

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 21, 2019- -5:15 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:17 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:

(19-298) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (3) of subdivision (e) of Government Code Section 54956.9; Number of cases: One (As Defendant - City Exposure to Legal Action)

(19-299) Conference with Legal Counsel - Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Boatworks v City of Alameda, et al.; Court: Superior Court of the State of California, County of Alameda; Case Number: RG14746654; Court: First District Court of Appeal; Case Numbers: A151063, A151919

(19-300) Conference with Labor Negotiators (Government Code section 54957.6); City Negotiators: Nancy Bronstein, Human Resources Director; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW); Under Negotiation: Salaries and Terms of Employment

(19-301) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Emma Hood Swim Center, 2256 Alameda Avenue, Alameda, CA 94501; City Negotiator: Amy Wooldridge, Interim Assistant City Manager, City of Alameda; Negotiating Parties: City of Alameda and the Alameda Unified School District; Under Negotiation: Price and terms of payment for the lease of the property

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Anticipated Litigation, Existing Litigation, Labor and Real Property, information was provided by staff and direction was given by Council with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:58 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MAY 21, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:06 p.m. Councilmember Daysog led the Pledge of Allegiance.

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

(19-302) Proclamation Declaring May 2019 as Asian Pacific Heritage Month.

Mayor Ezzy Ashcraft read the proclamation.

Cynthia Bonta made brief comments and the rest of the group accepting the proclamation introduced themselves.

Councilmembers Vella and Daysog made brief comments.

(19-303) Proclamation Declaring May 2019 as Older Americans Month.

Mayor Ezzy Ashcraft read the proclamation and presented it to members of the Mastick Senior Center Advisory Board.

The Mastick Recreation Manager made brief comments.

(19-304) Proclamation Declaring May 21, 2019 as Dine and Connect Day.

Mayor Ezzy Ashcraft read the proclamation and presented it to Dot Lundgren and members of Immanuel Lutheran Church.

Ms. Lundgren made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(19-305) Michelle Morgan, Alameda, discussed a water quality and flood protection survey that she received; expressed concern over property owners having added fees.

(19-306) Bill Soares, Elks, expressed concern over City employees smoking on a bench

at the Elk's Lodge; suggested options for City smoking areas.

(19-307) Brian Kennedy, Alameda, expressed concern over Alameda being a Sanctuary City.

CONSENT CALENDAR

The City Clerk read the title of the introduction of ordinance [paragraph no. 19-319].

Vice Mayor Knox White moved approval of the Consent Calendar.

Councilmember 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.]

(*19-308) Minutes of the Special City Council Meeting, Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular City Council Meeting Held on April 16, 2019. Approved.

(*19-309) Ratified bills in the amount of \$1,964,245.35.

(*19-310) Recommendation to Authorize the City Manager to Execute a Three-Year Consolidated Agreement with Environmental Systems Research Institute, Inc. (Esri) for Enterprise Geographic Information System (GIS) Software License Maintenance and Support, in an Amount Not to Exceed \$150,000, with the Option of One Three-Year Extension, for a Total Six-Year Compensation Not to Exceed \$300,000. Accepted.

(*19-311) Recommendation to Authorize the City Manager to Execute a First Amendment in the Amount of \$100,000 with ECS Imaging Inc., for a Total Compensation for the Work Not to Exceed \$170,000 for Scanning and Archiving of Planning and Building Permit Documents. Accepted.

(*19-312) Resolution No.15535, "Authorizing the City Manager to Submit a Request to the Metropolitan Transportation Commission for the Allocation of \$81,800 in Fiscal Year 2019-20 for the Active Transportation Plan per Transportation Development Act Article 3 for Pedestrian/Bicycle Project Funding and to Execute All Necessary Documents." Adopted.

(*19-313) Resolution No.15536, "Amending the Salary Schedule for Part-Time Classifications Effective June 9, 2019 to Reflect Changes to the City of Alameda Minimum Wage and to Maintain Adequate Differentials Between Part-Time Job Categories." Adopted.

(*19-314) Resolution No.15537, "Declaring Canvass of Returns and Results of the Special Municipal Election Held on Tuesday, April 9, 2019." Adopted.

(*19-315) Resolution No.15538, “In Support of the 2020 Census.” Adopted.

(*19-316) Introduction of Ordinance Approving a First Amendment to a Lease and Authorizing the City Manager to Execute the Amended Lease Agreement with Kai Concepts, LLC, for Building 168, Suite 300, Located at 1651 Viking Street at Alameda Point. Introduced.

(*19-317) Ordinance No. 3241, “Approving a Second Amendment to a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of the Second Amendment to a Lease with Advanced Roofing Services, Inc. for Twenty-Four Months at 1450 Viking Street, Building 612, at Alameda Point.” Finally passed.

(*19-318) Ordinance No. 3242, “Approving a First Amendment to the Lease Agreement (Lease Agreement) and Authorizing the City Manager to Execute a First Amendment to the Lease Agreement with Friends of the Alameda Animal Shelter (FAAS) Extending the Term by Two Years with the Same Terms and Conditions, for the Facility Located at 1590 Fortmann Way, Alameda, CA 94501.” Finally passed.

REGULAR AGENDA ITEMS

(19-319) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Article XV of Chapter VI to Eliminate “No Cause” (Notice to Vacate) as a Grounds for Eviction from Ordinance No. 3148 (City of Alameda Rent Review, Rent Stabilization, and Limitations on Evictions Ordinance). Introduced.

Vice Mayor Knox White stated State law requires recusal in cases where the land under discussion represents less than 25% of the City’s land; requested to join Council discussion after public comment if allowable; recused himself and left the dais.

Councilmember Daysog inquired whether he should recuse himself.

The City Attorney inquired whether Councilmember Daysog is operating as a landlord, to which Councilmember Daysog responded that he lives in the housing unit.

The Assistant City Attorney stated Councilmember Daysog is not required to recuse himself.

The Community Development Director gave a Power Point presentation.

Councilmember Vella inquired about the focus groups.

The Community Development Director responded the group included the Alameda Renters Coalition, East Bay Realtors Local Government Relations Committee and Alameda Housing Providers Association.

Councilmember Vella inquired the point person for the Alameda Housing Providers Association, to which the Community Development Director responded Jeff Cambra.

Councilmember Vella inquired whether a particular group proposed carve-out language.

The Community Development Director responded landlords that are active in the East Bay Realtors Association and property management companies proposed the language.

Councilmember Vella inquired how data was obtained related to impacted tenants.

The Community Development Director responded staff worked with a consultant; outlined the data collected by the consultant.

Mayor Ezzy Ashcraft requested clarification regarding the number of households versus the number of tenants.

The Community Development Director stated the number identifies households; the average household size can be reviewed.

Mayor Ezzy Ashcraft inquired whether the assumption can be made that not all dwellings have only one tenant, to which the Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether Assembly Bill AB1481 allows for any carve-out for owner-occupied dwellings, to which the Community Development Director responded in the negative.

In response to Councilmember Oddie's inquiry, the Community Development Director stated a cause does not have to be listed when a no cause eviction is submitted.

Councilmember Daysog inquired whether there were 31 no cause evictions in Fiscal Year 2017-18, to which the Community Development Director responded in the affirmative.

Councilmember Daysog inquired whether there were 26 no cause evictions in the prior year, to which the Community Development Director responded in the affirmative; stated number is based on information reported to Rent Program staff.

Mayor Ezzy Ashcraft stated the staff report indicates there is no way to determine when a tenant leaves a property due to a rent increase that is unaffordable.

The Community Development Director stated the Rent Program tracks terminations, not voluntary vacancies.

Councilmember Oddie inquired how many of the no cause evictions are owner-

occupied.

The Community Development Director responded the majority are Single Family Homes (SFH).

In response to Councilmember Oddie's inquiry related to the carve out request, the Community Development Director responded the information is not readily available.

Urged Council to carve out small property owners; discussed owner occupied units: Sharon Alva, Bay East Association of Realtors.

Urged Council be guided by the US Constitution's Bill of Rights; stated housing is a basic human right, which should not be taken away without cause: Toni Grimm, Alameda Renters Coalition (ARC).

Discussed the increase in homelessness in Alameda; urged Council to support the ordinance with no carve outs: Jeanne Nader, Alameda Justice Alliance.

Expressed support for just cause; stated no cause is wrong: Lester Dixon, Alameda.

Urged carve out for owner occupied rentals with under four units: Karen Lithgow, Alameda.

Urged Council to support tenants' rights to a secure home without carve-outs or amendments to the proposed ordinance: Cheri Johansen, Alameda Progressives.

Suggested having three strikes for cause termination; urged due process and a compromise be adopted: Alan Teague, Alameda.

Stated just cause is needed; discussed a survey, rent increases and 470 Central Avenue evictions: Chelsea Lee, Filipino Advocates for Justice (FAJ).

Expressed concern over the carve out: Marilyn Schumacher, Alameda.

Stated just cause is the first step to securing the community; urged adoption of a rent cap: Denise Galban, FAJ.

Expressed support for just cause and a rent cap; discussed democracy: Don Cristobal, FAJ.

Stated there should be an option other than a legal court proceeding to evict tenants; discussed evicting a tenant from her six unit building: Karen Miller, Alameda.

Expressed support for adding eviction control to renters' rights: Doyle Saylor, Renewed Hope Housing Advocates (RHHA).

Expressed concern over numbers being fuzzy; stated the carve out would be massive; equal protection is needed; there should be no carve out: Catherine Pauling, ARC.

Stated the ordinance is a milestone and deserves support; discussed an eviction case: Laura Thomas, RHHA.

Urged the ordinance be passed without a carve-out; discussed homeless count data: Jared Wright.

Mayor Ezzy Ashcraft called a recess at 8:23 p.m. and reconvened the meeting at 8:24 p.m.

Mayor Ezzy Ashcraft inquired whether Council should consider the proposed carve out for small units and owner-occupied.

Councilmember Vella stated that she is not in favor of the carve out; the carve out is more complicated than it needs to be; outlined potential conflicts.

Councilmember Oddie inquired the legality of the three strike proposal.

The City Attorney responded a landlord is asking the Council to amend the ordinance so that a tenant may be evicted for three separate violations of terms and conditions of the lease; stated while it is legally permissible for Council to create an explicit exemption, such exemptions are administratively difficult to implement and particular exemptions would duplicate what State law currently authorizes.

In response to Councilmember Oddie's inquiry, the City Attorney stated the proposal states landlords would agree to not raise rents for a three year period in exchange for an exemption; expressed concern for the three year period; stated the interpretation is a voluntary waiver of rights under Costa Hawkins and is likely not lawful; outlined Costa Hawkins regulations.

Councilmember Oddie expressed concern about creating two classes of tenants, and the definition of "owner" being manipulated; outlined local exemptions for small units; noted that he was one of the drafting members of the original ordinance formula; stated the formula did not work to stop mass evictions as intended; the ordinance allows for staff to return with information if a problem arises; there are other solutions for nuisances.

Councilmember Daysog stated the current discussion relates to a separate carve out discussion from the updated ordinance.

The City Attorney stated if Council does not make a decision, Vice Mayor Knox White cannot partake in the discussion.

(19-320) Councilmember Daysog stated Council should have a discussion related to carve out; inquired whether Council discussion time will be considered in full or for each item.

The City Clerk stated when a Councilmember's time expires, a vote of four affirmative votes has to be taken to suspend the Rules of Order.

Councilmember Vella inquired whether three votes are needed to allow a carve out, to which the City Attorney responded in the affirmative.

Councilmember Oddie moved approval of restarting the 9 minutes after the carve-out discussion.

Councilmember Daysog seconded the motion, which requires four affirmative votes and failed by the following voice vote: Ayes: Councilmembers Daysog, Oddie and Mayor Ezzy Ashcraft – 3. Noes: Councilmember Vella – 1.

Mayor Ezzy Ashcraft stated that she is not in favor of a carve out; discussed the CASA Compact; stated a carve out is viewed as one less protection for tenants; outlined a meeting with the Housing Authority and housing providers; stated there are other ways to address smaller landlords' concerns; discussed the real estate community members creating a fund for legal fees; stated tenants are put in a vulnerable position; outlined tenant being afraid of reporting property issues; stated the City is trying to build housing as fast as possible; a 42% increase in the number of unsheltered individuals cannot happen in the next two years; expressed concern over the carve out affecting 1,100 rental units.

Councilmember Daysog gave a brief Power Point presentation.

Councilmember Vella stated the stock of SFH declines if converted into a multi-unit rental or if an Accessory Dwelling Unit (ADU) is added; the presentation has not taken into account communities of Santa Monica and Berkeley; there is a push to not build SFH's in order to increase units; SFH's are not the focus of the presented carve out; the carve out relates to a duplex or larger complex with the landlord living on-site; the number of tenants that did not report major habitability issues was not captured in the report; renters are vulnerable in ways homeowners are not; if a landlord is illegally evicting tenants for discriminatory reasons or retaliation, the burden of proof falls on the tenant, not the landlord; many California communities are passing just cause eviction protections, such as Santa Barbara; all cases that have been raised qualify under the proposed ordinance.

Councilmember Oddie stated a SFH exemption or carve out is not being proposed; the proposed data shows 57 families that have been displaced from Alameda; there are 5

more cases in 2017-2018 than 2016-2017 creating a 20% jump in no cause evictions; questioned the need for landlords to protect a tool that is rarely used.

Councilmember Daysog moved approval of moving forward with a carve-out.

The motion failed for a lack of second.

Councilmember Oddie moved approval of closing debate on carve out issue and moving forward discussing just cause ordinance without a carve out.

Councilmember Vella seconded the motion, which carried by unanimous voice vote – 4. [Absent: Vice Mayor Knox White – 1.] [Note: Vice Mayor Knox White returned to the dais.]

Vice Mayor Knox White expressed support for staff's recommendation; stated the values and needs have been expressed to justify just cause.

Councilmember Oddie stated housing is a basic human right; the constitution demands due process.

Vice Mayor Knox White moved approval of the staff recommendation to amend Ordinance No. 3148 [introduction of the ordinance].

Councilmember Vella 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.

(19-321) Recommendation to Receive an Update and Provide Direction on a New City Aquatic Facility.

The Interim Assistant City Manager/Recreation and Parks Director gave a brief presentation.

Councilmember Daysog inquired whether there is enough flexibility to account for something unplanned happening, to which the Interim Assistant City Manager/Recreation and Parks Director responded in the affirmative; stated there is room to add language to the Memorandum of Understanding (MOU); the aquatic community works very well together; solutions are available.

Councilmember Daysog stated that he would like the community benefits relayed at some point in time.

Councilmember Vella stated providing the alternatives is helpful; inquired whether there is enough leeway in the MOU outline to address concerns, to which the City Attorney responded in the affirmative.

Councilmember Vella expressed support for highlighting the community benefits.

Councilmember Oddie inquired when the location must be finalized, to which the Interim Assistant City Manager/Recreation and Parks Director responded a final land agreement is needed by December 2019; stated a location must be finalized several months prior.

Councilmember Oddie inquired whether Council is currently being asked to finalize a location, to which the Interim Assistant City Manager/Recreation and Parks Director responded that she welcomes any input.

Councilmember Oddie stated the best location for the pool is Emma Hood; expressed support for the MOU terms.

Mayor Ezzy Ashcraft expressed concern over the fee proposal; expressed support for the Emma Hood pool location; stated the City needs a sufficient revenue stream to fund the project.

The Interim Assistant City Manager/Recreation and Parks Director stated that she has sufficient direction and will return with further detail.

CITY MANAGER COMMUNICATIONS

(19-322) The City Manager made an announcement about rollout of the Climate Action and Resiliency Plan and the stormwater fee survey.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(19-323) Councilmember Vella noted she may not make the Lead Abatement meeting this week.

(19-324) Vice Mayor Knox White stated that he attended the climate meeting last night; a lot of good feedback was received; the Charter subcommittee is close to scheduling two workshops at the end of June.

(19-325) Councilmember Daysog discussed a Council referral for a hotel tax and AirBNB item; stated Councilmember Vella raised concern about converting rental stock to AirBNB; suggested addressing the referrals at the same time.

(19-326) Councilmember Oddie stated the 2019 Stopwaste business efficiency awards will occur tomorrow; noted two Alameda businesses being recognized by Stopwaste: Honolulu BBQ and Semifreddis.

(19-327) Mayor Ezzy Ashcraft announced the Alameda County Mayors' sent a letter to the Alameda County Board of Supervisors regarding homeless assistance; outlined a Building Futures with Women and Children event gala, which honored an Alameda resident, Meredith Mehlberg, for her work with the Jammie Project; announced that she attended a farm-to-table lunch at the Alameda Point Collaborative and the Christ Episcopal church's 150th anniversary event.

(19-328) Consideration of Mayor's Nominations for Appointment to the Golf Commission.

Mayor Ezzy Ashcraft nominated Claire Loud, Ron Carlson and Peter Pizzino to the Golf Commission.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 9:37 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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