

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL  
TUESDAY- -FEBRUARY 5, 2019- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:06 p.m. Councilmember Daysog led the Pledge of Allegiance.

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

[Note: Councilmember Vella arrived at 5:07 p.m.]

Absent: None.

AGENDA ITEMS

(19-065) Presentations by Four Developer Finalists for Development of the West Midway Project at Alameda Point (22-Acre Mixed Use Project, Construction of Backbone Infrastructure, Up to 291 Residential Units, including Commercial Development) and Provide Direction on Next Steps in the Developer Selection Process. [New folder: 440-20 1) Correspondence/Reports, 2) West Midway Project – Alameda Point]

The Base Reuse Manager gave a brief presentation.

Sean Whiskeman, Catellus, gave a Power Point presentation.

Bruce Dorfman, Joe Ernst, Ivana Micic and Kristopher Köster, Alameda Point Partners, gave a Power Point presentation.

Michael Phillips, Michael Sorochinsky, and Remy Monteko, Jamestown, gave a Power Point presentation.

Josh Roden and Barry Long, Brookfield, gave a Power Point presentation.

Discussed his involvement and funding of programs provided by Catellus: Jeff Miller, Alameda Boys & Girls Club.

Stated that he is grateful for the space at Alameda Point; expressed commitment to providing long-term positive impact; noted Brookfield contacts, Barry Josh and Keith, reached out with active, engaging conversation: Malyka Chop, Small Size Big Minds.

Expressed support for Jamestown; outlined positive details in working with Jamestown: Michael Taft, Subpar Miniature Golf.

Stated that she has worked with both Alameda Point Partners and Catellus; spoke in favor of Catellus: Tina Blaine, Rhythmix.

Stated that she is enthusiastic about the development of Alameda Point; discussed the arts involvement at Alameda Point and upcoming art projects: Janet Koike, Rhythmix.

Stated the level of responsiveness and community engagement from Catellus over the years has been very responsive and expressed support of selection for Catellus: Courtney Shepler, Alameda.

Urged the Council to select the developer that would provide the best project and create the most jobs: Michael McDonough, Chamber of Commerce.

Stated all four developers are highly qualified; stated Alameda Point Collaborative cannot move forward until Council moves forward, and urged a selection be made as soon as possible: Doug Biggs, Alameda Point Collaborative.

Stated that she knows the Alameda Point Partners team well; it is crucial to select the right partner that can help create jobs and support existing projects; expressed support of selecting Alameda Point Partners: Rachel Campos de Ivanov, Alameda.

Urged Council to select Alameda Point Partners: Karen Bey, Alameda.

Stated getting the Collaborating Partners project started as soon as possible is the top priority; urged Council to consider the housing element unit-count process moving forward: Brian McGuire, Bike Walk Alameda.

Urged Council to consider marine innovation in their decision, including working waterfront access; expressed support for Jamestown: Vince Smith, Blue Endeavors.

Mayor Ezzy Ashcraft stated she appreciates the time and effort spent by each development firm; all four candidates are well qualified; Council is being asked to provide next steps in the selection process.

Councilmember Daysog stated the Request for Qualifications (RFQ) process lends itself to “want to know more” versus the Request for Proposals (RFP) process where developers create their own approach; he would like to hear more about how each developer will work with the Alameda Point Collaborative and other entities at Alameda Point to ensure the unique requests are achieved.

Mayor Ezzy Ashcraft inquired whether narrowing the list down will help, to which Councilmember Daysog responded in the affirmative.

Mayor Ezzy Ashcraft inquired whether a criteria has been established.

Councilmember Daysog responded a proven capacity in working in the environments established West of Main Street.

Councilmember Oddie stated that he would like to know more than what has been provided, including finances; noted previous development projects experience difficulty with project financing; stated some developers have provided substantial project financing and that he appreciates three development firms have a relationship with Alameda.

Councilmember Vella stated that she is looking for a developer with dependable finances and able to provide housing units and commercial space; inquired whether space is being considered outside of Alameda Point Collaborative (APC), and if housing is being provided at all levels; outlined a 2017 Alameda design ordinance; stated that she is encouraging candidates to continue community outreach as a whole, throughout Alameda; transportation demand design is key moving forward.

Vice Mayor Knox White stated all four development teams have strong ties to the Community; Council's task is to select a developer that can deliver a project; expressed appreciation of all development firms' commitment to moving forward with APC; inquired how important past experience is to selecting a development firm.

The Base Reuse Manager responded that Alameda is not unique in the process of a Disposition Development Agreement (DDA); stated the planning process is similar in other jurisdictions; staff has learned how to push the process forward.

Vice Mayor Knox White inquired whether it is fair to assume all four development teams have money in place in terms of financing, or are there partners who will identify where funding will come from; how certain is funding.

James Edison, Wildan Financial Services, responded all four development firms have the capacity in one way or another to finance the project; stated one important distinction is between firms that have capital on-hand versus firms that must obtain funding; all firms must complete a financial review process; all firms are capable and qualified developers.

Vice Mayor Knox White inquired whether there is a distinction between firms that are self-capitalizing versus firms that must obtain financing, related to the ability to move forward quickly.

Mr. Edison responded in the negative; outlined Goldman Sachs funding capabilities.

Councilmember Daysog inquired whether there are higher expectations of return [investment] of a self-financing firm that could have an effect on what the City can expect in terms of money needed for infrastructure and other public benefits.

Mr. Edison responded that a distinction is the source of the funding, whether third party or self-financed, the money can be more patient or more demanding, based on the source of funding in terms of returns; stated firms that are internally and self-financed typically are more patient; firms that receive financing from outside sources will need a

return on the investment quicker; neither model is superior, but there are different psychologies of how business is performed.

Councilmember Oddie inquired whether each development firm stipulated splitting the net cash flow between the developer and the City after payment of the fixed return.

Mr. Edison responded that he does not recall.

Councilmember Oddie inquired what the rate of return would be in that instance, to which Mr. Edison responded that detail is worth knowing.

Councilmember Oddie stated while negotiating, and during the DDA process, the details are unknown.

Vice Mayor Knox White inquired whether staff can provide a recommendation of a firm that meets the needs of the community.

The Base Reuse and Community Development Director responded that a process had been defined around staff's evaluation of submitted proposals, including panel ranking criteria and an evaluation matrix included in the staff report for both Council and public review; staff is prepared to make a recommendation to Council and is able to provide information if requested; stated if Council determines that more information is needed from development firms, it is recommended that happen first before staff provides a firm.

Councilmember Daysog inquired the recommendation on how to proceed.

The Base Reuse and Community Development Director responded there is a desire for more information and that Mayor Ezzy Ashcraft has not yet provided her comments; stated a balance should be struck between the desire for more information and the desire to move forward quickly.

Mayor Ezzy Ashcraft stated the decision is difficult; outlined the initial process to have staff come forth with a recommendation for Council to approve an Exclusive Negotiating Agreement (ENA) with one development team; stated the process is best provided with Council's input, able to be heard by the public; all four development teams are well qualified; it is time to diversify at Alameda Point; an economic downturn is coming; expects any development firm to be a good community partner, but it should not be a criteria; Jamestown's emphasis on job creation and job training center is very important for all community members; outlined Brookfield's vision, starting with the Alameda Point – Rebuilding the Existing Supportive Housing (RESHAP) project ; stated both developers spoke about a diversity of housing to create for families and for people to age in-place with assisted living facilities; staff purposely sent out an RFQ not an RFP, and at this point a selection is being made to negotiate a one-year process of working out an ENA; proposed asking staff to work with two development teams.

Councilmember Daysog stated Catellus and APP have demonstrated their abilities in a difficult environment such as Alameda; Brookfield and Jamestown are both great developers, but APP took the time to work out a DDA that took into account the community needs; outlined Catellus' work through Alameda; stated that he would like to see APP and Catellus move forward, then select one firm to enter into an ENA with.

Councilmember Oddie stated the two new firms [Jamestown and Brookfield] bring an attraction to Council, but they have yet to perform at Alameda Point; Alameda Point is unique and poses challenges; inquired how APP and Catellus would mitigate the potential risk if selected.

Vice Mayor Knox White stated that he would like to hear more from his colleagues.

Councilmember Vella inquired whether there have been projects in the area with any of the four development firms that have experienced significant delays at any stage; outlined potential delay types and project stages that she is interested in hearing; stated there is a reason the City decided to not hire a Master Developer; outlined the reasoning to not have a Master Developer; stated whichever firm is selected will have to work amongst the various projects already occurring; Catellus has been able to perform and complete projects; is willing to consider Catellus and one of the newer applicants.

Mayor Ezzy Ashcraft stated Councilmember Vella's inquiry is valid however, there are many reasons unique to a project that can result in delay.

Councilmember Vella stated it depends on the nature of the delay.

Councilmember Daysog outlined his request for additional information.

Councilmember Oddie stated that he would like to see more financial data; allowing a comparison of what each team is looking for in terms of finances and the bottom line for the entire project; every developer experiences delays; outlined Catellus' Bayport project as very successful; stated the Site A project has been a 25 year project, and is complex but is still moving forward; development of Alameda Point is not an easy task.

Mayor Ezzy Ashcraft stated Council speaking time is narrowing for discussion; inquired whether a vote to suspend the speaking time should be brought.

Councilmember Oddie stated cohesiveness must be looked at; the downside to the City being the Master Developer is the risk of patchwork resulting in Alameda Point not looking like one community and one Alameda; he would like to see how to ensure that happens.

Vice Mayor Knox White inquired whether Council would like four or two development firms to return.

Mayor Ezzy Ashcraft stated Council should make a decision and at least narrow the

decision to two development firms.

Councilmember Vella stated that she concurs.

Mayor Ezzy Ashcraft inquired whether Councilmember Vella can select two firms, to which Councilmember Vella responded in the affirmative.

Mayor Ezzy Ashcraft inquired the two firms desired.

Councilmember Vella stated that she would like to move forward with Catellus and one of the new applicants; this is not the last piece of Alameda Point to be developed; all development firms are important partners and should know there are other opportunities to submit for.

Councilmember Oddie requested staff make a recommendation.

The Base Reuse and Community Development Director responded the selection is at the Council's pleasure; stated the process is being set in motion and under discussion, and there are follow up questions for staff to work on; staff should not interfere with Council's current discussion; if the selection is to be narrowed, the Council may want to select a committee of Council members to work with staff to develop and refine questions to come back with a recommendation.

Councilmember Daysog stated that he would like to move forward with Catellus and APP; the specific areas to flesh out are social economic development.

Vice Mayor Knox White stated from the Catellus presentation showing knowledge of dirt, it was compelling; Catellus has shown they know how to get things done; APP has team members that know how to move a project forward; is least familiar with Jamestown, but appreciates the work at South Shore Center; outlined his selection of APP and Jamestown.

Councilmember Vella stated the affordable housing aspect in respect to APP causes reticence; funding for the RESHAP project is a key issue and concern; APP has performed well in finding ways to move forward on a number of different aspects.

Mayor Ezzy Ashcraft stated that she agrees with Councilmember Vella; outlined project "Cliffbar" led by Catellus that was found to not be economically feasible; stated the history of development in Alameda requires flexibility and adaptability of changing circumstances; selected Catellus and Jamestown.

Councilmember Oddie stated there is value in the experience of APP; outlined his selection of APP and Jamestown.

Mayor Ezzy Ashcraft tallied votes, and narrowed selection to Jamestown and Alameda Point Partners; created subcommittee of Councilmember Daysog and Councilmember

Oddie to work with staff.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Ashley Zieba  
Deputy 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- -FEBRUARY 5, 2019- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:39 p.m.

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

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Vella moved approval of the Consent Calendar.

Vice Mayor/Commissioner Knox White seconded the motion, which carried by unanimous voice vote - 5.

(19-066 CC/19-06 SACIC) Minutes of the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting Held on January 2, 2019. Approved.

(19-067 CC/19-07 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. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:40 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- -FEBRUARY 5, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:40 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

(19-068) Proclamation Declaring February 5, 2019 as Eugene Lee Day.

Mayor Ezzy Ashcraft read the proclamation and presented it to Eugene Lee.

(19-069) Mayor Ezzy Ashcraft did a reading on the Season for Non-Violence word of the day.

ORAL COMMUNICATIONS, NON-AGENDA

(19-070) Jennifer Briney, Alameda, suggested changing the electric vehicle signs to indicate cars can park in the space while charging.

(19-071) Lester Dixon, Alameda, stated that he has received 5% rent increases the last three years; a rent cap other than 5% is needed; requested Council help.

CONSENT CALENDAR

Councilmember Daysog requested the Community Paramedicine program [paragraph no. 19-076] be removed from the Consent Calendar for discussion.

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

Councilmember 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.]

(\*19-072) Minutes of the Regular City Council Meeting Held on January 2, 2019; the Special City Council Meeting Held on January 5, 2019; the Continued January 2, 2019 Regular City Meeting Held on January 10, 2019; and the Special City Council Meetings Held on January 10, 2019. Approved.

(\*19-073) Ratified bills in the amount of \$4,671,061.85.

(\*19-074) Recommendation to Authorize the Interim City Manager to Execute a Five-Month Contract, with the Option of Four One-Year Extensions, with St. Francis Electric for the Operations and Maintenance of Municipal Street, Park Pathway, and Parking Lot Lighting Systems, for a Five-Month Amount not to Exceed \$147,813 and a Total Five Year Expenditure of \$1,296,651, Including Contingency. Approved.

(\*19-075) Recommendation to Receive an Informational Report Regarding the Actuarial Impact of a Change in Dental Benefits for Public Safety Retirees Who Currently Receive Dental Benefits Through Memorandums of Understanding with the City of Alameda's Four Public Safety Bargaining Units (International Association of Firefighters, Alameda Fire Chiefs Association, Alameda Police Officers Association and Alameda Polices Management Association), and Direct the City Clerk to Provide Public Access to its Contents for a Period of at Least Two Weeks from February 5, 2019 to February 19, 2019. Accepted.

(19-076) Recommendation to Authorize the Interim City Manager to Negotiate and Execute a Third Amendment to the Agreement with the County of Alameda Extending the Term of the Community Paramedicine Pilot Program by 12 Months; and

(19-076 A) Resolution No. 15486, "Amending the Fiscal Year 2018-19 Budget for the Fire Grants Fund by \$125,000 for Costs Associated with the Extension of the Community Paramedicine Pilot Program and the General Fund by \$125,000 for the City Contribution to Fund the Program." Adopted.

The Fire Chief made brief comments.

Councilmember Daysog stated the program has previously been funded by the County; the program is research based to gather information in order to improve health system delivery and is not a core mission of the Fire Department.

The Fire Chief stated the first two years of the program are fully funded from a State grant, passed onto the County of Alameda; a partnership agreement was created, with one-third funded by General Fund, one-third from the County Emergency Medical Services (EMS) Agency, and one-third from the County's hospital system including Alameda Hospital; the allocation of funds remains the same as the previous three years; the County is supplying \$104,000 and staff is requesting Council approval to allow for negotiation; outlined local leadership of the Alameda Hospital has changed; stated that he is confident staff will return with an agreement for the remaining funding third from the hospital system; the program is a core mission of the Fire Department; outlined the paramedic program and funding; stated staff will return with additional details.

Mayor Ezzy Ashcraft stated the program is a great savings for the hospital; outlined program benefits; stated the Fire Chief is confident there will be reimbursement from the

hospital for the program; expressed concern about the funding process and requested departments come to Council at the same time for budget asks; stated the program is collecting data for the County and State.

Councilmember Oddie stated the program is benefiting the community; outlined updates provided by the Fire Chief to the Liaison Committee for the hospital.

Councilmember Oddie moved approval of the staff recommendation.

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

(\*19-077) Resolution No. 15487, “Amending the Alameda Fire Chiefs Association (AFCA) Agreement and Salary Schedule to Eliminate Holiday In-Lieu Pay and to Provide 13 Paid Holidays Off for Administrative Division Chiefs and Add a Step to the Salary Schedule to Adequately Compensate Administrative Division Chiefs for Assuming Additional Responsibilities.” Adopted.

#### REGULAR AGENDA ITEMS

(19-078) Public Hearing to Consider Two Appeals of a Final Development Plan Amendment and Design Review to Allow the Construction of a 172-Room Hotel and Restaurant at 2900 Harbor Bay Parkway; and

(19-078 A) Resolution No. 15488, “Denying Appeals Filed by Brian Tremper and Laborers International Union of North America, Local Union 304 and Approving a Final Development Plan and Design Review to Allow the Construction of A 172-Room Hotel and Restaurant on the Harbor Bay Business Park Shoreline at 2900 Harbor Bay Parkway (PLN18-0381).” Adopted.

The Planning, Building and Transportation Director gave a Power Point presentation.

Bob Leach, Project Applicant, gave a brief presentation.

Michael Lozeau, LIUNA, Local 304, Appellant, gave a brief presentation.

Brian Tremper, Freeport Homeowners Association, gave a Power Point presentation.

Councilmember Daysog inquired whether public speakers may begin with two minutes, but allow Council to amend and shorten the time if needed.

Mayor Ezzy Ashcraft responded in the negative.

Mayor Ezzy Ashcraft proposed speaker time be one minute in length.

Councilmember Daysog stated that he prefers two minutes.

Councilmember Oddie proposed 90 seconds.

Councilmember Vella stated 90 seconds.

Vice Mayor Knox White stated 90 seconds.

By consensus, a motion to lower the speaker time to 90 seconds, the motion carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Daysog – 1.

Urged Council to rescind the Planning Board's decision or send the matter back to the Planning Board for revision; expressed concern about the impact of the project: Patricia Gannon, Alameda.

Expressed support for the appellants; urged the Planning Board action be rescinded; suggested downsizing the project and having a 100-foot setback: George Humphreys, Alameda.

Stated that she is opposed to the hotel, which is not permitted under the zoning ordinance; discussed Bay Conservation and Development Commission (BCDC) actions: Chen, Alameda.

Discussed the project violating Planning Board Resolution 1203: Ed Sing, Alameda.

Discussed access to the Bay; urged the matter be delayed until after the BCDC takes action: Emma Kung, Alameda.

Stated the Community of Harbor Bay Isle Homeowners Association adopted a resolution opposing the hotel: Charles Hodgkins, Community of Harbor Bay Isle Homeowners Association.

Discussed environmental issues and sea-level rise; urged the matter be sent back to the Planning Board, the setback be increased and an Environmental Impact Report (EIR) be done: Pat Lamborn, Alameda.

Stated the project is mediocre; urged the community be involved in a significant and meaningful way: Donna Fletcher, Alameda.

Discussed environmental reports, addendums, and buildout: Dan Riedy, Harbor Bay Business Park Association.

Stated that she does not support the hotel; questioned the need for another hotel, which should be at the other end of Harbor Bay Parkway; expressed concern over traffic; urged Council rescind the project: Blair Skellie, Alameda.

Stated that she agrees with the appellants; discussed the BCDC permitting review; stated the project should return after BCDC review: Cathy Leong, Alameda.

Expressed her opposition to the project: Debra Gilmore, Alameda.

Discussed shared ferry parking; expressed concern over the number of proposed hotels; urged Council to rescind: Helen Simpson, Alameda.

Urged the item be sent back to the Planning Board; discussed traffic impacts: Gary Thompson, Cantamar Homeowners Association.

Stated the Chamber of Commerce supports the project: Kari Thompson, Alameda Chamber of Commerce.

Expressed support for the hotel; discussed traffic and parking reductions: Robert Doud, Alameda.

Expressed support for the project; urged Council to uphold the Planning Board's decision: Ty Hudson, Unite Here Local 2850

Urged Council to affirm the Planning Board's approval of the project, which will provide needed additional ferry parking; stated the added security will make the area safer: Bassey Obot, Alameda.

Stated that she is in favor of the project: Adrienne Shakes-Alexander, Alameda.

Expressed support for the project; stated more hotels are needed, especially in Harbor Bay: Michael McDonough, Chamber of Commerce.

Expressed support for the project: David Ross, Alameda.

Expressed concern over increased traffic and pedestrian safety: Lillian Tamir, Alameda.

Expressed concern of the developer: Dana Sack, Alameda.

Expressed concern of the building setback and height: Irving Gonzales, Alameda.

Urged the appeal be denied; expressed support for the project: Joe Ernst, Harbor Bay Business Park.

Expressed support for the project; urged approval: Daniel Gregg, Carpenters Local 713.

Urged Council deny the appeal and for the project to move forward: Sean Lavelle, Carpenters Union.

Discussed environmental law and concerns: Jay Harris, Applicant.

Stated the project will add value to the Harbor Bay business park; discussed goals of economic strategy: Karen Bey, Alameda.

Discussed past Council actions regarding the site; expressed concern over ferry parking: Former Councilmember Doug deHaan, Alameda.

Stated the Freeport community strongly opposes the project; expressed concern over the environmental review: Amelia Foos, Alameda.

Expressed support for the project; stated more hotels are desperately needed: Zack Bowling, Alameda.

Expressed concern over the staff presentation: Steven Gortler, Alameda.

Stated the Planning Board unanimously supported the project; the project will be built able to withstand sea-level rise: Brian McGuire, Alameda.

\*\*\*

Mayor Ezzy Ashcraft called a recess at 9:32 p.m. and reconvened the meeting at 9:40 p.m.

\*\*\*

Mayor Ezzy Ashcraft closed the public hearing.

Councilmember Oddie inquired whether the business park in the EIR was approved for a smaller business park.

The Planning, Building and Transportation Director responded the 1974 EIR had been comprehensively revised and updated in 1989, and specifies a 5.2 million square foot EIR.

Councilmember Oddie inquired whether the Audubon Society provided a model ordinance for bird strikes, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Oddie inquired whether the applicant is entitled to by right, and what Council is allowed.

The Planning, Building and Transportation Director responded the term "by right" is included in the City's General Plan and Development Agreements; stated the height limit is 100 feet and the proposed project is well within that limit; the project is entitled under the Development Agreement for a floor area ratio of up to 0.5 which equates 120,000 square feet.

Councilmember Oddie inquired whether a hotel is not allowed in a C-M-PD zone (Commercial Manufacturing zone).

The Planning, Building and Transportation Director responded in the negative; stated there are two existing hotels in the C-M zone, and they are allowed.

Councilmember Oddie inquired what opportunity the public will have for design input.

The Planning, Building and Transportation Director responded the Planning Board has placed conditions of approval on the project; stated public process is to be ensured; design details cannot be addressed without approval of the project.

Councilmember Oddie inquired the role of Council for an appeal of the Planning Board process.

The Planning, Building and Transportation Director responded the Planning Board, under the Zoning Code, is the final decider on projects such as this; stated the appeal process is an opportunity for elected officials to determine if the Planning Board has made a mistake.

Councilmember Daysog stated the nature of this hearing is a De Novo Hearing; anything may be evaluated with regard to this project and is not limited to the Planning Board.

The Planning, Building and Transportation Director stated Council has the ability to change the project.

Councilmember Daysog inquired the nature of combining parcels; did the City correctly follow State law regarding combining parcels.

The Planning, Building and Transportation Director responded three contiguous parcels are owned by the property owner; stated the Planning Board set the condition of the applicant merging three parcels into one prior to the issuance of any building permits to clarify parcel limits for potential future development.

Councilmember Daysog inquired whether the City followed State law for combining parcels.

The Assistant City Attorney responded the Planning Board conditioned its approval of the Design Review and Development Plan application on the subsequent merger of the three parcels.

Councilmember Daysog stated all parking shall be provided on the same parcel which is generating parking demand; the parcel size does not appear to fit that requirement.

The Planning, Building and Transportation Director outlined the parking requirement, condition of approval and why it is needed.

Councilmember Daysog inquired whether the parking requirement discussion was had by the Planning Board, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Vella inquired whether the youth street crossing safety of Mecartney Road and Aughinbaugh Way can be looked at separately, or does it have to be part of a traffic study relative to the project.

The Planning, Building and Transportation Director responded it can be looked at separately.

Councilmember Vella inquired what Council could do in that case.

The Planning, Building and Transportation Director responded Council may direct staff to look at the intersection safety; stated staff is working on related transportation items and it would be a good time to submit the directive.

Vice Mayor Knox White stated the earlier public comment related to the Planning, Building and Transportation Director was out of bounds and inappropriate; a significant impact must be a three percent increase in traffic at a specific intersection; when reviewed by staff, the three percent threshold would not be met; inquired whether CEQA does not allow additional environmental analysis that would hold the developer, to which the Planning, Building and Transportation Director responded in the affirmative.

Vice Mayor Knox White inquired whether the reason for this requirement is to prevent rules from being arbitrarily changed in order for developer cost recovery to be difficult.

The Planning, Building and Transportation Director responded in the affirmative; stated CEQA law has a standard stating an additional EIR cannot be requested on a whim.

Vice Mayor Knox White stated the Development Agreement also indicates height limits and uses; inquired whether changes cannot be made due to the Development Agreement language to which the Planning, Building and Transportation Director responded in the affirmative.

Vice Mayor Knox White inquired whether there had been no indication that a new EIR was needed.

The Planning, Building and Transportation Director responded in the affirmative; stated the City's obligation is to determine whether a new EIR is required and that CEQA determines the threshold for requiring a new EIR; environmental studies have been conducted.



Vice Mayor Knox White inquired whether BCDC is deciding to issue a permit.

The Planning, Building and Transportation Director responded the BCDC hearing occurring in the next two days details whether a separate permit will be required; stated under the Settlement Agreement it would not be required; outlined the process of BCDC Board approval; stated BCDC Board will not make a decision until Council makes a decision.

Mayor Ezzy Ashcraft requested clarification relating to the 1974 EIR not contemplating a hotel.

The Planning, Building and Transportation Director stated the action taken in 1989 by the City was an update to the 1974 EIR and is specifically designed for zoning and development as envisioned which includes hotels.

Mayor Ezzy Ashcraft inquired about a BCDC agreement that expires in April.

The Planning, Building and Transportation Director responded that he is unaware of an expiring agreement; stated the City's Development Agreement with Harbor Bay expires in April;

Mayor Ezzy Ashcraft inquired whether the Development Agreement does not apply to subsequent owners, that only those who originally negotiated and executed the agreement are bound.

The Planning, Building and Transportation Director responded that the reference applies to the BCDC Settlement Agreement, not the City's Development Agreement.

Mayor Ezzy Ashcraft stated there is an agreement with the City; inquired whether the agreement applies to subsequent owners who purchase parcel(s) at Harbor Bay Business Park.

The Planning, Building and Transportation Director responded the Development Agreement applies to the land; stated entitlements are included when sold.

Mayor Ezzy Ashcraft inquired whether there is a way to ensure public involvement in the design process.

The Planning, Building and Transportation Director responded in the affirmative; stated the process will only occur if the project moves forward; outlined community process.

Councilmember Daysog stated his concern with the project relates to the combining of parcels; outlined the breakdown of parcels; stated any parcel uses to satisfy parking demand must be within 400 feet, and the hotel project is within 400 feet of the Water Emergency Transportation Authority (WETA) project required by the 1988 ordinance, but is not within 400 feet of the ferry terminal; he is not convinced the City must satisfy

the project proponents efforts to combine the 0.5 acre parcels; the effort in combining parcels is to increase the Floor Area Ratio (FAR); stated he believes the wrong decision was made regarding combining the third parcel of 0.5 acres; the project could still continue, but on a smaller scale allowing for negotiation of wider building coverage at a lower height of three floors.

Councilmember Oddie stated the land is made for the purpose of developing; vacant space does not equate open space; there is no evidence of new or more severe impacts; the project complies with City standards; outlined the composition of Planning Board members; stated the unanimous approval by Planning Board speaks volumes to the project; expressed support of denying the appeal and supporting the Planning Board's decision.

Councilmember Vella moved approval of directing staff to review the safety of the intersection at Mecartney Road and Aughinbaugh Way, and moved approval of denying the appeals filed by Brian Tremper and Laborer's International Union of North America.

Mayor Ezzy Ashcraft requested to give staff direction on the traffic implications.

Councilmember Vella withdrew the first motion and agreed to give staff direction instead; stated the comment related to misuse of CEQA is disingenuous; concerns brought forth are not CEQA concerns; outlined the need for hotels to be built; stated the Planning Board intends to look at design concerns as they come forward, creating a community-based process; certain contemplations related to building height date back to many years prior, giving lateral to making design and development choices as the community and needs evolve.

Vice Mayor Knox White inquired whether Council can make a finding to uphold the appeal without making a finding that there was inadequate CEQA related to the issue of combining parcels to which the Planning, Building and Transportation Director responded in the affirmative.

Vice Mayor Knox White stated the issue is difficult for those directly impacted; outlined positive impacts of the City's legal and planning staff; stated Council does not have discretion to create more environmental work, or to discuss building height; requested consideration of removing up to 25 parking spaces related to parking study findings, and to pull the building back an additional 15 feet from the water; expressed support of denying the appeal.

Councilmember Vella inquired whether Vice Mayor Knox White is requesting to give direction.

Vice Mayor Knox White stated that he would be requesting as part of the motion denying the appeal, and upholding the Planning Board's decision with direction to remove the parking and bring back the siting of the building as part of design review.

Mayor Ezzy Ashcraft stated that she prefers to give direction for what is to be achieved; inquired the process of removing parking spaces.

The Planning, Building and Transportation Director responded if Council upholds the Planning Board's decision, the next step is to work on the landscape and architectural design; stated Council may amend and direct Planning Board to revisit and discuss pushing the building back an additional 10-15 feet to eliminate a row of parking.

Mayor Ezzy Ashcraft inquired how many spaces the proposed project is over-parked.

The Planning, Building and Transportation Director responded the City's code requires 1.25 spaces per room.

Mayor Ezzy Ashcraft inquired whether the requirement assumes full occupancy.

The Planning, Building and Transportation Director responded in the affirmative; stated the project meets the parking requirement per the City's code; the parking study states the project is over-parked but the code requirement is met; the Planning Board created a condition for parking to be available for ferry riders; Council may direct the Planning Board to have a discussion about moving the building back 10 to 15 feet.

Councilmember Oddie inquired how many spaces are projected for the ferry riders to utilize.

The Planning, Building and Transportation Director responded it is not known how many spaces are designated as extra, but approximately 100 spaces; based on the conditions of approval, the everyday use for the hotel can fluctuate and fencing off an area for designated ferry parking is not planned; signage and a mobile app is proposed for ferry riders to anticipate available parking at the hotel.

Councilmember Oddie inquired how parking will be regulated.

The Planning, Building and Transportation Director responded the parking lot is private and will be privately regulated; stated City conditions require signage be provided, as well as a mobile app to show availability.

Mayor Ezzy Ashcraft stated the City wants to begin charging for parking in the WETA lot to generate revenue and shuttle service; any parking spaces made available will be used.

Councilmember Daysog stated parking spaces do not meet the code of March 1988 and is contradictory; the discussion and analysis was not part of the Planning Board discussion and record; this is not a CEQA issue, it is a municipal code issue; Council should be attempting to meet the needs of concerned residents while still producing a hotel project.

The Planning, Building and Transportation Director stated shared parking between two separate parcels is a provision in the code intended for two different property owners with two different uses; it is allowed under certain conditions under the parking code.

Mayor Ezzy Ashcraft stated shared parking should be encouraged; outlined meetings held with businesses at Harbor Bay Business Park; stated by not offering hotel space, the City is not being business friendly to revenue generating business park residents; Transient Occupancy Taxes (TOT) are missed; TOTs need to be raised; the need for a hotel is present; outlined valid concerns of residents; stated the project process will be robust and will include neighborhood representatives; the project is good for many reasons.

Councilmember Vella moved to deny appeals filed by Brian Tremper and Laborers International Union of North America Local Union 304 and approving a final development plan and design review to allow the construction of a 172-room hotel and restaurant on the Harbor Bay Business Park shoreline at 2900 Harbor Bay Parkway; directing staff to look at the intersection of Mecartney Road and Aughinbaugh Way; and the amendment proposed by Vice Mayor Knox White.

Vice Mayor Knox White stated direct the Planning Board to identify how to pull the project back from the shore versus the direction for Planning Board to discuss the option of pulling the project back.

The Planning, Building and Transportation Director stated Council may direct the Planning Board in either way; expressed concern at directing the Planning Board without the option causing conflict; recommended the traffic signal item be separate from the motion.

The City Clerk noted the motion is to adopt the resolution.

Councilmember Oddie inquired whether the setback is mandatory, or a consideration; expressed concern about ferry parking; expressed support of the project setback, but not at the cost of removing ferry parking; stated Sharon Road and Mecartney Road should be reviewed by staff as well.

Councilmember Vella stated that she supports directing the Planning Board to look at alternatives to create an additional setback through the elimination of parking spaces as a middle-ground; ferry parking is being added through this project.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Ezzy Ashcraft noted Council is approving the draft resolution denying the appeals, and affirm the Planning Board's decision to approve construction of the 172-room hotel and restaurant at the given address with the additional direction given to staff.

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

Vice Mayor Knox White suggested Council consider approving directing City staff to send a letter to BCDC.

The Interim City Attorney expressed concern about the matter not being on the agenda.

Vice Mayor Knox White withdrew his suggestion.

### CITY MANAGER COMMUNICATIONS

(19-079) The Interim City Manager announced the January Public Utilities Board (PUB) meeting approved Alameda Municipal Power's (AMP) 5-year strategic plan; outlined highlights of the strategic plan.

### ORAL COMMUNICATIONS, NON-AGENDA

None.

### COUNCIL REFERRALS

None.

### COUNCIL COMMUNICATIONS

(19-080) Vice Mayor Knox White stated that he attended the City's Climate Workshop; only certain aspects of the community were engaged at the workshop; urged consideration of how the City can bring in better outreach into the important discussions.

(19-081) Councilmember Daysog stated that he attended the City's Climate Workshop; attended the East Bay League of Cities East Bay division meeting, which included a robust discussion about the Committee to House the Bay Area (CASA).

Councilmember Oddie noted that he also attended the East Bay League of Cities East Bay division meeting.

(19-082) Councilmember Vella requested that the full Council be able to attend future workshops.

(19-083) Mayor Ezzy Ashcraft stated that she attended workshops at the US Conference of Mayors in Washington DC; outlined meetings with Federal lobbyists; stated three members of Council participated in the County-wide homeless count; attended the Alameda County Transportation Commission meeting discussing CASA.

ADJOURNMENT

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

Respectfully submitted,

Ashley Zieba  
Deputy City Clerk

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

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL  
TUESDAY- -FEBRUARY 5, 2019- -7:01 P.M.

Mayor Ezzy Ashcraft convened the meeting at 10:51 p.m.

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

Absent: None.

AGENDA ITEM

(19-084) Resolution No. 15489, “Exploring Options to Mitigate Impacts of the Federal Government Shutdown on Alameda Residents.” Adopted.

Councilmember Daysog stated the issue is vital; noted the number of federal employees.

Councilmember Oddie stated the City needs to be proactive; the shutdown ended; the City should have a plan to prevent evictions and provide services in the event of another shutdown.

Councilmember Oddie moved adoption of the resolution.

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

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:53 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 SPECIAL CITY COUNCIL MEETING  
TUESDAY- -FEBRUARY 5, 2019- -7:02 P.M.

Mayor Ezzy Ashcraft convened the meeting at 10:56 p.m.

Roll Call – Present: Councilmembers Daysog, Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(19-085) Public Employee Appointment/Hiring; Pursuant to Government Code § 54957;  
Title/description of positions to be filled: City Manager

Following the Closed Session, the meeting was reconvened and the City Clerk announced that direction was given to staff with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:18 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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