

MINUTES OF THE REGULAR CITY COUNCIL MEETING
WEDNESDAY- -JANUARY 2, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:21 p.m.

ROLL CALL - Present: Councilmembers Daysog, Knox White, Oddie, Vella,
and Mayor Ezzy Ashcraft – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(19-005) Paul Medved, Alameda, discussed sea level rise and urged Council to take action.

(19-006) Mari Perez Ruiz, Alameda Renters Coalition, discussed the housing crisis, renters and changes to the rent ordinance.

(19-007) Frida Cassidy Schiesser, Girl Scout Troop #33067 and Alameda Renters Coalition, discussed the lack of rent control and the effects of displacement.

(19-008) Catherine Pauling, Alameda Renters Coalition, urged Council to amend the rent control ordinance; discussed the impacts on seniors and disabled.

(19-009) Eric Strimling, Alameda Renters Coalition, discussed Rent Review Advisory Committee meetings and cases and questioned ways for tenants to get hearings about rent increase reviews.

CONSENT CALENDAR

Vice Mayor Knox White requested the rent budget resolution [paragraph no. 19-013] be withdrawn from the Consent Calendar for discussion.

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

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

(*19-010) Minutes of the Special and Regular City Council Meetings Held on December 4, 2018. Approved.

(*19-011) Ratified bills in the amount of \$ 5,153,139.02.

(*19-012) Recommendation to Accept Report on the Appointment of Two Members to the Open Government Commission. Accepted.

(19-013) Resolution No. 15471, "Amending Fiscal Year 2018-19 Rent Stabilization Fund Budget in the Amount of \$166,000 from Available Fund Balance (Fiscal Year 2017-2018) for Acquisition and Implementation of Database Software to Implement Policies, Provide Accurate Data, and Increase Administrative Efficiency for the City's Rent Review, Rent Stabilization and Limitations on Evictions (Ordinance No. 3148) and Authorizing the Interim City Manager to Execute Certain Amendments to the Staffing Services Agreement with the Housing Authority to Reflect the Software Acquisition and Funding Appropriation." Adopted.

Vice Mayor Knox White stated the contract is with the Housing Authority and will not be coming back to Council; the initial intent for the database is not to start collecting new data; however, there is interest in the ability to track rents and other information about local rents that are not currently available; requested that the database approved provide said functions from the beginning and not require additional funding.

The Rent Stabilization Program Director responded the Request for Proposals (RFP) had been constructed with the details mentioned by Vice Mayor Knox White in mind; outlined the database will also have a payment portal for landlords to submit annual program fees.

Vice Mayor Knox White inquired if the option to expand modules at a later date would be costly or fairly easy.

The Rent Stabilization Program Director responded all potential systems offered will be flexible enough to add additional fields with no cost involved.

Councilmember Oddie expressed concern about privacy; inquired if a report would be coming back to Council.

The Rent Stabilization Program Director responded that he is happy to provide a report on all aspects of the final product; stated the Housing Authority is looking at specific programs with security measures in mind.

Councilmember Oddie expressed concern about rent, personal names and addresses, being public due to the City's transparency rules.

The Rent Stabilization Program Director stated the matter of transparency is best suited

for the Interim City Attorney; the Housing Authority will comply with all security requirements.

Councilmember Oddie expressed concern about what items can and cannot be made public; inquired if funds can be recaptured in the following year when the fee is recalculated, or if the item is funded entirely by General Fund monies.

The Rent Stabilization Program Director responded the initial \$166,000 ask uses cost savings from the prior year; the funds will not be recaptured later.

The Base Reuse and Community Development Director stated in June 2018, the proposed fee study was presented; half of excess funds were retained from the fees for data collection; the fee has been reduced from \$120 to \$106; General Fund monies are not being used; funds were collected from the prior fiscal year for the rent program and are on-hand, but need to be appropriated for this purpose.

Stated Citywide data is needed; the software should be robust enough to be Citywide; discussed public access to data: Catherine Pauling, Alameda Renters Coalition.

Vice Mayor Knox White moved adoption of the resolution.

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

REGULAR AGENDA ITEMS

(19-014) Resolution No. 15472, “Amending Master Fee Resolution No. 12191 to Revise Alameda Fire Department Transport Fees.” Adopted.

The Deputy Fire Chief made brief comments.

Mayor Ezzy Ashcraft inquired if the Fire Department will be unable to recoup costs associated with providing emergency ambulance services should the recommended increase not be approved by Council, to which the Deputy Fire Chief responded in the affirmative.

Councilmember Oddie moved adoption of the resolution.

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

(19-015) Public Hearing to Consider Approving the Housing and Community Development Needs Statement for the Community Development Block Grant (CDBG) Annual Plan for Fiscal Year 2019-20.

The Housing Authority Management Analyst gave a Power Point presentation.

Discussed seniors' needs, assistance to protect rental rights and outreach for legal services: Dan Ashbrook, Legal Assistance for Seniors.

Discussed the importance of safety net services: Liz Varela, Building Futures.

Outlined assistance services provided by Family Violence Law Center: Stephanie Penrod, Family Violence Law Center.

Councilmember Daysog inquired if the Family Violence Law Center received 25 to 35 domestic violence referrals each month in the past fiscal year.

Ms. Penrod responded in the affirmative; stated the time frame is within the last four quarters.

Vice Mayor Knox White inquired if omitting food security as a key item in the needs statement was intentional or unintentional.

The Management Analyst responded the Housing Authority will make a more concerted effort in the following year to specifically identify needs more closely; stated the omission was unintentional.

Vice Mayor Knox White stated the City has been a long-time provider of CDBG grants to the Food Bank and he would like to ensure that the Food Bank is aware they are able to apply again based on the needs statement.

The Management Analyst stated the Food Bank was the highest scoring non-profit in the previous year and is encouraged to apply again.

Vice Mayor Knox White inquired if additional tenant legal services should be clarified or removed.

The Base Reuse and Community Development Director responded only tenant legal services for seniors are funded are through Senior Legal Services; stated a service has recently been expanded to include housing due to such high demand, but it can be changed if the Council desires.

Councilmember Vella stated it will be interesting to see what happens with the new legal services contract; typically clients have a number of different issues when seeking legal aid; specialized legal services are helpful; her decision will be based on how many seniors are using services specific to seniors.

Mayor Ezzy Ashcraft inquired the venue for the services for seniors.

Mr. Ashbrook responded the program has been designed to prevent senior evictions; if landlord representation is also needed, the service would have to be designed for the future; clarified one legal housing program can address the needs of both tenants and

landlords.

Mayor Ezzy Ashcraft inquired the location of the services, to which Mr. Ashbrook responded Mastick Senior Center.

Mayor Ezzy Ashcraft expressed concern about seniors with limited mobility having to travel to Oakland for services; stated it is great to know there are local services available at Mastick Senior Center.

Mr. Ashbrook stated home visits are available as well.

Councilmember Daysog stated it is imperative for the City to have a set aside, acknowledge and provide services for the elderly.

Councilmember Oddie stated the item is not related to deciding any funding or giving direction on funding; that he is comfortable with the needs statement; the second item listed for priority is preventing homelessness; increasing housing opportunities for homeless and extremely low income households and delivering support services to promote stability and independence should be kept in mind as decisions are made.

Mayor Ezzy Ashcraft stated it is overwhelming that the need is so great, but the City's resources are finite.

Councilmember Vella moved approval of the needs statement with the amendment.

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

(19-016) Recommendation to Receive the Report on the Initiative Measure to Change the Land Use Designation for an Approximately 3.65 Acre Site on McKay Avenue, by Amending the General Plan Designation from Office to Open Space, and by Amending the Zoning Ordinance from Administrative-Professional District to Open Space District and Consider the Following Options: Option 1 - Adopt the Ordinance; or Option 2 - Adopt a Resolution Submitting the Ordinance to the Voters.

Resolution No. 15473, Calling a Special Election in the City of Alameda on April 9, 2019 for the Submission of a Proposed Initiative Measure to Change the Land Use Designation for an Approximately 3.65 Acre Site on McKay Avenue, by Amending the General Plan Designation from Office of Open Space, and by Amending the Zoning Ordinance from Administrative-Professional District to Open Space District.” Adopted.

The City Clerk gave a brief presentation.

Councilmember Vella inquired who drafted the ballot question, to which the City Clerk responded legal staff and City staff worked collectively on the question.

Councilmember Vella inquired if Council has to approve the ballot question this evening as drafted.

The City Clerk responded in the affirmative; outlined a previous rent initiative on the last ballot, which Council approved, then revised it at a later date.

The Interim City Attorney stated Council has the authority to revise the ballot question, but the question cannot be more than 75 words, and needs to be as neutral as possible, to not be argumentative or misleading.

In response to Mayor Ezzy Ashcraft's inquiry regarding choosing the April election date, the Interim City Attorney stated Friday, January 11, 2019 is the deadline for an April election.

Mayor Ezzy Ashcraft inquired if a special meeting needs to be called.

The Interim City Attorney responded in the affirmative; stated the meeting could be a continuation.

Vice Mayor Knox White inquired if Council has until Friday, January 11, 2019 at 5:00pm to approve the final 75 word ballot question; to which the City Clerk responded in the affirmative.

Vice Mayor Knox White inquired if polls need to be open or if an all-mail ballot is an option.

The City Clerk responded Election Code requirements must be met in order to call an all-mail ballot, which cannot be met, therefore there will be polls open on Election Day; those who vote absentee will still have the option to mail ballots.

Vice Mayor Knox White inquired if there is a way to call an all-mail ballot, to which the City Clerk responded in the negative.

Vice Mayor Knox White inquired if there are insights from East Bay Regional Parks District (EBRPD) related to what land is considered to be the park boundaries.

The Assistant City Attorney responded the subdivision did not occur until after Measure WW had been placed on the 2008 ballot; stated the Federal government planned to subdivide the parcel and dispose of Neptune Point first; EBRPD knew as early as 2005 or 2006 that the government would subdivide the parcels even though it did not occur until later; the intent was clear to both the Federal government and EBRPD before Measure WW went to the voters in 2008.

Councilmember Daysog inquired if the subdivision occurred in May 2016, to which the Assistant City Attorney responded the Quitclaim Deed is dated 2015.

Councilmember Daysog stated there is a parcel number for one parcel for all seven acres that goes until 2015/2016; requested the change in parcel numbers from 2015/2016 to 2016/2017 be noted.

The Interim City Attorney stated when a deed is recorded, the County Assessors' office does not always make the change immediately, which may be the reason there is a slight discrepancy between when the Quitclaim Deed was recorded and when the Assessors' parcel map was modified to show two different parcels.

Councilmember Oddie inquired if a ballot argument would be due January 16, 2019, to which the City Clerk responded in the affirmative.

Councilmember Oddie stated the language needs to be created here and now or a subcommittee needs to be formed.

Discussed the proposed Alameda Point Collaborative (APC) project and support; urged the proponents to withdraw the initiative: Doug Biggs, APC.

Discussed Measure WW; expressed concern over pressure to withdraw the initiative; discussed the homeless project; urged adoption of the ordinance or placing the measure on the November 2020 ballot: Angela Fawcett, Friends of Crab Cove and Initiative Proponent.

Expressed support for caring for others and neighborly relations; urged the initiative be withdrawn to work together: Cindy Acker, Alameda.

Discussed Measure WW; stated a writ was filed; discussed meeting with Mayor Ezzy Ashcraft: Liza Gabato Morse, Friends of Crab Cove.

Discussed taking care of homeless seniors; urged the proponents to withdraw the initiative: Eric Strimling, Alameda.

Urged all people be supported; expressed support for withdrawing the initiative: Elizabeth Middleberg, Alameda.

Mayor Ezzy Ashcraft stated that she did meet with proponents of the project, Ms. Fawcett and Ms. Gabato Morse; urged both sides to sit down, talk and find a compromise.

Councilmember Vella stated there has been no Brown Act violation; that she has not spoken to any other Councilmembers about the item or her opinion of it; Measure WW was put on the ballot by EBRPD, not the City of Alameda; if there are concerns about Measure WW, there is a public board of elected officials which members of the public can hold accountable; whether or not the land is within the definition of becoming available for EBRPD is debatable; outlined the process for surplus land; stated encouraged constituents to work and speak with the EBRPD Board or come to liaison

meetings if they feel there has been misuse of Measure WW funds; outlined additional costs not related to a special election that also must be considered by Council; stated that she cannot support adopting the ordinance and would like to pursue submitting the ordinance to voters; it is a misnomer to state a special election is due to actions of Council; questioned if Council waits to place the election on the next general election at a lower cost, what other costs are accruing in that time; stated Council has fiduciary obligations that must be considered; the previous agenda item stated the project is a top need; that she would like to discuss the ballot question.

Councilmember Daysog stated the issue is straight-forward; Council should respect the wishes of those who signed the initiative; a special election is far too costly; the vote should be placed on the November 2020 ballot; Friends of Crab Cove are asking for the vote to be placed on the November 2020 ballot.

Councilmember Oddie stated that he was struck by Ms. Middelberg's comment stating: "we can do better as a City;" expressed support for holding the election; stated the City cannot be held responsible for what was said in order for Measure WW to pass; discussed the previous agenda item relating to the current item; stated the issue should be resolved sooner rather than later; the project will go forward; if the vote is pushed to November or 2020, the City's liability is much more than \$600,000; that he hopes both sides can keep talking and come to a solution; the area will become a homeless facility, but it will become urban blight if nothing is done.

The Interim City Attorney stated if Council concedes at this point, it is not an automatic taking of the property.

Vice Mayor Knox White inquired if Council moves to place the item on the ballot, are the proponents able to withdraw, to which the Interim City Attorney responded in the affirmative.

Vice Mayor Knox White stated if the item does not move forward, the wellness center will lose tens of millions of dollars that have already been committed; Alameda is caring as a community; homelessness is a major issue; the need is well documented; the best way to find a solution is to sit down and address the issues and concerns; the initiative is not support community-wide; requested clarification about the allocation of Measure WW funds; stated that he believes there are factual misstatements in the initiative that need to be challenged; now is a time for healing.

Mayor Ezzy Ashcraft stated the City and the County are in the midst of a housing crisis; outlined a meeting with the Oakland Mayor; the proposed project is a well thought out way to shelter the most vulnerable homeless individuals; expressed support for going forward with a special election, due to funding commitments the project has acquired which will not exist in November 2020; outlined funding opportunities; stated projects are competing for the funding opportunities; the proponents are able to withdraw the petition any time up to January 11, 2019 at 5:00pm; Council has not expressed a desire to adopt the ordinance; inquired the process if members of the Council would like to

review and update the ballot question.

The Interim City Attorney responded the Council may continue the item to the following week, and appoint a committee of Councilmembers and staff to come up with new language that could then be brought back to Council for final action.

Mayor Ezzy Ashcraft proposed a subcommittee of herself and Councilmember Vella to draft new language and ballot arguments.

The City Clerk stated the item may be continued with the direction to form a subcommittee.

Mayor Ezzy Ashcraft inquired the process to formally not adopt the ordinance, but want to go forward to the voters.

The City Clerk stated it has been expressed; the directive is to continue the meeting to a date specific, with a new, revised ballot question to review.

Mayor Ezzy Ashcraft called a recess at 9:05 p.m. and reconvened the meeting at 9:14 p.m.

The City Clerk stated the recommendation is for the Council to proceed with adopting the resolution calling the election on April 9, 2019 with direction that the ballot question be amended and return at a date specific, with the recommended date being January 10, 2019.

Mayor Ezzy Ashcraft inquired the reason for Council to current adopt the resolution.

The City Clerk responded in order to set the argument deadlines, the election must be called now.

Councilmember Oddie clarified that Council is bringing back the 75 words and the proposed ballot argument.

Councilmember Oddie moved adoption of the resolution.

Vice Mayor Knox White seconded the motion.

Under discussion, the City Clerk inquired the time specific the item is being continued to, to which Mayor Ezzy Ashcraft responded 6:00pm.

Councilmember Oddie inquired if the revised 75 words will be posted and if there is a deadline to provide to the public.

The City Clerk responded it can be posted at any time due to Council having the ability to edit the question at the continued meeting; the final language must be adopted at the January 10, 2019 meeting.

Mayor Ezzy Ashcraft inquired if a revised staff report will accompany the language for Council to review ahead of time, to which the City Clerk responded in the affirmative.

Councilmember Oddie stated that he wants to ensure items are properly noticed.

The City Clerk stated the item is being continued; Council has the ability to edit the ballot question on the spot if needed.

Councilmember Vella stated the item is going to be properly noticed; the goal is to give everyone enough time to weigh-in if needed.

Vice Mayor Knox White stated it would be fair to close public comment at the continued meeting since public comment has occurred; inquired if public comment could be re-opened.

The City Clerk responded in the affirmative; stated public comment is typically closed for continued items.

Councilmember Daysog stated that he will oppose the motion because he believes the decision to place the item on the November 2020 ballot at a \$25,000 cost is far superior than spending roughly \$630,000 that City Hall does not have for an April special election; the project proponent never explicitly stated the project is at risk of losing project funds if the election is held at the November 2020 election.

Councilmember Vella stated other funds are at risk; if the ordinance were adopted, the City has other parks in jeopardy; questioned where the funds for the new open space park would come from and if a park bond would need to be obtained; outlined current park project needs.

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

Vice Mayor Knox White moved approval of appointing Council a subcommittee of two members at Mayor Ezzy Ashcraft's discretion to write the ballot argument.

The City Clerk stated Council can designate authority to let two members decide who will sign.

The Interim City Attorney stated there is not adequate time to draft the ballot argument and have it on the regular meeting on January 15, 2019; a special meeting will have to be called.

Vice Mayor Knox White withdrew his motion.

Mayor Ezzy Ashcraft stated the subcommittee believes the language can be ready by January 8, 2019.

Councilmember Vella stated if she were not on the subcommittee, she would want to read the language prior to adding her name to it; that she is willing to get the language back to the City Clerk by January 8, 2019.

(19-017) Adoption of Resolution Submitting to the Voters an Ordinance Entitled “McKay Avenue Open Space Fiscal Responsibility Measure” at the Special Election to be Held in the City of Alameda on Tuesday, April 9, 2019. Not adopted; and Consider Authoring a Direct and Possible Rebuttal Argument.

Vice Mayor Knox White proposed hearing the fiscal responsibility measure and Caring Alameda Act [paragraph no. 19-018] together.

Mayor Ezzy Ashcraft inquired if combining the items is permissible, to which the Interim City Attorney responded in the affirmative.

The City Clerk gave a brief presentation.

Councilmember Oddie inquired if Council could approve the item or is voter approval needed to direct the City Attorney as described.

The Interim City Attorney responded if the voters approve the fiscal responsibility measure, the voters would have directed the City Attorney to file an action to find out if there was a taking and what the value is.

Councilmember Oddie inquired if Council can give the same direction after the election is certified, to which the Interim City Attorney responded in the affirmative.

The City Clerk noted if taken to the voters, Council can state the voters approved this funding requirement and mechanism.

The Interim City Attorney stated if the item is challenged, the court could presumably give greater weight to what the voters approved versus Council.

Councilmember Vella requested clarification that Council would be authorizing putting a ballot initiative forward, potentially for funding.

The Interim City Attorney stated if the voters approve the measure, there would be a process to move ahead and find out if there was a taking; if there was a taking, there would be a process for determining a funding source.

Councilmember Vella expressed concern if a bond measure is required for funding; inquired why the term bond measure was not included.

The Interim City Attorney responded sources other than bond measures could be used.

Councilmember Vella inquired if Council could require going to court to find out if it is a taking, and then going through a bond process, so funds would not come from General Fund or other sources.

The Interim City Attorney responded in the affirmative; expressed concern the funding source could be left up in the air causing limitations if the bond measure did not pass.

Mayor Ezzy Ashcraft inquired if Council were to approve the proposed ballot measure and limit the funding source to only a bond measure, would the City be in legal jeopardy if faced with a taking or some other action if the bond measure did not pass.

The Interim City Attorney responded said concern is a possibility.

Councilmember Oddie inquired if the funding is related to possible compensation to the owner; to which the Interim City Attorney responded in the affirmative.

Stated that he offered to meet with Councilmember Daysog prior to the Council meeting; delay of the project will cost APC; the cost impact study is flawed and runs a risk if not passed; the issue is about homeless people; urged the community to serve the homeless; expressed support of the Caring Alameda Act: Doug Biggs, Alameda Point Collaborative.

Discussed the opposition to the senior center; stated his understanding is the project would assist those on the verge of homelessness; stated if more people cared about other people, things would be better: Geoffrey Burnaford, Alameda.

Councilmember Vella expressed concern about wording; stated it is difficult to follow and nuanced; suggested Council can give direction to legal counsel now; outlined the process that would be followed; urged caution in adding items to the ballot that can be completed through an act of Council instead.

Councilmember Oddie concurred with Councilmember Vella; stated that he does not wish to put the fiscal responsibility measure on the ballot.

Vice Mayor Knox White stated that he would not like to put the fiscal responsibility measure on the ballot; questioned what the City gains by giving direction now; stated that he would rather put the Caring Alameda Act on the ballot.

Mayor Ezzy Ashcraft stated giving voters three measures to vote on can be complicated and confusing; expressed support for the Caring Alameda Act, which should be taken to the voters.

Councilmember Vella stated that she would like to hear from Council about funding; inquired if the measures are able to tie into a the initiative measure Council voted to put on April 9, 2019 Special Election; expressed concern about asking a negative question in one and a positive in the other.

Mayor Ezzy Ashcraft stated it is important to let voters know of the action already approved by Council; having the two measures side-by-side gives a clearer choice.

Councilmember Oddie moved approval of not placing the McKay Avenue Open Space Fiscal Responsibility Measure on the ballot and [Council] directing the City Attorney [to proceed] as the proposed measure directs.

Councilmember Vella seconded the motion; requested input from the Interim City Attorney.

Under discussion, the Interim City Attorney stated if the initiative passes, the City Attorney is to file the action in court within a six-month period to determine whether or not it was a taking and determine the value.

Councilmember Oddie stated the direction gives the ballot argument authors another possible approach if desired.

Vice Mayor Knox White questioned what is being gained; stated the importance of the fiscal responsibility ballot language is that voters would say do not enact the open space initiative until funding is found; direction is given in order to figure out if it is a taking and how much is it going to cost the City; questioned the benefit.

Mayor Ezzy Ashcraft stated the propositions are not mutually exclusive, Council can give direction to the City Attorney now and include the costs in opposition to the measure.

Vice Mayor Knox White inquired what is being proposed.

Councilmember Vella expressed concern about an additional item to agendize and discuss post-election; stated the question before voters, in part, is where is the money would come from; Council would like to know if this is a taking, what are the costs if it is a taking, and how will funding be outlined; inquired what could potentially be lost from giving direction to the City Attorney.

Vice Mayor Knox White inquired if the issue has been properly agendized.

Mayor Ezzy Ashcraft inquired if the option can be included on the January 10, 2019 meeting.

Councilmember Daysog stated the Jean Sweeney initiative was not to be enacted

unless funding revenue sources were found; the discussion about a taking has become moot.

Mayor Ezzy Ashcraft stated that is one of the distinguishing features between the Jean Sweeney initiative and the current item.

The Interim City Attorney stated the noticing issue is valid; there is a distinction between the voters enacting and Council enacting; recommended adding a separate agenda item; stated Council can take action not to put the fiscal responsibility act on the ballot, but giving direction to the City Attorney should be deferred to the January 10, 2019 meeting.

Councilmember Oddie inquired how the agendizing notice issue is resolved by putting it on the January 10, 2019 meeting agenda.

The Interim City Attorney responded the item can be addressed at a special meeting on January 10, 2019.

Councilmember Vella requested a friendly amendment to the motion to have the item to January 15, 2019 to allow the item to be properly agendized.

Councilmember Oddie revised his motion to not put it on the ballot and to agendize giving direction to the City Attorney at a special meeting on January 15, 2019.

Councilmember Vella seconded the motion.

On the call for the question the motion carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie, Vella and Ezzy Ashcraft – 1. Abstention: Councilmembers Daysog – 1.

(19-018) Resolution No. 15474, “Submitting to the Voters an Ordinance Entitled “Caring Alameda Act” the Special Municipal Election to be Held in the City of Alameda on Tuesday, April 9, 2019, that Proposes to Have the Voters Confirm Resolution No. 15461, which Amended the General Plan Text and Land Use Diagram, and Ordinance No. 3234, which Amended the Citywide Zoning Map for the Property on McKay Avenue (APN 74-1305-26-2) to Allow for Senior Assisted Living and Support Services for Homeless Individuals; and Consider Authoring a Direct and Possible Rebuttal Argument.” Adopted.

The matter was discussed at the same time as the fiscal responsibility measure [paragraph no. 19-017].

Vice Mayor Knox White moved [adoption of resolution] to place the Caring Alameda Act on the ballot and to ask the subcommittee if they are willing to look at the [ballot question] language to bring back to the January 10, 2019 meeting for approval.

The Interim City Attorney stated the subcommittee would also craft the arguments.

Vice Mayor Knox White inquired if Councilmember Oddie would work with him.

Mayor Ezzy Ashcraft stated the Caring Alameda Act subcommittee would be Vice Mayor Knox White and Councilmember Oddie.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Oddie stated of the many people he has encountered discussing the topic, none have been opposed; people are concerned about the issue, which needs to be put on the ballot so voters can understand the clear choice between having services which are desperately needed and not having them; expressed support.

Councilmember Vella expressed concern over the appearance if the same subcommittee drafts the argument to the other measure; stated it is important to separate the two items so there is no confusion; whatever Council puts forward relative to the ballot question must be balanced and fair.

Councilmember Daysog stated that he will vote no on the item because he supports a November 2020 election; the project proponent did not specific state that the project will lose funding should it go on the November 2020 election.

Vice Mayor Knox White inquired if Councilmember Daysog would support the election if it were run on the November 2020 ballot; to which Councilmember Daysog responded in the negative.

Vice Mayor Knox White inquired if anything could be clarified to ease concerns.

Councilmember Daysog responded there are three issues: 1) 6,000 residents support the initiative, 2) leaders of Friends of Crab Cove are okay with a November 2020 election, and 3) there is no compelling evidence that the project will crater if the election is held in November 2020.

On the call for the question the motion carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie, Vella and Ezzy Ashcraft – 1. Noes: Councilmembers Daysog – 1.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(19-019) Information from the Committee to House the Bay Area (CASA) Compact.
(Councilmember Oddie)

Councilmember Oddie stated he will submit a referral for staff to report on solutions the City can provide.

(19-020) Councilmember Vella stated that she recently attended a Lead Abatement Joint Powers Authority meeting; outlined issues with do it yourself (DIY) projects involving lead paint; discussed issues related to funding from lead paint litigation; outlined a City of Berkeley DIY home renovation pamphlet for older homes; stated soil contamination is fairly high in the City of Alameda and she would like a City of Alameda lead information pamphlet based off of the City of Berkeley's example.

(19-021) Vice Mayor Knox White expressed gratitude to Councilmember Oddie for bringing forth the information on the CASA Compact; stated there is an upcoming workshop for the hiring of the City Manager; inquired at what point and time Council can sit as a group to prioritize and focus on key items.

(19-022) Mayor Ezzy Ashcraft stated her first event as Mayor was opening the warming shelter at the Christ Episcopal Church on Grand Street; expressed concern about the Government shutdown and federal employees in Alameda not receiving paychecks; inquired said members of the community can be assisted.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:23 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)
WEDNESDAY- -JANUARY 2, 2019- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:00 p.m.
Councilmember/Commissioner Vella led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Knox
White, Oddie, Vella and Mayor/Chair Ezzy Ashcraft –
5.

Absent: None.

CONSENT CALENDAR

Mayor/Chair Ezzy Ashcraft stated the purchase and sale agreement [paragraph no. 19-003 CC/19-03 SACIC] would return at a later meeting with the appraisal report.

Vice Mayor/Commissioner Knox White requested the reimbursement agreement [paragraph no. 19-004CC/19-05SACIC] be pulled from the Consent Calendar for discussion.

Councilmember/Commissioner Oddie moved approval of the remainder of the Consent Calendar.

Councilmember/Commissioner 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.]

(*19-001CC/19-01SACIC) Minutes of the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting Held on September 18, 2018 and December 18, 2018. Approved.

(*19-002CC/19-02SACIC) Recommendation to Accept the First Quarter Financial Report for the Period Ending September 30, 2018. Accepted.

(19-03 SACIC) Recommendation to Authorize the Interim City Manager to Execute a Purchase and Sale Agreement for a Net Sales Price of \$261,000 with an Additional \$409,525 Infrastructure Investment for the Vacant Parcel at 2350 Fifth Street; and

(19-003 CC) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30 to Rezone Property at 2350 Fifth Street to Administrative Professional Zoning District. Not heard.

(*19-04 SACIC) Recommendation to Authorize the Interim City Manager to Submit the Recognized Obligations Payment Schedule (ROPS) and Administrative Budget for the

Period from July 1, 2019 to June 30, 2020 to the Countywide Oversight Board. Accepted.

(19-004 CC/19-05 SACIC) Recommendation to Authorize the Interim City Manager to Execute a Reimbursement Agreement for Estuary Park Access between the Successor Agency to the Community Improvement Commission, City of Alameda and Catellus Alameda Development, LLC.

The Base Reuse and Community Development Director gave a brief presentation.

Vice Mayor/Commissioner Knox White stated that he does not desire to hold up the item; the connections to the park for biking and walking are below standard recommendations; wider than necessary roadways are being built for access; that he would appreciate support for a motion to approve the agreement, but also give direction that ensures priority mode standards be met as street design continues.

The City Engineer stated this is a driveway, a temporary access road to the backside of Estuary Park and the expanded parking lot; at over 800 feet, the driveway is essentially a road; outlined the first steps in considering lane width by definition being a defensible legal definition; stated the goal is to keep 10 foot lanes and allow enough room for the curb and gutter, effectively creating 22 feet face curb to face curb; the basis for the pathway design is based off the 2011 City of Alameda Pedestrian Design Guidelines referencing a Caltrans minimum standard of a 10 foot wide road; should the roadway ever connect to Midway Street, there will be an opportunity to enhance the pedestrian and bicycle connections at that time.

Mayor/Chair Ezzy Ashcraft inquired the timeframe for moving forward.

The City Engineer responded Catellus is prepared to move forward shortly after Council's authorization.

Mayor/Chair Ezzy Ashcraft inquired if there would be any detriment to the agreement if the decision is put off for a couple of weeks, to which the City Engineer responded in the negative.

Vice Mayor/Commissioner Knox White moved approval of the agreement, but asking that a design that provides the preferred 12 foot mixed-use pathway and a 20 foot Fire Code rated driveway be met; stated the cost differential should be positive for the City; if not, the issue may be brought back to Council on consent and be approved.

Vice Mayor/Commissioner Knox White stated that he considers the road to be a driveway that should have nine foot wide lanes; outlined Caltrans being amenable to the National Association of City Transportation Officials (NACTO) guidelines; stated the City should be building desirable streets to allow access to parks.

Mayor/Chair Ezzy Ashcraft requested input from the Interim City Attorney related to Council providing sufficient direction to staff.

The Interim City Attorney stated the motion provided by Vice Mayor Knox White will improve the reimbursement agreement and give direction to staff in terms of what is desired.

The Interim City Manager inquired if the 22 foot wide road be used as a fire lane; outlined that fire access roads must be at least 22 feet wide.

The City Engineer stated fire access roads must be 20 feet wide; the issue comes down to the definition of what a lane is relative to the vertical curb; ultimately decisions are based on legal standards; the recommendation to designate it as a roadway versus a driveway falls on the distance of the road being more than three city blocks long, even though the road will not be high-use.

Mayor/Chair Ezzy Ashcraft inquired how Council will know of a modified design, if any, is achieved.

The City Engineer requested to meet with Vice Mayor/Commissioner Knox White to discuss and bring back an amendable decision.

Councilmember/Commissioner Oddie stated there is ten feet of pedestrian bike path and 23 feet of roadway; inquired whether Vice Mayor/Commissioner Knox White would like a staff presentation when the item returns.

Vice Mayor/Commissioner Knox White responded that he would propose reducing the 22 foot width to 20 feet, with a 12 foot multi-use path.

Councilmember/Commissioner Oddie inquired the process for updating the attachment to the contract; expressed support for the change.

The Interim City Attorney responded the exhibit of the agreement shows a particular design and the proposed modification to that design is within the gambit of the agenda report and title; stated it is appropriate for Council to take action; if there are re-design concerns, the item can come back at a later date for consideration.

Councilmember/Commissioner Vella stated that she would appreciate an alternative plan be put forward for the Council to consider on an agenda.

Mayor/Chair Ezzy Ashcraft stated that she would prefer the City Engineer meet with Vice Mayor/Commissioner Knox White offline and bring the matter back to Council as soon as possible.

The City Engineer stated given the turnaround time for staff reports and agendas, the item will likely return in one month.

Councilmember/Commissioner Daysog stated for all intents and purposes this is a road; outlined safety and legal issues as important; expressed support for the recommendation put forth by staff.

Vice Mayor/Commissioner Knox White moved approval of continuing the item to the first meeting in February.

Mayor/Chair Ezzy Ashcraft suggested amending the motion to have the date be left open-ended.

Vice Mayor/Commissioner Knox White agreed to amend the motion

Councilmember/Commissioner Oddie suggested the motion be amended to add incorporating the comments from the dais.

Vice Mayor/Commissioner Knox White agreed to amend the motion.

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Knox White stated that he has met with the City Engineer and commends his diligence and care.

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

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:21 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk and Secretary, SACIC

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