

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -SEPTEMBER 4, 2018- -5:30 P.M.

Mayor Spencer convened the meeting at 5:30 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(18-456) Conference with Real Property Negotiators (Government Code section 54956.8); Property: Northwest Territories, Alameda Point; City Negotiator: David L. Rudat, Interim City Manager and Jennifer Ott, Director of Base Reuse & Transportation Planning; Potential Tenant: East Bay Regional Park District; Issue Under Negotiation: Real Property Negotiations Price and Terms of Payment

(18-457) Conference with Labor Negotiators (Government Code section 54957.6); CITY Negotiators: David L. Rudat, Interim City Manager, Elizabeth D. Warmerdam, Assistant City Manager and Nancy Bronstein, Human Resources Director; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), and Alameda Management and Confidential Employees Association (MCEA) and International Association of Firefighter, Local 689 (IAFF); Under Negotiation: Salaries and Terms of Employment

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Real Property, the Council authorized members to discuss specific terms with the Park District in an effort to complete the agreement, which carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Vella – 4; Noes: Mayor Spencer – 1; and authorized the liaison subcommittee members to reach out to Park District liaison subcommittee members and the Interim City Manager to reach out to the Park District General Manager for the same purpose, which carried by unanimous voice vote – 5; and regarding Labor, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 6:54 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 MEETING OF THE  
CITY COUNCIL AND SUCCESSOR AGENCY  
TO THE COMMUNITY IMPROVEMENT COMMISSION (SACIC)  
TUESDAY- -SEPTEMBER 4, 2018- -6:58 P.M.

Mayor/Chair Spencer convened the meeting at 7:05 p.m.

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

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

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

(\*18-456 CC/18-008 SACIC) Recommendation to Accept the Second Quarter Financial Report for the Period Ending December 31, 2017. Accepted.

(\*18-457 CC/18-009 SACIC) Recommendation to Accept the Third Quarter Financial Report for the Period Ending March 31, 2018. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Spencer adjourned the meeting at 7:07 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk and Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -SEPTEMBER 4, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:07 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

(18-460) Mayor Spencer announced that the Ferry matter [paragraph no. 18-480] would be heard second on the regular agenda and the zoning ordinance hearing [paragraph no. 18-485] would be heard before the Museum item [paragraph no. 18-486].

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-461) Mayor Spencer welcomed the new Interim City Manager.

The Interim City Manager announced the Fire Chief was elected as the incoming President-Elect of the California Fire Chiefs Association.

(18-462) Proclamation Declaring September 2018 as National Hispanic Month. Continued to September 18, 2018.

(18-463) Proclamation Declaring September 15, 2018 as Coastal Cleanup Day.

Michael Charnofsky, East Bay Regional Park District (EBRPD), made brief comments.

Mayor Spencer read the proclamation and presented it to Mr. Charnofsky.

(18-464) Proclamation Declaring September 4, 2018 as Jennifer Ott Day.

Mayor Spencer read the proclamation and presented it to Jennifer Ott, Base Reuse Director.

Ms. Ott made brief comments.

The Councilmembers, Assistant City Manager and Interim City Manager made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(18-465) Jay Ingram, Alameda, submitted information; discussed the Del Monte project.

(18-466) Steve Slauson, Alameda, stated that he is running for Assembly; discussed security concerns and burglaries.

(18-467) George Apostolopoulos, California Municipal Finance Authority (CMFA) Open Property Assessed Clean Energy (PACE), discussed the PACE funding program; urged the City to implement the program.

In response to Mayor Spencer's inquiry, the Assistant City Manager stated the matter would come back as part of the first steps under Climate Action Plan early next year.

(18-468) Phil Redd, Alameda, expressed concern over the proposed sales tax and discussed expanding cannabis businesses.

Councilmember Oddie requested personal attacks be avoided.

### CONSENT CALENDAR

Mayor Spencer announced the litigation report [paragraph no. 18-474], resolution on Bill 3036 [paragraph no. 18-476] and resolution on Bill 3250 [paragraph no. 18-477] were removed from the Consent Calendar for discussion.

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

Vice Mayor 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.]

(\*18-469) Minutes of the Special and Regular City Council Meetings Held on July 10, 2018. Approved.

(\*18-470) Ratified bills in the amount of \$13,534,714.66.

(\*18-471) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending June 30, 2018 (Funds Collected During the Period January 1, 2018 to March 31, 2018). Accepted.

(\*18-472) Recommendation to Authorize the Interim City Manager to Execute a Second Amendment to Agreement with Digital Maps for Three Years, for an Amount Not to Exceed \$36,000 per Year, for a Total Five-Year Expenditure Not to Exceed \$180,000, for Government Data Mapping. Accepted.

(\*18-473) Recommendation to Accept the Annual Report on the Alameda Landing Transportation Demand Management (TDM) Program and Approve City Staff Recommendations for Program Improvements. Accepted.

(18-474) Recommendation to Accept the Report on Litigation and Liability Claims

Settlements; and Make Available Any Documents Which Have Become Disclosable to the Public for the Period January 1, 2018 to June 30, 2018.

In response to Mayor Spencer's inquiry regarding insurance covering the settlement payment to the prior City Manager, the Assistant City Attorney stated a claim has been submitted; if approved, the City would receive approximately \$400,000.

Councilmember Matarrese moved approval of the staff recommendation.

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

(\*18-475) Resolution No. 15423, "Amending the Sewer Enterprise Fund Operating and Capital Budget for Fiscal Year 2018-19." Adopted; and

(\*18-475A) Recommendation to Award a One-Year Contract, with the Option for Four One-Year Extensions, for an Amount Not to Exceed \$5,391,277, Including Contingency, for a Total Five-Year Expenditure Not to Exceed \$25,505,838.67, Not Including Contingency, to McGuire and Hester for Cyclic Sewer Replacement Project, Phase 15, No. PW 03-18-10. Accepted.

(18-476) Resolution No. 15424, "Supporting United States Senate Congressional Bill S. 3036, the Keep Families Together Act, to Limit the Separation of Families at or Near Points of Entry." Adopted.

Councilmember Oddie noted the matter was brought forward as a referral.

Councilmember Oddie moved adoption of the resolution.

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

(18-477) Resolution No. 15425, "Supporting United States Senate Congressional Bill S. 3250, the Rent Relief Act of 2018, to Amend the Internal Revenue Code of 1986 to Allow for a Credit Against Tax for Rent Paid on the Personal Residence of the Taxpayer." Adopted.

Urged Council to adopt the resolution: Toni Grimm, Alameda.

Councilmember Ezzy Ashcraft moved adoption of the resolution.

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

(\*18-478) Ordinance No. 3222, "Approving a Lease with Small Size Big Mind, Inc. for

Two Years with a One-Year Option for Building 35, a 2,764-Square-Foot Building Located at 2450 Pan Am Way in the Main Street Neighborhood at Alameda Point.” Finally passed.

### REGULAR AGENDA ITEMS

(18-479) Resolution No. 15426, “Appointing Jennifer Wit as a Member of the Historical Advisory Board.” Adopted;

(18-479A) Resolution Appointing Marsha Broquedis as a Member of the Planning Board. Not adopted; and

(18-479B) Resolution No. 15427; “Appointing Asheshh Saheba as a Member of the Planning Board.” Adopted.

Councilmember Oddie moved adoption of the resolution appointing Jennifer Wit.

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

Councilmember Matarrese moved adoption of the resolution appointing Marsha Broquedis.

Mayor Spencer seconded the motion, which failed by the following voice vote: Ayes: Councilmember Matarrese and Mayor Spencer – 2. Abstentions: Councilmembers Ezzy Ashcraft, Oddie and Vella – 3.

Councilmember Ezzy Ashcraft moved adoption of the resolution appointing Asheshh Saheba.

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

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

(18-480) Resolution No. 15428, “Approving the Updated Seaplane Lagoon Ferry Terminal Plan Resulting in the Procurement of the Ferry Terminal Float and Construction of the Remaining Water and Landside Improvements.” Adopted.

The Base Reuse Director discussed the item.

Councilmember Ezzy Ashcraft inquired whether Regional Measure 3 (RM3) impending lawsuit would affect the procurement of the float.

The Base Reuse Director responded that she had been assured there was no validity to the lawsuit.

Councilmember Ezzy Ashcraft requested confirmation that the lawsuit would not affect procurement.

The Base Reuse Director confirmed there would be no affect.

In response to Councilmember Oddie's request for further clarification, the Base Reuse Director provided further explanation.

Councilmember Oddie inquired who would be responsible for budget overages, to which the Base Reuse Director responded potential responsible parties.

Councilmember Oddie inquired the purpose of including Harbor Bay in the presentation.

The Base Reuse Director responded Harbor Bay was included due to topics discussed at Water Emergency Transit Authority (WETA).

Vice Mayor Vella stated construction costs for the developer have doubled; inquired whether costs for construction can be better projected in the future.

The Base Reuse Director responded projects throughout the region are experiencing construction increases; stated steps can be made to help close the funding gap.

Vice Mayor Vella inquired if the parking lot would be paid or free parking and who would make the decision.

The Base Reuse Director responded Council would decide; stated the idea is to have paid parking.

Mayor Spencer inquired whether City money is being used for the project, to which the Base Reuse Director responded in the affirmative.

Mayor Spencer inquired the maximum amount the City would pay.

The Base Reuse Director responded the City has only authorized \$2 million.

Mayor Spencer inquired where the funding would come from if the costs rise.

The Base Reuse Director responded that she does not know; stated multiple different funding sources could be utilized.

Mayor Spencer inquired about the \$10 million contribution from the Developer, Alameda Point Partners (APP), for the terminal and requested information about how affordable housing would be funded at Alameda Point.

The Base Reuse Director responded both projects are not funded and are potentially at

risk.

Mayor Spencer stated that she would not be in favor of the item; her priority is affordable housing.

Councilmember Matarrese moved approval of the staff recommendation [adoption of the resolution], so that the ferry terminal can go forward.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Ezzy Ashcraft stated affordable housing and water transit are not mutually exclusive propositions; both can be accomplished.

Vice Mayor Vella stated a considerable amount of staff time has been devoted to the matter; there is a time element associated with this item as well as a cost element associated; stated that the City asking WETA for money is significant.

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

(18-481) Public Hearing to Consider Introduction of Ordinance Approving the Encinal Terminals Master Plan and Density Bonus Application (PLN16-0117) for the Redevelopment of the Encinal Terminals Properties Located at 1521 Buena Vista Avenue (APN 072-0382-001, -002, and 72-0383-03). Continued to September 18, 2018.

The Assistant Community Development Director gave a Power Point presentation and provided clarifying amendments.

In response to Councilmember Oddie's inquiry, the Assistant Community Development Director outlined the stipulations and requirements related to developing Encinal Terminals.

Councilmember Oddie inquired about the minimum fine for a vote in opposition, to which the Assistant Community Development Director responded \$5.9 million minimum if the City were to lose in court.

Mayor Spencer inquired if there was only one way on and off the area.

The Assistant Community Development Director responded there are two ways; stated there is emergency access in three locations; the central spine is the area for day-to-day automobile drivers.

Mayor Spencer inquired if there are two lanes on each side.

The Assistant Community Development Director responded there is one lane on each

side.

In response to Mayor Spencer's inquiry, the Assistant Community Development Director stated the thought is more lanes would not be needed because it is a cul-de-sac.

Councilmember Matarrese requested clarification about the proposed amendment language, to which the Assistant Community Development Director stated the text will be additional.

Vice Mayor Vella inquired how long the parcel is.

The Assistant Community Development Director responded fifteen hundred feet.

Vice Mayor Vella inquired how many blocks that would be, to which the Assistant Community Development Director responded three to four blocks.

Mike O'Hara, Tim Lewis Communities (TLC), gave a Power Point presentation.

Mayor Spencer inquired about having two-lanes each way.

Mr. O'Hara responded that he agrees with the Assistant Community Development Director's comments; less lanes can increase safety; the plan is sufficient for automobiles; he would not want to support four lanes.

Mayor Spencer inquired why the project should be considered when another project involving TLC has stalled.

Mr. O'Hara responded the current item creates a plan upon which future buildings and development plans will be placed; stated a number of things have affected the ability to complete the other project.

Mayor Spencer inquired if Tidelands would be considered for overflow parking.

Mr. O'Hara responded each podium building would set aside public parking; using Tidelands could be considered pending any conflict with City's long-term plans.

In response to Mayor Spencer's inquiry, Mr. O'Hara stated that TLC like to be partners with the City on the Tidelands.

Councilmember Matarrese requested clarification on the use of Tidelands property as a parking lot for residents of the development.

Mr. O'Hara responded that his understanding is Tidelands would be used for public overflow parking; stated that he does not want to conflict with any of the City's long-term plans; he is willing to work with the City on short-term needs.

Councilmember Ezzy Ashcraft inquired if on-site parking was provided for the Littlejohn Plaza senior housing; if the space is fully occupied; and if the parking is adequate for the amount of residents.

Mr. O'Hara responded parking is provided; stated that he is unsure about the occupancy and could not verify how many residents have an automobile or if parking is adequate.

Urged the Council to vote no on the project; outlined concerns submitted in a letter: Paul Foreman, Alameda Citizens Task Force.

Stated the Plan should be returned to the Planning Board; expressed concern over the entrance road; expressed support for moving the road: Dorothy Freeman, Alameda.

Stated the Bay Area Council is concerned about the housing shortage and is encouraged by the increase in projects, but more housing is needed: Rachele Trigueros, Bay Area Council.

Urged the Council to approve the project: Kari Thompson, Chamber of Commerce.

Stated the City has an obligation to approve the project, which the applicant can build by right; expressed concern over the land swap not being approved; outlined the fiscal benefit: Michael McDonough, Chamber of Commerce.

Stated the Carpenters Union opposes the project; expressed concern over the developer not committing to labor; urged skilled labor be required: Daniel Gregg, Carpenters.

Expressed concern over the project not being ready; suggested it be sent back to the Planning Board: Vince Sugrue, Sheet Metal Workers' Local 104 and Building Trades Council of Alameda County.

Stated the project should have been approved long ago; the Council voted against the land swap vote, which resulted in a less exciting project: Laura Thomas, Renewed Hope Housing Advocates.

Discussed housing and work force costs: Tim Frank, Center for Sustainable Neighborhoods.

Expressed support for the project, which is not as ideal as the land swap project: Tina Blane, Alameda.

Stated TLC has spoken to labor; parts of the project will be done by union workers; urged approval: Jennifer Grossman, TLC.

Discussed the Housing Accountability Act and density bonus application, which the City

calculated correctly; stated TLC supports the amendments being in the lease: Alicia Guerra, TLC.

In response to Councilmember Ezzy Ashcraft's inquiry regarding labor agreements, Ms. Guerra stated the project was approved by right prior to Senate Bill 35; there is not a labor agreement, which could be addressed in lease discussions.

Councilmember Ezzy Ashcraft inquired about the result of efforts to reach union agreements, if any.

Ms. Guerra responded that no agreement exists but multiple conversations have occurred; the project is ultimately a residential, mixed-use project.

In response to Councilmember Ezzy Ashcraft's request for confirmation of there being no labor agreement in place, Ms. Guerra stated there have been discussions; without a lease document in place, no agreement can be made; TLC is open to a labor agreement.

Mayor Spencer stated that she would like to continue with the additional public speakers.

Stated the City has backed itself into a corner; the road should be aligned with the entrance road; the Clement Avenue extension is a critical part of the Cross Alameda Trail; housing is needed: Brian McGuire, Alameda.

Expressed concern over access during an emergency: Carol Gottstein, Alameda.

Discussed a collapse at the Brooklyn Basin project; urged Council to vote no until the developer comes back with a labor agreement: David Ross, Alameda.

Mayor Spencer inquired if there is a way to ensure the safety of the 589 units.

The Assistant Community Development Director responded that he does not believe the City has the discretion to impose said stipulation on private land; if the City were to impose the safety stipulation on private land and it causes a financial infeasibility for the developer, the City could potentially be in conflict.

Vice Mayor Vella inquired about the road design and egress.

The Assistant Community Development Director responded the reasoning behind the design is for both access and safety.

Vice Mayor Vella stated that she is concerned about how the traffic would interact with pedestrians and cyclists; requested information on the Cross Alameda Trail (CAT) and Clement Avenue.

The Assistant Community Development Director responded the Cross Alameda Trail runs from Alameda Point to the Fruitvale Bridge; stated the Clement Avenue extension runs through the Del Monte development project; there will be a separated cycle track, with a signalized crossing at Clement Avenue for Encinal Terminals.

Vice Mayor Vella inquired about trash pickup and other related items for the project site.

The Assistant Community Development Director responded said items will happen off of the road; stated the main road depicted for discussion is the central access point.

In response to Vice Mayor Vella's inquiry about the proposed amendments and if language could be included to require a Project Labor Agreement (PLA) with the Building Construction Trades Council of Alameda County, the Assistant Community Development Director stated TLC has nine to ten years left on its lease and will not want to invest; a reference could be added to the agreement; the amendment's purpose is not to pre-determine, but to lay out, the requirements the City Council will be looking for when lease amendments are brought forward.

Vice Mayor Vella inquired if the proposed amendment would apply to future land exchanges or swaps.

The Assistant Community Development Director responded if TLC, or any other future owner of the land, wants to come forward and discuss the terms, negotiation would begin again.

Vice Mayor Vella inquired whether the proposed amendment would apply to a future Council, to which the Assistant Community Development Director responded it could.

Vice Mayor Vella inquired if language could be added to the proposed amendment clarifying that Council does not want Tidelands land to be used for one big parking lot.

The Assistant Community Development Director responded in the affirmative; stated Tidelands land cannot be used for residential parking.

The Interim City Manager inquired about the total minimum road width of the central spine concept including the bike access widths.

The Assistant Community Development Director responded 62 feet.

The Interim City Manager inquired about the minimum road width for the emergency access points to the East and West sides.

The Assistant Community Development Director responded 26 feet.

The Interim City Manager inquired about the turning radius of the cul-de-sac.

The Assistant Community Development Director responded that he does not know the exact figure, but knows it is wide enough for fire and garbage trucks to be able to make the turn.

The Interim City Manager requested confirmation whether the 62 feet is unobstructed from curb to curb or if it includes delineation for bike lanes.

The Assistant Community Development Director responded there would be delineators for bike lanes; stated the amendment the Planning Board recommended includes a 62 foot public right of way that has not been designed yet; the concept includes one car lane in either direction, bike lanes, and a sidewalk on either side to give pedestrians, bicyclists, and cars access.

Councilmember Matarrese requested the Council deliberation be without deliberation between City Manager and City Staff.

The Interim City Manager stated that he is asking questions to help Council sort out the access-ways or minimum standards, which are all exceeded by the Fire Code.

Mayor Spencer stated that she appreciates the Interim City Manager's input; requested confirmation from remaining Councilmembers if the Interim City Manager could continue.

Councilmembers Oddie and Vella expressed support.

The Interim City Manager stated that he only wanted to clarify.

Mayor Spencer inquired whether the street widths are wide enough to accommodate boat towing.

The Assistant Community Development Director responded the streets would accommodate Fire vehicles equipped with extending stabilizing arms; stated the street would absolutely accommodate boat towing; there are many subsequent approvals; the main purpose of the amendment is for Council to decide whether or not to move the street to the center.

In response to Mayor Spencer's inquiry if the matter will come back to Council once approved, the Assistant Community Development Director responded the sub-division map will come back and establish the right of way.

Councilmember Oddie inquired the City's discretion related to the health and safety of structures while being built; referenced Mr. Ross's public comment regarding Brooklyn Basin.

The Assistant City Attorney responded the health and safety impacts have to be based on objective written standards that are in effect at the time that the project application is

deemed complete.

Councilmember Oddie inquired whether someone would need enough skills to build and certify the project.

The Assistant City Attorney responded that she does not think the City would not have said objective standards in effect at the time the application was deemed complete.

Councilmember Oddie stated the Site A project has a lot of infrastructure and a PLA, but was able to close the deal, having 25% affordable housing versus 15%; stated the arguments being made for Encinal Terminals project stipulations do not hold a lot of water with him when Alameda Point was able to accomplish more with more challenges.

The Assistant Community Development Director stated the difference between the proposed project and Site A is that the City owned the land being transferred, rather than a private property owner who wants to develop its land based off the City's zoning requirements.

Councilmember Oddie requested clarification on the comments made related to housing constraints.

The Assistant Community Development Director stated a financial constraint can make the project infeasible.

Mayor Spencer inquired about the possibility of sending the matter back to the Planning Board to review the street width.

The Assistant Community Development Director responded sending the item back to the Planning Board is an option, but the specific request being made would be reviewed at the City staff level; stated the question to Council is whether there should be four or two lanes; the wider road, makes less land available for residential, resulting in taller buildings.

Vice Mayor Vella inquired if the road areas near the Tidelands can be made larger.

The Assistant Community Development Director responded the final decision about the width of the road can be through the subdivision map.

Mayor Spencer inquired about the possibility of sending the item back to the Planning Board to review of safety.

The Assistant Community Development Director responded it is possible; stated another option would be to have the Council specify items for sub-division map approval.

Mayor Spencer requested confirmation that a decision does not need to be made and

the item can come back to the Council after the Planning Board.

The Assistant Community Development Director confirmed doing so is possible.

Councilmember Ezzy Ashcraft inquired about the width of the roads for Alameda Marina, to which the Assistant Community Development Director responded two lanes.

Councilmember Ezzy Ashcraft inquired if the roads are wider than 64 feet.

The Assistant Community Development Director responded that he cannot recall; stated they are very similar; the designs are built for trucks.

Vice Mayor Vella stated Alameda Marina has more access points than Encinal Terminals.

Mayor Spencer moved approval of sending the matter back to the Planning Board to address issues enumerated for the safety of residents and people driving on the roads.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Matarrese stated the Council is two steps ahead of the decision on street widths; the proposed street meets the minimum width requirements; the street could be wider, but said decision would be made when the site plan comes forward; the Council has not decided whether or not to support a spine road as recommended by Planning Board; the first order of business is to make a decision about the spine road; the second order of business would be to review the amendment, making stronger, binding language that ties the Tidelands activity to Fortman Marina; incentive should be included in the form of a true mixed-use project, not a residential project, in order to move the project forward; he is amenable to accepting the plan set forth.

Mayor Spencer stated in all fairness to the developer, the difference between Site A and this project is that the Site A developer did not have to buy the land like this developer.

Councilmember Matarrese stated Site A has a negative value of \$1 million per acre, with \$88 million of needed infrastructure extending past Site A; comparison is unfair.

Councilmember Oddie clarified the Site A developer did buy the land and was offered infrastructure credits.

Vice Mayor Vella stated there is a great need for housing; inquired how the City could ensure housing would actually be built.

The Assistant Community Development Director responded it is very, very hard for the City to ensure that housing gets built since the City is not funding any portion of the project; private investors are funding the project; the best way to try to increase the

chances of private investors being attracted to a project is to reduce the project cost; the City's tendency is to increase the cost due to multiple requests; the City tries to get the as many public benefits as possible without over-burdening the project so that private investment becomes hard; only private investors can guarantee that the housing portion of the project would move forward; the amendments and Master Plan show the City wants the project to move forward and wants private investors to invest in infrastructure because the Tidelands land is not as useful to the City unless they do; the amendments clarify the objective of Phase 1 including the Tidelands; Fortman Way is integrated with the project; there are no barriers between the two districts.

Councilmember Matarrese indicated that he would like to make a motion.

Mayor Spencer stated there is already a motion on the table.

Vice Mayor Vella inquired if the Planning Board has considered potential issues with the road and how it might interact with the broader plan.

The Assistant Community Development Director responded whether to move the road to the center was the main issue discussed at the Planning Board; staff recommended moving the road to the middle.

Vice Mayor Vella inquired whether the Council could conditionally approve the plan.

The Assistant Community Development Director responded in the negative; stated the Master Plan cannot be conditionally approved; the last four pages of the Master Plan contain descriptions of approvals that required before the Developer can pull a building permit.

Councilmember Ezzy Ashcraft stated if the Council votes no, nothing will be built; sending the item back to the Planning Board would only be a delay tactic; she is in favor of PLAs but recognizes that both parties must work together in good faith; she is concerned if further delays are created, nothing will be built.

Councilmember Oddie inquired how long the delay would be if the item is sent back to the Planning Board then returns to Council for approval.

The Assistant Community Development Director responded the item could return back to Council by November.

Councilmember Oddie inquired if there would be any legal implications in delaying approval.

The City Attorney responded it is impossible to confirm; stated the City does not want to encourage legal action; without further work on the actual design and layout, there is little the Planning Board can review and does begin to look like a delay of the project; urged caution in requesting further Planning Board review.

Mayor Spencer stated that she believes the Planning Board President thought more time was needed to address the project; the details of the design are important and should be provided to the Council for consideration; she prefers to have the Planning Board review the issues of street width, safety and overall design of the road.

Councilmember Matarrese stated the Council's task is approving the Master Plan; details and requirements follow once the Master Plan is approved; he is not in favor of sending the item back to the Planning Board; he supports sending the amendment language back to City Staff so that the first phase requirements for the developer to work with the City are truly binding.

Vice Mayor Vella inquired which amendment provision should be altered.

Councilmember Matarrese responded page 67, Phasing Requirements.

Vice Mayor Vella inquired whether Councilmember Matarrese has specific desired language, to which Councilmember Matarrese responded in the negative; stated that he would like staff to come up with language for Council to review.

Vice Mayor Vella stated that she would like to add: "Project Labor Agreement with the Building Trades Council of Alameda County" on page 65; changes have been made to previous projects; she would like language in the agreement that allows Council to make changes.

Councilmember Oddie concurred with Vice Mayor Vella's comments; stated card check neutrality should be explicit along with building trades; inquired whether Councilmember Matarrese has general language or direction to provide.

Councilmember Matarrese responded the first phase should require the road and working with the City on the development of the Tidelands in conjunction with Fortman Marina.

Vice Mayor Vella inquired if the Tidelands lease also ties in with Fortman Marina.

Councilmember Matarrese responded in the affirmative.

Councilmember Oddie inquired if the language would be strengthened by changing the adjectives to verbs to read: "coordinate and integrate maritime commercial use of the Encinal Terminals and the adjacent Fortman Marina Tidelands;" requested confirmation that there is nothing the Council can do once the Master Plan is approved.

The Assistant Community Development Director responded the intent is to solidify that the City will not approve any infrastructure plans until it is known that the Council requests have been coordinated and that the City has two Tidelands sites: Encinal and Fortman that can be used in a coordinated fashion.

Councilmember Ezzy Ashcraft inquired whether there could be a break, to which Mayor Spencer responded it would not be appropriate.

Vice Mayor Vella stated that she does not want to delay for the sake of delaying, possibly creating a liability for the City; however, there has been a lot of discussion related to the item's priorities.

Mayor Spencer stated by sending the item back to Planning Board, the Council would have time to do it right.

Councilmember Matarrese requested the City Clerk to read the motion again.

The City Clerk read the motion.

On the call for the question, the motion failed by the following voice vote: Ayes: Mayor Spencer – 1. Noes: Councilmembers: Ezzy Ashcraft and Matarrese – 2. Abstentions: Councilmembers Oddie and Vella – 2.

Vice Mayor Vella suggested Councilmember Matarrese create the motion.

Councilmember Matarrese moved approval of directing staff to incorporate the amendments, with the comments from the Council in mind, to bring back at the next Council meeting on the Consent Calendar.

Councilmember Ezzy Ashcraft requested clarification of the motion.

Councilmember Matarrese responded the motion is to have the amendment edited and brought back to Council at the next meeting on the Consent Calendar for the amendment to be read and approved.

The Assistant City Manager stated it would be difficult to get the item on the next Council agenda because it will be posted on Thursday.

Councilmember Matarrese stated Council could sit at the dais to write new, proposed language; the language can be prepared tomorrow to make the deadline.

Mayor Spencer stated staff needs more time to research the issue.

Councilmember Ezzy Ashcraft inquired if the language can be written now.

The City Attorney suggested the matter be continued to the next meeting.

The City Clerk stated if the item is continued, staff could upload the new language.

Mayor Spencer inquired when the new language would need to be uploaded in order to comply with the Sunshine Ordinance.

The City Attorney responded continuation would address the timing issue raised by the Assistant City Manager.

The City Clerk noted the item would not be open for public discussion because the public discussion portion has already occurred.

Councilmember Matarrese moved approval of Council directing staff to make the edits to the Master Plan and continuing the item to the next Regular Agenda [September 18, 2018].

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Vella stated part of the concern is the quality of the project, which should, meet the standards Council has set forth, and that the amendments reflect said standards.

Councilmember Oddie concurred with Vice Mayor Vella; stated the City gets 589 units; concurred with Mr. McGuire's statement about having a better project had the item been approved last December; stated that he is willing to see this item move forward and have the amendments come back.

Councilmember Ezzy Ashcraft stated moving forward with the minimum of delay shows the Council majority places a high value on adding badly needed housing, improving the shoreline, and opening public access along the waterfront; that she is prepared to support the motion.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Vella – 4. No: Mayor Spencer – 1.

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Mayor Spencer called a recess at 10:27 p.m. and reconvened the meeting at 10:38 p.m.

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(18-482) Summary Title: Take Action to Acquire Union Pacific Property via Eminent Domain for the Jean Sweeney Open Space Park Project

Resolution No. 15429, "Determining that the Public Interest and Necessity Require the Acquisition of Certain Real Property Interests for a Public Project and Directing the Filing of Eminent Domain Proceedings for the Jean Sweeney Open Space Park Project." Adopted.

The Base Reuse Director gave a brief presentation.

Expressed concern over any delay causing issues with park access; urged a deposit be placed in the State fund to allow work to begin: Dorothy Freeman, Jean Sweeney Open Space Park Fund.

The Base Reuse Director stated a budget resolution is not presented tonight; the matter could come back.

In response to Councilmember Ezzy Ashcraft's inquiry, the Recreation and Parks Director stated access is not needed immediately; temporary fencing could cost \$30,000 to \$50,000.

Councilmember Ezzy Ashcraft inquired whether there is sufficient staff resources to proceed with Eminent Domain now, to which the Recreation and Parks Director responded in the affirmative.

Expressed concern over delay and community access being hindered; urged action be taken now: Jim Sweeney, Jean Sweeney Open Space Park Fund.

Stated the Food Bank cannot plan improvements until plans are known; urged the parcels be acquired: William Wolverton, Alameda Food Bank.

Stated the current Food Bank trailer is beat and planning cannot be done until the land is acquired: Cindy Houts, Alameda Food Bank.

Stated a couple of neighborhood streets will not have access; Council should provide direction on the remaining parcels having access: Brian McGuire, Bike Walk Alameda.

Councilmember Oddie moved approval of the item [adoption of the resolution], adding seeking the order for pre-judgement possession and directing staff to bring back a budget resolution within the next two meetings.

Councilmember Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Spencer inquired if Mr. McGuire's statement about access would be included in the motion.

Councilmember Oddie clarified his motion is to bring back a budget resolution in the next two council meetings.

The Assistant City Manager noted the discussion is over \$1 million.

Vice Mayor Vella expressed concern over public good related to the parcels in question; stated the funds could be used for needed affordable housing; she is prepared to move forward, but would not be in favor of adding additional parcels.

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

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(18-483) Mayor Spencer stated a motion is needed to suspend the rules to consider remaining items: Tilden Way Eminent Domain [paragraph no. 18-484], the public hearing amending the Zoning Ordinance [paragraph no. 18-485], the Alameda Museum item [paragraph no. 18-486], and the Rent Annual Report [paragraph no. 18-487].

Vice Mayor Vella moved approval of considering the remaining items.

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

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(18-484) Summary Title: Take Action to Acquire Union Pacific Property via Eminent Domain for the Cross Alameda Trail Clement Avenue East Extension/Tilden Way Project

Resolution No. 15430, “Determining that the Public Interest and Necessity Require the Acquisition of Certain Real Property Interests for a Public Project and Directing the Filing of Eminent Domain Proceedings for the Cross Alameda Trail Clement Avenue East Extension/Tilden Way Project and Seek an Order for Prejudgment Possession.” Adopted.

The Base Reuse Director gave a brief presentation.

In response to Councilmember Matarrese’s inquiry regarding price, the Base Reuse Director stated the City is seeking an order of immediate possession; a funding agreement has already been approved appropriating \$1.685 million.

Vice Mayor Vella moved approval [adoption of the resolution].

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

(18-485) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Chapter XXX (Zoning Ordinance) regarding the Residential Private and Common Open Space Requirements to Allow Greater Variety of Residential Open Space Types and Amenities. Introduced.

The Planning Services Manager provided a revised ordinance.

Mayor Spencer expressed concern about eliminating private outdoor space, inquired if there is a way to ensure that public space is maintained.

The Planning Services Manager provided responded any proposed plan would have to

have some element of private open space.

Mayor Spencer inquired how the City could ensure that public common areas would be maintained.

The Planning Services Manager responded the Municipal Code includes maintenance requirements for new developments that include landscaping or open space.

Mayor Spencer inquired if additional language can be included to ensure that areas are maintained properly, to which the Planning Services Manager responded in the affirmative.

In response to Councilmember Oddie's concern about language related to affordable housing balcony requirements, the Planning Services Manager stated a previous Housing Authority project review lead to the discovery of inadequacies in the current ordinance.

Councilmember Oddie stated language restricting personal outdoor open space for affordable housing does not seem equitable.

Mayor Spencer concurred with Councilmember Oddie; stated community open space areas should be well maintained if private open space is no longer available.

The Planning Services Manager stated a previous Housing Authority project was able to have 58 balconies and patios, balanced with a community room, a playground plus other common amenities.

Vice Mayor Vella stated it seems like a question of enforcement; the question is what happens when landscape maintenance or access to open space is not adequate; inquired whether the issue could be raised with the Housing Authority with a way for the City to follow up if issues continue.

The Planning Services Manager responded in the affirmative; stated the City has landscape maintenance agreements that are guaranteed by bonds for some projects.

Mayor Spencer inquired if a requirement could be in place for all projects.

The Planning Services Manager responded in the affirmative; stated the proposed language was produced via Design Review, which is a public process.

Councilmember Ezzy Ashcraft expressed support for the recommendation.

Expressed support; noted the regulations could be used for other projects throughout the City: Danielle Thoe, Alameda Housing Authority.

Mayor Spencer stated that she has driven by projects in the City and some are not

maintained; she receives complaints about unmaintained areas; expressed concern about some units having a balcony and others not; inquired who determines which unit receives a balcony and which does not.

The Planning Services Manager responded that he would have to defer to Ms. Thoe.

Councilmember Oddie stated that he appreciates the equity issue being addressed, but people like personal open space; now every project is at risk; people need to sit outside in their own space; just because people live in a multi-family unit does not mean they should not have their own private outside space; questioned who makes the case-by-case decision.

Vice Mayor Vella stated people apply to specific buildings; the concept of taking away choice of private open space is a first world problem; having a front lawn when people are homeless is an extravagance; there are ways of creating affordable-by-design housing; consumers can make their decision where to apply; putting more affordable-by-design options in developments is paramount; people who are housing insecure are not worried about whether or not they have a balcony.

Councilmember Oddie stated his issue is with new developments; everyone should have personal open space as an amenity, which is an equity issue; people who live in multi-family housing should not be discriminated against.

Councilmember Matarrese moved approval of the staff recommendation and introduction of the ordinance.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Spencer requested a friendly amendment to add language and conditions requiring projects to have a maintenance clause and bond for common areas.

Councilmember Matarrese accepted the friendly amendment to add in a long-term maintenance agreement.

The Planning Services Manager clarified, the Council is requesting to add conditions regarding long-term maintenance of the open space areas as part of the Design Review approval for the open space plans.

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

(18-486) Recommendation to Receive a Report on the Alameda Museum Archival Activities on Behalf of the City; and Authorize the Interim City Manager to Execute a Five-Year Agreement with the Alameda Museum in an Amount Not to Exceed \$42,600 Annually for a Five Year Total Expenditure of \$213,000, for Archival Services of City of

Alameda Records.

The Recreation and Parks Director made brief comments and gave a Power Point presentation.

Adam Gillitt, Alameda Museum, provided information; gave a Power Point presentation.

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Vice Mayor Vella left the dais at 11:22 p.m. and returned at 11:24 p.m.

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Mayor Spencer moved approval of the staff recommendation.

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

(18-487) Recommendation to Accept the Annual Report for the Rent Stabilization Program.

The Community Development Director made brief comments.

The Rent Stabilization Program Director gave a Power Point presentation.

Councilmember Ezzy Ashcraft stated the presentation addressed the burden on smaller landlords to pay relocation fees not being more important than the needs of the tenant; the landlord community is putting together an assistance fund that perhaps smaller landlords could use.

The Rent Stabilization Program Director stated that he has heard about said effort, which is a good idea; a recommendation has been made in the past about certain financial breaks for smaller landlords; he is not in favor of a two tiered system.

Councilmember Ezzy Ashcraft requested clarification on the percentage of landlords included in the information reported; discussed the need for better data collection.

The Rent Stabilization Program Director stated the most recent fee study allows demographic data to be voluntarily reported.

Councilmember Ezzy Ashcraft inquired how good the data is if it is voluntarily produced.

The Rent Stabilization Program Director responded the data is very limited; stated that he is trying to come up with ways to get more robust data, including a comprehensive database.

Councilmember Ezzy Ashcraft stated there is a goal to expand the range of translated materials, inquired what five languages are currently provided.

The Rent Stabilization Program Director responded the list is broken down in the report.

Vice Mayor Vella inquired whether staff knows how many evicted tenants had to host fundraisers, and if said data is being tracked.

The Rent Stabilization Program Director responded the data is only tracked if it is relayed to the Rent Review Advisory Committee (RRAC).

Vice Mayor Vella stated relocation fees are not enough in some cases, which is causing the fundraisers to occur to make up the difference; requested confirmation that there is no way to track this information.

The Rent Stabilization Program Director responded in the affirmative.

Vice Mayor Vella inquired if she could forward fundraising postings to the Rent Stabilization Program Director.

The Rent Stabilization Program Director responded there can be follow up on the information provided to ensure the tenant has been made aware of their rights and options available.

Vice Mayor Vella expressed concern over the relocation benefit being insufficient versus actual costs; stated data regarding fundraisers occurring is valuable; that she is in favor of amending the Sunshine Ordinance for RRAC proceedings; inquired if the disclosures for different people appearing that serve on the RRAC have been properly updated.

Councilmember Oddie discussed terminations of tenancies; inquired if there were any duplications.

The Rent Stabilization Program Director responded in the negative.

Councilmember Oddie stated that he believes the number of evictions over the two year period were “no-cause evictions” because tenants were drug dealers or prostitutes is zero.

Stated the RRAC is working as well as possible, but the system cannot provide good results; expressed concerns with the 5% increase: Eric Strimling, Alameda Renters Coalition (ARC).

Discussed statistics; expressed concern over a board member working with tenants and having confidentiality agreements: Catherine Pauling, ARC.

Stated the report does not show relocation fees being a burden for small landlords; the designation seems arbitrary; expressed concern over the relocation fee being insufficient: Toni Grimm, Alameda.

Councilmember Matarrese stated the gathering of information is like running in place; Council should be informed with broader information; some statistics are good, but he would like to see the information coupled with Business License annual reporting.

Councilmember Oddie inquired if any cases are handled outside the RRAC.

The Assistant City Attorney responded part of the process is to have staff trained in mediation; stated landlords and tenants participate in mediation facilitated by staff that will sometimes result in a case being settled prior to the RRAC meeting.

Councilmember Oddie inquired how many mediations occur and if outside parties facilitate mediation.

The Assistant City Attorney responded there are not outside mediations; stated RRAC meetings are typically broken up into two pieces: first is mediation, and the second is a quasi-judiciary hearing where the RRAC hears testimony and makes a recommendation; the landlord and the tenant are encouraged to engage in mediation before the process begins to facilitate an agreement.

Councilmember Oddie inquired if the number of mediations is known.

The Assistant City Attorney responded the number was reported in the data.

Councilmember Oddie inquired how many cases do not come to the RRAC because the City never receives notice.

The Assistant City Attorney responded notice if filed for mediation that does happen; stated the ability to resolve the matter with a court action goes to a full hearing.

Councilmember Oddie inquired if said instance occurs with or without a notice.

The Community Development Director responded under the ordinance the landlord is required to notify the Housing Authority if the rent increase is higher than 5%; the Housing Authority received 188 notices of rent increases above 5%, and of those, 62%, or 85 cases, were settled with the assistance of staff.

Councilmember Oddie inquired if mediation is occurring outside of the RRAC process before someone files a notice.

The Community Development Director responded the program would not know said information.

The Assistant City Attorney stated the Housing Authority would welcome any information regarding outside mediation occurring before the RRAC process; that he would be follow up with the public speaker.

Councilmember Oddie stated a confidentiality agreements would prevent tenants from telling the RRAC; he is concerned about the large decrease in number of rent increases.

Vice Mayor Vella questioned if the City could track when someone goes to a RRAC member involved in a settlement outside the RRAC proceedings; suggested the annual, cumulative rent increase causing effective evictions be brought to the RRAC's attention and included in the information provided in the future.

Councilmember Ezzy Ashcraft stated that she hopes changes can be made to the ordinance following the election in November; one of the main changes to be made is noting the actual relocation expenses versus the relocation assistance funds provided to tenants; that she is troubled by the allegations made against a particular RRAC member and would like to again renew her call to get rid of the RRAC altogether; resources can be used better by staff.

In response to Councilmember Oddie's inquiry regarding Councilmembers and RRAC members appropriate roles, the City Attorney stated her office is looking into the matter in question.

The Assistant City Attorney stated regular ongoing and onboarding meetings are included as part of the training provided to the RRAC members.

The Community Development Director noted the Council had clearly directed staff to look into possibly revising relocation benefits.

Mayor Spencer moved approval of accepting the annual report.

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

#### CITY MANAGER COMMUNICATIONS

None.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

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Vice Mayor Vella left the meeting at 12:20 a.m.

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## COUNCIL COMMUNICATIONS

(18-488) Councilmember Oddie expressed appreciation to the City Manager and Fire Chief for their advocacy in the Community Paramedicine Bill, which passed on Friday causing the City's pilot program to become something permanent.

Mayor Spencer mentioned that she signed a letter of support.

(18-489) Consideration of Mayor's Nomination for Appointment to the Historical Advisory Board, Planning Board, and Social Service Human Relations Board (SSHRB).

Mayor Spencer nominated Cheryl Harawitz for appointment to the SSHRB.

## ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 12:22 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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