilization agreement or create a new one; suggested meetings be held with the trades, especially with some of the apprenticeship programs, and local hiring goals be reviewed, particularly disadvantaged resident workers.

Councilmember Oddie moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion.

Under discussion, Mayor Spencer stated the 267 units include an additional 67 units; inquired whether the City is recommending the additional 67 units, to which the Redevelopment Project Manager responded in the affirmative.

Mayor Spencer expressed her support for the additional units; inquired whether the project is what Mr. Biggs wants; stated he has been the heart and soul driving the

project in the community.

Mr. Biggs responded in the affirmative.

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

(17-227) Recommendation to Accept the Annual Report for the Rent Program, Direct Staff to Prepare Certain Amendments to the Rent Review, Rent Stabilization, and Limitations on Evictions Ordinance, Consider Revisions to Ordinance No. 3132 Governing the Rent Review Advisory Committee (RRAC), and Authorize Staff to Prepare an Updated Fee Study to Pay for Implementing the Ordinance.

The Community Development Director and Housing Authority Housing and Community Development Director (HAHCD Director) gave a Power Point presentation.

Councilmember Oddie left the dais at 8:41 p.m. and returned at 8:43 p.m.

During the presentation the HAHCD Director, the Assistant City Attorney and the Community Development Director responded to Council questions.

Mayor Spencer called at recess at 9:16 p.m. and reconvened the meeting at 9:26 p.m.

Mayor Spencer stated there are 37 speakers; inquired whether Council wants to keep three minutes or consider two minutes; stated allowing three minutes would go past 11:00 p.m.

Vice Mayor Vella suggested Council address whether other items would be considered.

(17-228) Councilmember Matarrese moved approval of not hearing any items other than the rent item.

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

Councilmember Matarrese noted three Councilmembers are interested in having a bird safe ordinance, which is already a majority.

Councilmember Ezzy Ashcraft stated the priority setting item should be heard before referrals; inquired whether priority setting would return on the next regular agenda, to which the City Manager responded in the affirmative.

(17-229) Councilmember Oddie moved approval of continuing the meeting past 11:00 p.m.

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

Mayor Spencer suggested the speakers be allowed to speak for three minutes.

Stated the RRAC did not recommend binding mediator decisions for cases under 5%, rather the Committee would like its decision on said cases to be binding; he does not recall the RRAC discussing increasing its membership from 5 to 7; expressed support for the program fee, which could fund professional mediation: Branden Sullivan-Siriana, RRAC.

Stated any amendment to just cause evictions should go to the voters: Jose Cerda-Zein, Alameda.

Stated the Alameda Renters Coalition (ARC) has six suggestions; he would outline two of the suggestions; relocation fees should be based on the Housing and Urban Development (HUD) fair market value, rather than based on rent; the RRAC does not have clear guidelines and standards; suggested disbanding the RRAC and having an administrative judge hold private hearings: Erik Strimling, ARC.

Expressed concern over exempting fixed term leases, which causes landlords to abandon evergreen leases; stated rent stabilization will die out from only fixed term leases being offered; suggested removing the sunset provision and going to a formula based on the Consumer Price Index (CPI); discussed no fault evictions; urged tenants and landlord to work together: Paul Foreman, Alameda.

Stated the RRAC made three recommendations; one was having RRAC decisions for tenant based cases be binding; there was no discussion of increasing the membership from 5 to 7; outlined information in the Housing Authority database, which is available to the public; discussed RRAC cases: Robert Schrader, Alameda.

Suggested the ordinance be given more time to work; stated landlords and tenants need to work together; tenants should pay the fee since they benefit from the ordinance or the program costs should be paid by the City: Penelope Schrader, Alameda.

Discussed the need for short term housing, which is why fixed term leases are needed; expressed concern over the costs of a registration program: Frances Mok.

Stated the ordinance does not take into account people on a fixed income, such as

social security: Toni Grimm, ARC.

Submitted information; expressed concern over people being priced out of Alameda, including teachers: Mari Perez-Ruiz, ARC.

Outlined her case of receiving an owner move in notice via text and non-compliance with offering a one year lease at the time of a rent increase; stated the ordinance is not working: Maria Dominguez, Alameda.

Stated two-thirds of the City voted for rent stabilization; the ordinance is not a perfect solution; changes should be made to strengthen the ordinance; a rent database is needed; urged Council to consider just cause evictions: Angela Hockabout, ARC.

Expressed support for ARC's six suggestions: Doyle Saylor, Renewed Hope.

Stated the Council came up with the right solution; the proposed amendment to Section 6-58.140(c)1 is not needed because it is covered by other law: Cross Creason.

Stated his contracting business, which is used by small landlords and property owners, has decreased because landlords feel there is uncertainty; urged the Council to keep the ordinance to create stability: Eric Grunseth, Alameda.

Stated the ordinance is working very well; urged Council to retain the status quo: John Sullivan, Alameda.

Stated stability is needed; she will be pushed out within 5 years; landlords are not doing repairs and tenants are not making requests; fear will not go away until there is just cause eviction: Catherine Pauling, Alameda.

Stated education is needed to understand how the ordinance works; discussed her experience as a landlord: Nancy Gordon, Alameda.

Stated the City Council struck a balance and got it right; the voters supported what the Council adopted; urged the Council to allow the ordinance to continue: Greg McConnell, Alameda Housing Providers (AHP).

Stated people are still learning about the ordinance; suggested leaving the ordinance as is: Ron Bain, AHP.

Expressed support for just cause eviction and concern over short term leases: Victoria Fierce, East Bay Forward.

Urged the Council to enact the strongest possible protections for renters; outlined racist practices: Dan Husman, Alamedans for Black Lives.

Discussed rent increase cases and costs of maintaining properties: Malcolm Lee.

Outlined housing provider's expenses; stated the RRAC works; discussed the case of the one tenant he evicted in the last 15 years: Tony Charvet.

Urged the Council to leave the ordinance alone; stated the RRAC is working very well; expressed concern over collecting half of the program fee from tenants: Daniel Lee. Bay Area Housing Network.

Discussed his landlord trying to wrongfully terminate his lease, harassing him and increasing his rent: Rasheed Shavez, Alameda.

Stated substantial changes to the ordinance should not be made without going back to the voters; suggested a trust fund be explored: Karen Bey, Alameda.

Stated the ordinance is working; discussed program costs: Lester Cabral, Alameda.

Discussed the election: Lisa Hall, ARC.

Stated the ordinance is working; temporary leases can be used as a work around to avoid relocation fees; discussed her rent increases: C. Landry.

Mayor Spencer suggested going through each subject.

Councilmember Matarrese suggested the staff summary be used as a guide.

Fixed Term Leases

The Community Development Director gave an overview of the staff proposal and the Assistant City Attorney reviewed the definitions being added.

Councilmember Matarrese inquired whether the fixed term lease would be signed by the renter and landlord, to which the Assistant City Attorney responded in the affirmative; noted relocation benefits would not be paid at the end of the lease.

Councilmember Ezzy Ashcraft inquired whether temporary leases would be used to rent short term to traveling nurses, to which the Assistant City Attorney responded in the affirmative; noted a one year lease would have to be offered at the end of the term if the tenant were to stay.

In response to Councilmember Ezzy Ashcraft's further inquiry, the Community Development Director stated a new, short term tenant would not have to be offered a one year lease; only an existing tenant would have to be offered a one year lease.

Vice Mayor Vella inquired whether homeowners using a fixed term lease would not pay relocation benefits, to which the Assistant City Attorney responded relocation benefits would not have to be paid after the fixed term lease expires.

The Community Development Director noted homeowners would have to move back in for six months before offering the unit for rent again.

Mayor Spencer inquired whether only the primary residence of a homeowner is being discussed, to which the Assistant City Attorney responded in the affirmative.

Vice Mayor Vella inquired whether temporary tenancy could be any rental property, not a primary residence, to which the Assistant City Attorney responded in the negative; stated a temporary tenancy is limited to a primary residence.

The Community Development Director stated two different fixes are being proposed to address the fixed term loophole.

In response to Vice Mayor Vella's inquiry, the Community Development Director stated in addition to a primary residence being used for a temporary tenancy, staff is recommending buildings with multi-family units be allowed to offer onetime, short term leases.

Mayor Spencer stated that she would like Council to separate the two scenarios and address single family homes first.

In response to Councilmember Oddie's inquiry, the Community Development Director stated a temporary tenancy would not be subject to the ordinance; therefore, it would not be monitored or enforced.

Councilmember Oddie suggested the City require language in the lease regarding the property owner moving back in after the short term lease.

The Community Development Director stated the ordinance could continue to remain silent on the issue.

Mayor Spencer stated that she wants the ordinance to address the matter.

Councilmember Oddie stated the leases should be restricted to single family units with owners living in the property.

Mayor Spencer suggested the length of the lease be limited; concurred the leases should be restricted to property owners living in the home.

Councilmember Ezzy Ashcraft stated there should be accountability; upon returning to the unit, the property owner should be required to file something with the Program Administrator.

Councilmember Matarrese inquired whether there has actually been a problem.

The Assistant City Attorney responded property owners have been asking if they can enter into the arrangement without paying relocation benefits; the ordinance is ambiguous and staff is attempting to address the ambiguity.

Councilmember Matarrese stated the ordinance needs to be clarified to indicate whether or not relocation benefits should be paid; he knows someone who had a two year assignment out of the area, but then returned to their house; perhaps the property owner should have to return to the residence for half the amount of time of the lease.

Vice Mayor Vella stated that she would not want to include someone currently on a month-to-month lease, unless the tenant requests the lease; there is a low level of enforcement if only a utility bill is required to show residency; the temporary lease should not be extended.

In response to Mayor Spencer's inquiry about the maximum length of the lease, Vice Mayor Vella stated five years is too long; the limit should be two to three years.

Councilmember Oddie stated that he is fine with two years; current tenants should not be offered a temporary lease, only new tenants; he is okay with tenants being offered another lease at the end of the temporary lease; if the tenant wants to stay, it would become a normal lease.

The Community Development Director stated the temporary lease would be onetime.

Councilmember Ezzy Ashcraft stated that she would support a three year cap; stated someone in the military might own a home and have an assignment elsewhere.

Councilmember Matarrese inquired whether staff would take the input and bring back an ordinance, to which the Community Development Director responded in the affirmative.

Councilmember Oddie stated that he would like temporary leases tracked to see if there is a problem.

Councilmember Ezzy Ashcraft questioned whether temporary leases would have to pay the program fee.

Councilmember Matarrese noted postings can be five years.

Councilmember Oddie stated the cap should be three years, with the exception of active military, which would be capped at five years.

Mayor Spencer and Councilmember Matarrese expressed support for Councilmember Oddie's suggestion.

The Community Development Director stated staff has sufficient feedback.

Mayor Spencer stated Council needs to address the non-primary residence scenario.

Councilmember Oddie stated the issue was raised by Paul Foreman.

The Community Development Director stated Mr. Foreman's point is relocation benefits should be paid regardless of the length of a fixed term lease.

Councilmember Matarrese stated the intent of the ordinance is to have relocation fees at the end of tenancy; fixed term leases provide a work around.

The Community Development Director stated a tenant on a fixed term lease should understand the lease ends and moving out is not no cause or no fault; landlords offering a bunch of short term fixed term leases is a lot of work to avoid paying relocation benefits.

Councilmember Matarrese inquired whether said leases are occurring, to which the Community Development Director responded the Program Administrator has been informed of instances.

Mayor Spencer inquired whether the tenant could ask for a three month lease, to which the Community Development Director responded in the affirmative.

Mayor Spencer inquired whether the lease could be no more than one year, to which the Assistant City Attorney responded both parties have to agree on the amount of time.

Mayor Spencer stated that she would not want short fixed term leases to go beyond one year; after one year, the lease should become a regular lease.

Councilmember Oddie stated the loophole needs to be closed; staff's proposal creates another loophole.

The Assistant City Attorney inquired whether Councilmember Oddie is proposing relocation benefits be paid at the end of fixed term leases.

Councilmember Oddie responded fixed term leases can be abused; questioned whether tenants know to ask for an evergreen lease and whether tenants would be able to get evergreen leases in large apartment buildings; stated the issue is the definition of fixed term lease.

The Assistant City Attorney stated if Council decides to require relocation benefits for 12 month fixed term leases, then everyone would start doing 11 month fixed term leases.

Councilmember Oddie stated perhaps the requirement could be that every renewal offer be for one year, which the tenant could reject.

Vice Mayor Vella stated is it almost midnight; suggested a work session be held to continue reviewing the proposals.

Councilmember Ezzy Ashcraft stated that she would like to continue a little longer.

Mayor Spencer questioned whether direction can be given at a work session; suggested the meeting be continued.

The Community Development Director noted if the Council continues the meeting to a specific date and time, additional public comment would not be required.

Mayor Spencer stated that she would like to keep the current discussion going tonight.

Councilmember Oddie suggested fixed term leases be allowed, but the landlord could be required to go to the RRAC to prove the fixed term lease was mutually agreed upon.

Councilmember Ezzy Ashcraft stated said suggestion sounds cumbersome.

In response to Councilmember Ezzy Ashcraft's inquiry, Councilmember Oddie stated there is unequal bargaining power, which is recognized by law.

Vice Mayor Vella stated anything outside of a onetime fixed term lease should not be exempt from paying relocation benefits.

In response to Mayor Spencer's inquiry, Vice Mayor Vella stated fixed term leases should be under one year; if the parties agree to continue the lease after one year, it would fall under the ordinance protections.

Mayor Spencer stated that she would propose not allowing fixed term leases on multifamily properties.

In response to the Community Development Director's inquiry about the loophole, Vice Mayor Vella stated her concern is landlords could continuously offer fixed term leases to the same tenant to avoid paying relocation benefits.

The Community Development Director stated what is being proposed is offering one fixed term lease under one year; however, if the tenant remains in the unit, the landlord would have to offer a one year lease.

Councilmember Ezzy Ashcraft requested the Housing Authority (HA) Executive Director to provide input.

The HA Executive Director stated there have been approximately five inquiries about whether or not repeated fixed term leases are allowed to be continuously offered.

Councilmember Oddie stated landlords are asking because they want to avoid paying

relocation benefits.

Mayor Spencer stated the Vice Mayor's proposal is up to one year with the same tenant, then the lease becomes a regular lease.

Councilmember Ezzy Ashcraft inquired whether the same military exception could apply.

Mayor Spencer stated landlords could switch tenants each year, but they probably would not because landlords want to keep good tenants; the matter could be revisited the next time the ordinance is reviewed.

The HAHCD Director stated landlords have given a series of fixed term leases.

The Community Development Director stated the direction is to allow one fixed term lease under one year; another fixed term lease cannot be offered to the same tenant; and a military carve out would be included; the last item is a landlord could not change from a month-to-month lease to a fixed term lease unless requested by the tenant.

Mayor Spencer stated that she would rather prohibit doing so.

Vice Mayor Vella suggested striking the language "unless requested by the tenant."

Councilmember Oddie suggested adding "existing" tenant.

Councilmember Matarrese inquired whether the requirement is needed, to which Mayor Spencer responded the issue has come up; clarification is needed; tenants should not give up relocation benefits.

In response to the Assistant City Attorney's inquiry, Mayor Spencer stated the landlord has to offer a one year lease at the time of the first rent increase, however, it is just a regular lease, not a fixed term lease.

In response to Councilmember Oddie's concern, the HA Executive Director stated the ordinance should be clear the 12 month offer is an evergreen lease.

Mayor Spencer stated if any tenants ended up losing relocation benefits by going from a month-to-month lease to a fixed term lease, the issue needs to be cured.

The Assistant City Attorney stated the ordinance should prohibit the landlord from offering a fixed term lease.

Mayor Spencer stated said regulation will be in place going forward; she is addressing if the scenario has already occurred.

The Assistant City Attorney stated the change should indicate it is to clarify existing law.

Councilmember Ezzy Ashcraft stated the language should indicate what a landlord needs to do, not what the landlord cannot do; direction can be given to staff in the event switching to fixed term leases has occurred.

Councilmember Oddie stated the past Council direction on the matter was clear and needs to be followed.

Tenancy Terminations for No Cause

Councilmember Ezzy Ashcraft stated it is time to eliminate no cause evictions; read Section 4 of the measure that went to the voters, which gives Council authority to amend the ordinance; discussed no cause eviction cases, taking cases to court and ethics.

Mayor Spencer inquired whether Councilmember Ezzy Ashcraft would like to eliminate no cause evictions for single family homes, to which Councilmember Ezzy Ashcraft responded Costa Hawkins only applies to rent control; stated provisions regarding evictions would still apply to single family homes.

Mayor Spencer stated the suggestion is to only allow just cause evictions.

Vice Mayor Vella stated Councilmember Ezzy Ashcraft is proposing a requirement for just cause evictions, which is currently the biggest loophole in the ordinance; examples given by housing providers tonight all would have met just cause eviction requirements; relocation should apply for owner move ins other than the temporary tenancies already discussed.

The Community Development Director noted owner move in and removal from the rental market are the two instances which are preempted by State law.

Mayor Spencer stated the voters rejected no cause evictions; the change is significant and should go to the voters; she would support staff's recommendation to change the formula; she prefers a cautious approach.

Councilmember Oddie stated just cause is the greatest disagreement between landlords and tenants; he supports the staff recommendation; expressed concern over addressing the issue at the current hour without notice.

Councilmember Matarrese concurred with Councilmember Oddie; stated that he supports the staff recommendation.

Vice Mayor Vella stated the matter is included in the staff report and was discussed by speakers.

Councilmember Ezzy Ashcraft stated perhaps the matter should be discussed at a later

time.

Mayor Spencer stated that she will not support Councilmember Ezzy Ashcraft's suggestion no matter the hour.

Councilmember Oddie stated that he does not see the crisis; having just cause evictions would only have prevented 24 evictions last year.

Mayor Spencer stated the majority of Council has expressed support for the staff recommendation.

In response to Mayor Spencer's inquiry, Councilmember Oddie stated he is willing to have a discussion.

Councilmember Ezzy Ashcraft stated that she is not sure data was collected for every tenant who moved out; she would like information on the age range of evicted tenants.

Mayor Spencer stated three Councilmembers support the staff recommendation; the matter would not come back for discussion and would only come back as part of the amended ordinance.

Councilmembers Matarrese and Oddie concurred.

Notices to Vacate Due to a Governmental Order

Councilmember Matarrese stated the provision seems broad.

Vice Mayor Vella stated when a unit is uninhabitable, there is a process for improvements; she does not want tenants to lose the right to return to the unit.

The Community Development Director suggested a 5% increase when returning to a unit.

Vice Mayor Vella inquired why the issue was raised.

The Assistant City Attorney stated there was an instance of a governmental order to vacate; other cities have regulations to address tenants having to move out at no fault of the landlord.

Mayor Spencer and Councilmember Ezzy Ashcraft expressed support for the staff recommendation.

Councilmember Matarrese stated there has only been one case; the provision is not needed.

Mayor Spencer stated there has not been a disaster.

Councilmember Oddie stated that he concurs with Councilmember Matarrese.

Vice Mayor Vella stated the matter is incredibly complex and the City should not get into it, without indicating who makes the determination and outlining the process; she is not comfortable adding language; more clarity is needed for willful acts.

Councilmember Ezzy Ashcraft stated the cases could go before a hearing officer.

In response to Mayor Spencer's inquiry, the Assistant City Attorney stated staff could draft additional language based on the concerns raised.

Councilmember Oddie expressed concern over receiving an email from a member of the audience; stated that he will not be politically blackmailed.

Councilmember Matarrese stated the rules prohibit using email during a Council meeting; requested the rules be reviewed.

Councilmember Ezzy Ashcraft requested that the City Attorney provide information.

The City Attorney stated Councilmembers are not to be communicating with the public on issues under consideration; private communications are not allowed.

Mayor Spencer stated if a Councilmember is looking for a prior email, they can see that new emails have come in; responding to the new email is not allowed.

Vice Mayor Vella moved approval of adjourning the meeting.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, the City Clerk inquired whether the motion would include continuing to a specific date.

Mayor Spencer stated Council was just in the middle of discussing an item; she would like to complete the discussion; the last direction was staff would come back with more information regarding willful acts.

Mayor Spencer inquired whether a majority want to continue to the meeting to a specific date.

Councilmember Matarrese responded in the affirmative.

Potential dates were discussed.

Mayor Spencer suggested Friday, April 7th at 5:30 p.m.

In response to the City Attorney's concern over notice, the City Clerk read Section 2-91.4.g; stated that she would get out a notice tomorrow morning.

Mayor Spencer stated there is a motion and a second to continue to April 7th at 5:30 p.m. with no additional public comment at the continued meeting.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Vella and Mayor Spencer – 4. Noes: Councilmember Oddie – 1.

(17-230) Recommendation to Approve the City Council's Priorities Established at the February 17, 2017 Priority Setting Workshop, the Referral Tracking Table, the Revised Form for Submitting City Council Referrals and a Process for Ranking/Addressing New Referrals. Not heard.

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(17-231) Consider Adopting a "Bird-Safe Buildings" Ordinance. (Vice Mayor Vella and Councilmember Oddie) Not heard.

(17-232) Consider Directing Staff to Provide Standards for Bird-Safe Buildings for Council to Adopt. (Mayor Spencer) Not heard.

(17-234) 2017-4046 Consider Directing Staff to Prepare a Report on the City of Alameda Acquiring/Taking Title to the Uncompleted Strip of Shoreline Park next to Harbor Bay Parkway. (Mayor Spencer) Not heard.

(17-235) Consider Directing Staff to Present the Steps for City Council to Return to Its Role as Board of Commissioners for the City of Alameda Housing Authority. (Councilmember Matarrese) Not heard.

(17-236) Consider Directing Staff to Review and Update Alameda's 2008 Local Action Plan for Climate Protection. (Councilmember Matarrese) Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

At 12:57 a.m., Mayor Spencer continued the meeting to April 7, 2017 at 5:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -APRIL 4, 2017- -5:00 P.M.

Mayor Spencer convened the meeting at 5:00 p.m.

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

[Note: Vice Mayor Vella arrived at 5:01 p.m. and Councilmember Ezzy Ashcraft arrived at 5:04 p.m.]

Absent: None.

Public Comment

Carole Lohr, Alameda, expressed her support for the Friends of the Alameda Animal Shelter (FAAS); stated that she does not see how FAAS could be asking for too much money.

Sheila Cahill, Alameda, urged the Council to approve the funding for FAAS; stated funding is not wasted.

The meeting was adjourned to Closed Session to consider:

(17-208) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9); CASE NAME: Boatworks v City of Alameda, et al.; COURT: Superior Court of the State of California, County of Alameda; CASE NUMBERS: RG16841240

(17-209) Conference with Real Property Negotiators (54956.8); Property: 1590 Fortmann Way, Alameda, CA 94501; City Negotiator: Jill Keimach, City Manager; Organizations Represented: Friends of the Alameda Animal Shelter; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment

(17-210) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; Number of cases: One (As Plaintiff - City Initiating Legal Action). Not heard.

(17-211) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Positions Evaluated: City Manager - Jill Keimach, City Attorney - Janet Kern and City Clerk - Lara Weisiger

Following the Closed Session, the meeting was reconvened and Mayor Spencer announced that regarding Existing Litigation and 1590 Fortmann, direction was given to staff; regarding Performance Evaluation, the discussion would continue on April 18, 2017.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 7:00 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND SUCCESSOR AGENCY
TO THE COMMUNITY IMPROVEMENT COMMISSION (SACIC) MEETING
TUESDAY- -APRIL 4, 2017- -6:59 P.M.

Mayor/Chair Spencer convened the meeting at 7:03 p.m. and led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Agency Member Ezzy Ashcraft, Matarrese, Oddie, Vella and Mayor/Chair Spencer – 5.

Absent: None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmember/Agency Member Matarrese moved approval of the consent calendar.

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

(*17-002 SACIC) Minutes of the Special Joint City Council and Successor Agency to the Community Improvement Commission (SACIC) Held on May 17, 2016 and February 7, 2017. Approved.

(*17-212 CC/17-003 SACIC) Recommendation to Accept the Fiscal Year (FY) 2015-16 Audited Financial Statements and Compliance Reports. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Spencer adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk and Secretary, SACIC

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