

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 3, 2019- -6:00 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.

[Note: Councilmember Daysog arrived at 5:24 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(19-452) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Mortimer Howard v City of Alameda, et al.; Court: Alameda Superior Court; Case Number: RG18893937

(19-453) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Boatworks v City of Alameda, et al.; Court: Superior Court of the State of California, County of Alameda; Case Numbers: RG14746654, RG16823346, RG16841240; Court: First District Court of Appeal; Case Numbers: A151063, A151919

(19-454) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Positions Evaluated: City Manager - Eric Levitt and City Attorney - Yibin Shen

(19-455) 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, Recreation and Parks Director, 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 Howard, staff provided information to Council and Council provided direction to staff with no vote taken; regarding Boatworks, staff provided information to Council and Council provided direction to staff by unanimous vote to authorize a settlement for the case (Alameda Superior Court Case Number RG14746654, Court of Appeal Case Numbers A151063, A151919), which involves a legal challenged raised by Developer Boatworks against the City's Development Impact Fees ("DIF") ordinance codified in Alameda Municipal Code Chapter 27-3; on May 15, 2019, the California Court of Appeal held that that the City's Parks and Recreation fee component of its DIF is "invalid and unenforceable" and upheld the trial court's order for the City to pay Boatworks its attorneys' fees incurred at the trial court; in July of this year, the Council amended the DIF Ordinance to address the Court's concerns; in order to fully resolve the case and avoid further costs and litigation regarding attorney's fees

incurred at the Court of Appeal, the Council authorized the City Attorney to settle the matter by paying \$77,334.03 to Boatworks, plus necessary statutory interest, if any is incurred; Performance Evaluation, Council provided direction to staff with no vote taken; and regarding Real Property, staff provided information to Council and Council provided direction with no vote taken.

Adjournment

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

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 3, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:08 p.m. Councilmember Oddie 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

(19-456) Mayor Ezzy Ashcraft made brief comments regarding Miranda Robles-Tuttle and called for a moment of silence in her memory.

(19-457) Mayor Ezzy Ashcraft read a proclamation declaring September as Childhood Cancer Awareness Month.

(19-458) Lincoln and Wood Middle School students Kaia, Alexandra, and Laila made comments regarding a butterfly project to support children in migrant camps.

(19-459) Mayor Ezzy Ashcraft read a proclamation declaring September 15 to October 15, 2019 as National Hispanic Heritage Month.

AGENDA CHANGES

(19-460) Vice Mayor Knox White inquired whether Council would consider combining the two rent items [paragraph nos. 19-480 and 19-486].

Mayor Ezzy Ashcraft stated that she would like to keep the items separate.

ORAL COMMUNICATIONS, NON-AGENDA

(19-461) Alan Teague, Alameda, stated there is a housing crisis; suggested placing two measures on the ballot to modify Measure A to allow for development.

(19-462) Chaz Arurang, Toys for Tots Foundation, made an announcement that a storage and distribution center is needed for the toys.

(19-463) Nancy Hird, Save Alameda's Working Waterfront, submitted information; expressed concern over the Alameda Marina project.

(19-464) Cheri Johansen, City of Alameda Democratic Club, announced an upcoming event.

(19-465) Richard Neveln, Alameda, expressed concern over noticing for entry into units at Independence Plaza.

CONSENT CALENDAR

The Fire Station 5 feasibility study [paragraph no. 19-471]; ferry terminal resolution [paragraph no. 19-476]; and ordinance [paragraph no. 19-477] were removed from the Consent Calendar for discussion.

Vice Mayor Knox White 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.]

(*19-466) Minutes of the Special and Regular City Council Meetings Held on July 2, 2019. Approved.

(*19-467)ified bills in the amount of \$ 24,327,141.65.

(*19-468) Recommendation to Authorize the City Manager to Execute a Contract in the Amount of \$120,000 with Operation Dignity to Provide Mobile Outreach Services for Alameda's Homeless Population for Fiscal Year 2019-20. Accepted.

(*19-469) Recommendation to Authorize the City Manager, or His Designee, to Execute a Ten-Year Agreement for Temporary Assignment of Vehicular Equipment with the State of California Office of Emergency Services for a Type 1 Fire Engine to be Utilized for Statewide Mutual Aid Response and Local Use. Accepted.

(*19-470) Recommendation to Authorize the City Manager to Negotiate and Execute an Agreement for the Purchase of One Horton F-550 Type I Ambulance and Related Equipment in an Amount Not to Exceed \$391,464.51. Accepted.

(19-471) Recommendation to Authorize the City Manager, or His Designee, to Execute Service Provider Agreement in the Amount of \$24,970 with Shah Kawasaki Architects, Inc. for the Feasibility Study of Fire Station 5 New Site Construction Cost.

Mayor Ezzy Ashcraft inquired where the funding for construction and having an additional Fire Station would come from; how does the funding maintain the revenue neutral policy for Alameda Point development; stated going into a recession is not the best time to take on additional General Fund expenditures.

The Deputy Fire Chief responded the Fire Department is looking at an intermediate term project; stated the Feasibility Study is the starting point and will estimate if the existing facility can be used within reasonable bounds; there are additional considerations due to the historic nature of the building; the Study will allow for a second site to be determined if proven to be more economical; a station will be needed for Alameda Point in the future.

Mayor Ezzy Ashcraft inquired whether the Feasibility Study will allow Council to determine the funding in the future, to which the Deputy Fire Chief responded in the affirmative.

The City Manager stated there will a point in time where revenues and tax base can support the operation; there are three Staffing for Adequate Fire & Emergency Response (SAFER) grants for employees and there is hope for three more; ensuring sufficient funding is the priority.

Vice Mayor Knox White inquired whether the Master Infrastructure Plan (MIP) for Alameda Point includes the funding to build Station 5 and whether the new station will be trigger within the Plan when a certain occupancy is reached.

The City Manager expressed agreement for the concept; stated the nuance of when the concept occurs and what fiscal neutrality means at full buildout will be factors.

Mayor Ezzy Ashcraft questioned whether the timeline for full buildout would be 20 years from now, to which Vice Mayor Knox White responded in the affirmative.

Mayor Ezzy Ashcraft stated the reason for doing the Feasibility Study now is to look at construction costs.

The Deputy Fire Chief stated that construction costs will certainly change; suggested not looking at full buildout until the need is present; stated the Fire Department is recommending what the community needs in order to provide services that are expected, and Council may provide direction; full buildout is not anticipated until the services are needed.

Vice Mayor Knox White stated the trigger for building Station 5 is not full buildout, it is sometime after Site A opens; the coverage for operation costs are built into full buildout.

The Planning, Building and Transportation Director stated the breakdown is consistent with the Master Infrastructure Plan (MIP).

Vice Mayor Knox White expressed support for receiving an update on the plan.

Councilmember Daysog inquired whether the feasibility is related to the construction costs, not the anticipated revenues required to staff the station, to which the Deputy Fire Chief responded in the affirmative.

Councilmember Daysog stated the concern for future costs will need to be a separate analysis; hopefully the previous plan will be able to carry the annual and long-term cost obligations.

Councilmember Oddie outlined the feasibility study goals; stated shovels are in the ground; response times need to be ensured so that all Alamedans on the former Base can experience the same level of public safety.

Councilmember Oddie moved approval of the staff recommendation.

Vice Mayor Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated the contract amount is lower than the amount the City Manager needs to come to Council for consideration; however, a previously authorized study for rehabilitation brought the total amount close to the limit; that she will vote to approve the feasibility study, but there are many different ways to protect the Island; there is only so much revenue coming in and there are many expenditures; a recession may be coming in the not too distant future; the item will proceed one step at a time.

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

(*19-472) Recommendation to Accept the Work of Rosas Brothers Construction for the Repair of Concrete Sidewalk, Curb, Gutter, Driveway, and Minor Street Patching, Fiscal Year 2018-19, Phase 19, No. P.W. 07-18-26. Accepted.

(*19-473) Recommendation to Accept the Semi-Annual Report for the Period Beginning January 1, 2019 through June 30, 2019, on 1) Litigation and Liability Claims Settlements, and 2) Whether Any Records Previously Withheld from Disclosure Have Now Become Available to the Public. Accepted.

(*19-474) Recommendation to Authorize the City Attorney's Office to Follow Purchasing Guidelines Set Forth in Administrative Policies and Procedures, Number 5; and

(*19-475) Resolution No. 15576, "Repealing Resolution No. 13893 Empowering the City Attorney to Employ Special Legal Counsel." Adopted.

(19-476) Resolution No. 15577, "Authorizing the City Manager to Consent to the Six-Month Extension of the Landing Rights Agreement to Land at Harbor Bay Ferry Terminal By and Between San Francisco Bay Area Water Emergency Transportation Authority (WETA) and Tideline Marine Group." Adopted.

Councilmember Oddie stated that he will support the item with one caveat; expressed concern about public facilities being built with public funds and private operators coming in at lower costs "Uber-ing" the Water Emergency Transit Authority (WETA); stated that

he would like to ensure a card check neutrality agreement to protect workers when the item comes back.

Mayor Ezzy Ashcraft stated the WETA Board of Directors approved the extension agreement unanimously; outlined the agreement approval process; stated a new life-science company at Harbor Bay Business Park moved to Alameda from South San Francisco with many employees still living in South San Francisco; a private water shuttle will be permitted with the approval from WETA.

Councilmember Vella stated staff brought information to Council prior to WETA approval; WETA's process is informed by Council discussions and direction.

Vice Mayor Knox White moved adoption of the resolution.

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

(19-477) Ordinance No. 3248, "Amending Alameda Municipal Code Section 30-2.B (Zoning Regulations) to Define "Animal Shelter" and Section 30-4.10 (Zoning Regulations) to Add Animal Shelter and Supervised Outdoor Animal Runs as Uses Requiring a Use Permit within the C-M (Commercial-Manufacturing) Zoning District." Finally passed.

Councilmember Daysog stated that he has previously not supported the item and he will continue to not support the item.

Vice Mayor Knox White moved final passage 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.

REGULAR AGENDA ITEMS

(19-478) Resolution No. 15578, "Appointing Elizabeth Rush as a Member of the Public Art Commission." Adopted;

(19-478 A) Resolution No. 15579, "Appointing Kirstin Van Cleef as a Member of the Public Art Commission." Adopted;

(19-478 B) Resolution No. 15580, "Reappointing Simon Chiu as a Member of the Rent Review Advisory Committee (RRAC)." Adopted; and

(19-478 C) Resolution No. 15581, "Reappointing Brendan Sullivan-Cheah as a Member of the Rent Review Advisory Committee." Adopted.

Councilmember Oddie moved adoption of the resolutions appointing the Public Art Commission members.

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

The City Clerk administered the Oath of Office and presented certificates of appointment to Ms. Rush and Ms. Van Cleef.

Mayor Ezzy Ashcraft noted the RRAC might go away but still has one meeting left; stated reappointing the members for the potential last meeting would be nice.

Vice Mayor Knox White moved adoption of the resolutions reappointing the RRAC members.

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

(19-479) Public Hearing to consider Resolution No. 15582, “Adopting a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Climate Action and Resiliency Plan (CARP).” Adopted.

The Deputy Public Works Director gave a brief presentation.

Expressed support for encouraging carpooling to the ferry terminals: Alan Teague, Alameda.

Expressed support for the comprehensive plan; urged approval: Lauren Eisele, Community Action for a Sustainable Alameda.

Discussed focusing on the goal; urged implementation of the Plan: William Smith, Sierra Club.

Vice Mayor Knox White inquired whether the Mitigated Negative Declaration needs to be adopted first, to which the City Attorney responded the resolution is set forth and sequenced so that Council adopts the environmental document first, then approves the Plan within one resolution.

Vice Mayor Knox White moved adoption of the resolution with the addition of the Climate Action Emergency Declaration being added as pages 2 and 3 ahead of the table of contents.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Oddie stated there is a referral coming later to deal with bicycle priorities and Stopwaste is discussing reducing organics due to Senate Bill (SB) 1383; expressed support for finding ways to partner with local grocers and the Foodbank to address food waste.

Councilmember Daysog stated that he appreciates the section related to building resilience into physical environment and infrastructure; expressed concern over congestion pricing; stated a toll through the Webster Street tube will be burdensome for residents and businesses.

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.

(19-480) Urgency Ordinance No. 3249, “Amending the Alameda Municipal Code by (1) Adding Section 1-8.01 Concerning Hearing Procedures, Hearing Officers’ Decisions and Administrative Regulations, (2) Repealing in Their Entirety Article XIV (Currently Suspended) and Article XV of Chapter VI Concerning (a) Review of Rent Increases Applicable to All Rental Units and Rent Stabilization Applicable to Certain Rental Units and (b) Limitations on Evictions and the Payment of Relocation Assistance Applicable to All Rental Units; and (3) Repealing Ordinance No. 3246 (Uncodified); and (4) Adding a Restated Article XV to Chapter VI Concerning Rent Control, Limitations on Evictions and Providing Relocation Payments to Displaced Tenants, including Section 8.” Adopted;

(19-480A) Introduction of Ordinance Amending the Alameda Municipal Code by (1) Adding Section 1-8.01 Concerning Hearing Procedures, Hearing Officers’ Decisions and Administrative Regulations, (2) Repealing in Their Entirety Article XIV (Currently Suspended) and Article XV of Chapter VI Concerning (a) Review of Rent Increases Applicable to All Rental Units and Rent Stabilization Applicable to Certain Rental Units and (b) Limitations on Evictions and the Payment of Relocation Assistance Applicable to All Rental Units; and (3) Repealing Ordinance No. 3246 (Uncodified); and (4) Adding a Restated Article XV to Chapter VI Concerning Rent Control, Limitations on Evictions and Providing Relocation Payments to Displaced Tenants, including Section 8. Introduced;

(19-480B) Resolution No. 15583, “Establishing Relocation in Accordance with the City of Alameda’s Rent Control Ordinance; and Recommendation to Approve the Content of the Rent Registration Statement.” Adopted; and

(19-480C) Recommendation to Approve the Content of the Rent Registration Statement.

The Community Development Director gave a Power Point presentation and outlined upcoming workshops.

Councilmember Oddie inquired about the noticing requirement for the 10% increase.

The Community Development Director responded a rent increase in excess of 10% requires a 60-day notice.

Councilmember Oddie stated the tenant would have one month or more of increased rent.

The Community Development Director stated the tenant may move out anytime within the 90-day period if they are unable to pay the rent increase and are interested in relocation benefits.

Councilmember Oddie inquired whether a process for Costa Hawkins involving a non-binding decision from the Rent Review Advisory Committee (RRAC) would no longer be available, to which the Community Development Director responded in the affirmative.

Councilmember Oddie inquired whether a voluntary program will be available.

The Community Development Director responded rent program staff are all trained mediators and are happy to mediate when there are two consenting parties.

Councilmember Daysog left the dais at 8:30 p.m. and returned at 8:32 p.m.

In response to Councilmember Oddie's inquiry, the Community Development Director stated the new rent relocation is tied to the number of bedrooms; stated the prior number was based on the number of years lived in the unit.

Councilmember Oddie inquired whether there is data related to an uptick or downtick in the impact on landlords making Section 8 available.

The Community Development Director responded the housing choice voucher program which makes Section 8 vouchers available in the private sector is completely voluntary; stated it is challenging to find landlords willing to take Section 8 tenants when the max rent is set by payment standards; there are currently over 75 tenants with vouchers looking for housing in the City of Alameda; if Council were to extend just cause eviction protections to housing choice voucher holders, there could be a depression in landlords interested in accepting Section 8 tenants but it is unknown; loss of funding for vouchers will be one of the long term effects if the Housing Authority is unable to place voucher holders with private sector landlords.

Councilmember Oddie inquired whether the information can be tracked; stated when just cause was implemented, and Section 8 was exempted, there should have been an uptick in Section 8 given that people could be evicted.

The Community Development Director responded the next agenda item after would prohibit discrimination based on source of income and provides protections to Section 8 voucher holders.

Councilmember Oddie stated there is an exemption if there are contracts for housing

services that provide some type of just cause protection.

The Community Development Director stated since 2016 the ordinance has exempted units with regulatory agreements.

Councilmember Oddie inquired whether those are stronger or weaker than City protections.

The Community Development Director responded when a regulatory agreement exists due to a tax credit project, just cause is needed to evict a tenant.

Councilmember Oddie inquired whether Housing Authority properties are excluded, to which the Community Development Director responded most Housing Authority projects are subject to regulatory agreements.

Councilmember Oddie inquired whether there will be a report back to Council on the type of reports which are going to be generated, and if so, when can the report be expected.

The Community Development Director responded the ordinance continues to require an annual report updating the Council about the rent program; stated Council will see the details in the annual report for the current Fiscal Year 2019-20.

Councilmember Oddie inquired whether units affected by natural disaster would be included in rent protections.

The Community Development Director responded relocation benefits would be allowed depending on the cause; stated if a fire is not caused by negligence of the landlord, relocation benefits would not be paid.

Stated changes affect the Housing Authority; outlined his experience as an active participant in the housing choice voucher program: Alan Teague, Alameda.

Outlined his experience as a renter in Alameda; discussed renters being treated fairly: Harry McCurdy, Alameda.

Stated that she is a Section 8 voucher holder; urged Council to extend protections for Section 8 tenants: Connie Trusseh, Alameda.

Expressed concern over treatment of renters: Austin Tam, Alameda.

Stated relocation payments for no fault evictions need to be tied to Alameda and should increase by 70% of Consumer Price Index (CPI); discussed hotel rates and increased landlord costs: Dona Fisher, Landlord.

(19-481) Mayor Ezzy Ashcraft stated Ms. Fisher should be allowed to speak for Mr. Fisher.

The City Attorney stated the rules of order can only be suspended by four votes.

Councilmember Oddie moved approval of suspending the rules to allow Ms. Fisher to speak for Mr. Fisher.

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

Stated the most important thing to Mr. Fischer is the landlord-tenant relationship; outlined his experience as a property manager: Dona Fisher on behalf of Michael Fisher, Landlord.

Expressed concern over the resolution and suggested changes: Edward Riback.

Discussed being forced to leave his home; stated that he could not survive being forced to leave his home: Musiy Rishina, Alameda.

Stated justice might be denied to her father and many other Section 8 tenants facing eviction: Lana Rishina.

Discussed Mr. Rishin's case, which will be heard October 14; urged Council to extend protections to Section 8 voucher holders; stated the change has to be adopted tonight: Sarah McCracken, Centro Legal.

Urged adoption of the urgency ordinance: Jan Santos, Alameda Renters Coalition (ARC).

Discussed disabilities; urged Council to pass the urgency ordinance: Doyle Saylor, Alameda.

Urged the Council to move forward with the ordinance; stated the hardship a tenant faces when they cannot pay their rent is homelessness: Madeline Howard, Western Center on Law and Poverty.

Urged public access to the rent registration database: Catherine Pauling, ARC.

Urged expansion of protection to Section 8 tenants: Toni Grimm, ARC.

Discussed not receiving a social security increases while receiving a 5% rent increase: Richard Neveln, Alameda.

Stated data should be available; discussed census data and lack of new housing in

Alameda; urged adoption of the urgency ordinance: William Smith, ARC.

Stated landlords need to be able to remove problem tenants; everyone should not pay for the extreme cases: Nancy Gordon, Alameda.

Stated that she is a small landlord and is angry about what the City is proposing: Rosalinda Fortuna, Alameda.

Mayor Ezzy Ashcraft called a recess at 9:12 p.m. and reconvened the meeting at 9:29 p.m.

Councilmember Oddie stated housing is a basic human right; society will judge how the most vulnerable are treated; noted the sign stating “everyone belongs here” in Chambers; stated every tenant has created a home, where they enjoy life and when that is disrupted it is stressful; expressed support for the item; stated it is important to have diversity in the community; outlined concerns raised related to the Housing Authority and treatment of tenants; noted that he will bring a referral back related to Housing Authority concerns; stated that he would like to ensure tenant protections particular to Central Avenue; Section 8 incentives should be looked at to ensure the 75 voucher holders can be housed in Alameda; the Capital Improvement Plan (CIP) was not discussed, but the housing stock should be kept in good shape; tenants deserve habitable residences; expressed concern over discrimination; stated the database should be brought back soon with interim data; no one should be going through what he [Mr. Rishin] is going through.

Councilmember Daysog stated it is right to feel for the plight of the Rishin family; policy should be made with direction from both heart and head for all sides, both renters and smaller “mom and pop” landlords; it is not City Hall’s place to make unilateral dictates, when reasonable alternatives exist to protect both renters and smaller landlords; the original Ordinance 3148 was a workable solution for both renters and smaller landlords; rather than continue to gut that ordinance, Council should have made modifications; there are real repercussions to making drastic changes; to have small landlords come to meetings and comment is a tell-tale sign that the burdensome policy changes being pursued fall differently on different sized landlord categories; Council should have taken into account smaller landlord operations; the penalties cannot be passed on to tenants; he believes that Council should have made accommodations in both protecting renters and smaller landlords, as well as stifling excessive rent increases; Council is going much too far; outlined upcoming State-wide rent controls; stated smaller mom and pop landlords will get out of the rental business thus reducing rental stock; diverse populations are lost as a result of rent control in areas such as Berkeley and Santa Monica; he will not support the item.

Vice Mayor Knox White stated it is possible for people to remain thoughtful with different ideologies and consider all sides to look for the best route forward; he is a small mom

and pop landlord; expressed support for the item; stated certain outcomes will be more difficult if the urgency ordinance is not passed today; the burdens are part of the bargain that landlords make; landlords are providing housing for someone else; if there were simple solutions, everyone would do it; solutions that have been put into place are not working; expressed support for most of the item; stated some changes might be needed if Council is open; there should be requirements for temporary relocation benefits; once a unit is available for moving back in, there should be a move-in timeline; expressed concern for the temporary relocation schedule, which can be addressed at a future time; stated the schedule seems high; relocation payments should be based on receipts or some form of direct payment, not a flat \$335 per day payment; temporary relocation must happen, but the cost is too high; reasonable assumptions must be made; if a tenant can find a room for \$200 per night the relocation payment should be for \$200 per night, not just the flat \$335 rate; expressed concern over the use of data from the database; stated information has to be provided as part of a Public Records Act (PRA) request; the database should not be treated as a public record; Council should have input from tenants and landlords to ensure information provided is aggregated appropriately; expressed support for clarifying partial payments when dealing with Housing Choice Vouchers; stated the item is important and is a community-wide concern; expressed support for the urgency ordinance.

Councilmember Vella expressed support for the temporary relocation amounts coming back and passing the ordinance as written; stated one thing to include is additional advance notice; the unit does have to be available on the date listed; there needs to be a process if the unit is not made available on the date the tenant was advised; expressed support for direct pay; stated there may be discrepancy issues without direct pay; suitable accommodations must be found; expressed support for weekly and monthly amounts; stated that she would not include partial payments from the US Department of Housing and Urban Development (HUD); expressed support for hearing the language; questioned whether the ordinance can be changed and still pass or if the item would need to come back; expressed concern over the database related to access to all information; requested a follow-up presentation be made after information requests have been made; stated Council previously passed a resolution regarding federal government requests for information; Council should be notified prior to any release of information to the federal government or federal agencies; Council approves the Housing Authority board; Council should consider compounding issues for some of the most vulnerable populations; there is a desire to do what is deemed best for the person, however it is not always what the person believes is best for them; a process should be in place before an eviction or loss of housing voucher occurs; expressed support for passing the urgency ordinance; stated discrimination is already happening; she does not want to create a period of time where discrimination is allowed to continue; the urgency ordinance must be passed; Council has to legislate for everybody; decisions cannot be made specifically for one individual; both intended and unintended consequences must be thought of; there is room for additional discussion at a later date.

Mayor Ezzy Ashcraft discussed a workshop; stated the one landlord affecting Mr. Rishin

does not typify the majority of landlords in the City; expressed support for the urgency ordinance; requested Council consideration for items which may have unintended consequences; stated relocation payments for certain categories of renters, such as tenants 62 years and older, tenants with disabilities, and tenants with minor children in the household, will be augmented; outlined exhibit A; stated the numbers are based off HUD figures; the augmented rent raises the amounts by almost \$2,000; the unintended consequence could be discrimination based on income or supposed future hardships for the landlord; the rationale behind augmented relocation fees are to help those that are most vulnerable; to aid in relocation, a consultant service can be used when a renter receives a no fault eviction notice; discussed Measure A; stated Alameda's multi-family housing stock is limited and is getting older; the ordinance can still move forward on an urgency basis and Council can decide to eliminate the column in the table; expressed concern for the per diem rates on hotels and motels; stated the meal cost is acceptable; \$335 per day is steep; a modification can be made; an unintended consequence is discriminating against tenants who have pets due to added relocation costs; habitable housing stock is needed; consideration must be made for the financial burden being imposed on landlords; changes should be made to the augmented relocation payments and the housing per diems.

Councilmember Oddie stated that he is happy to look at the per diem costs again; his preference is to pass as-is and bring it back for further discussion; expressed concern for the potential discrimination against tenants with disabilities or children; stated that it is illegal but does happen.

(19-482) Councilmember Oddie moved approval of suspending the rules to allow Councilmembers to have more time.

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

Councilmember Oddie stated further discussion is needed; he would like information on other cities which have augmented relocation benefits.

Mayor Ezzy Ashcraft stated that she does not want to ascribe bad motives to someone's decisions, but fair changes have been made; Council can have relocation consultants come in and provide the help needed.

Councilmember Vella stated there are weekly and monthly rates for boarding costs for pets; relocation benefits are not necessarily a basis for who landlords will rent to; there is a 2% vacancy rate; there is a differentiation protecting those who are already housed; due to the difficulty the most vulnerable has being able to find housing, it is important to keep those who are housed in their home; outlined relocation consultant drawbacks based on a trial use in Los Angeles; stated there are a number of issues including liability costs potentially being bore by the City; evidence needs to be found that discrimination occurs based on relocation costs; expressed support for not incentivizing

landlords to evict based on discrimination factors.

Mayor Ezzy Ashcraft expressed concern about rehousing people; stated there is more than one way to accomplish something; throwing money at an issue is not necessarily the solution; outlined her understanding of a relocation consultant and costs to the City.

Vice Mayor Knox White inquired whether Exhibit A must be passed by Council.

The City Attorney responded in the affirmative; stated the resolution is last on Council's list to approve, the ordinances must be approved first.

Vice Mayor Knox White inquired whether not passing the resolution would leave the City with no fee schedule.

The City Attorney responded in the affirmative; stated should Council chose not to approve the resolution, relocation amounts would not be adopted.

Vice Mayor Knox White stated that he hears both arguments as valid; expressed concern over the matter needing more thought and discussion.

Vice Mayor Knox White moved approval of the urgency ordinance and the non-urgency ordinance as-written, and approval of the relocation payment schedule [adoption of the resolution] as provided with direction to come back as soon as possible with a direction to staff to provide more information.

The Community Development Director stated staff can come back; having a fee schedule in place is important; a temporary relocation situation has yet to happen since the original ordinance has been in place; returning October 1 would be acceptable.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Vella requested that the direction to staff include providing costs of the alternatives.

The Community Development Director stated the Rent Program staff is scheduled to come back the second meeting in October with the Annual Report; another option is to come back with a revised resolution for Council consideration the second meeting in October.

Mayor Ezzy Ashcraft expressed support of staff returning the second meeting in October.

The City Attorney stated given that there are two different ordinances and a resolution, Council should take three separate votes.

Vice Mayor Knox White moved adoption of the urgency ordinance.

Councilmember Oddie 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.

Councilmember Vella moved introduction of the non-urgency ordinance.

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.

Vice Mayor Knox White moved approval of the relocation payment schedule as-written with direction to staff to come back by the second meeting in October with options for considering how to deal with the qualified tenant household column, whether or not that is continuing as approved or some sort of relocation consultant or other options, as well as revised language for the temporary relocation payment that allows for the Alameda-based housing direct payment as discussed.

Mayor Ezzy Ashcraft noted the action includes adopting the resolution.

Councilmember Oddie 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.

The Community Development Director stated a motion is needed to approve the rent registration statement.

Vice Mayor Knox White moved approval.

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.

AGENDA CHANGES

(19-483) Mayor Ezzy Ashcraft stated the next rent item [paragraph no. 19-486] would be heard after other agenda items.

Councilmember Vella left the meeting at 10:22 p.m.

(19-484) Vice Mayor Knox White moved approval of hearing all the remaining items.

The City Clerk inquired whether the motion includes the Council referrals, to which Vice

Mayor Knox White responded in the affirmative.

Mayor Ezzy Ashcraft stated that she would support the motion if it is amended to have the meeting end at midnight.

Councilmember Oddie seconded the motion with the amendment to end at midnight, which carried by unanimous voice vote – 4. [Absent: Councilmember Vella – 1.]

(19-485) Recommendation to Provide Direction to Increase Parking Enforcement Resources to Support Parking and Transportation Management Goals.

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

Councilmember Oddie inquired whether there will be a decrease in revenue, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Oddie inquired where the revenue would increase under Option 2 or 3.

The Public Works Coordinator responded revenue targets will be realized with complete enforcement; stated parking revenue has declined over the years, and with proper enforcement at a compliance rate of 75%, revenue will stabilize and meet the projections of \$2,000,000 annually.

Councilmember Oddie inquired about the \$5,000,000 to \$8,000,000 number listed in the staff report.

The Public Works Coordinator responded those figures are looking out at the future parking supply; the projection is shown at the existing rates for existing time limits, not accounting for more advanced parking management such as dynamic pricing.

The Planning, Building and Transportation Director stated the parking program needs to pay for itself; revenues must cover expenses; costs can be covered in any of the options; the question is whether the parking program will eventually generate revenue or solely cover costs; outlined transportation related funding opportunities should the parking program generate revenue.

Councilmember Daysog inquired the total cost of Option 3 includes long term pension and Other Post-Employment Benefits (OPEB) liabilities.

The Public Works Coordinator responded said projection has not been done; stated staff can take direction to bring back estimates.

Expressed support for the goal of reducing traffic congestion and greenhouse gas reduction; stated another goal should be reducing single-occupancy trips to and from the ferry; urged caution about fines: Alan Teague, Alameda.

Stated imposing costs on drivers can be burdensome; urged the Council not to subsidize driving; expressed support for Option 4: Denyse Trepanier, Alameda.

Vice Mayor Knox White stated the Issue is important; the parking policy has been discussed for over a decade; expressed support for Option 3; stated Option 4 would be a two-year contract with a possible one-year extension allowing the City to put hiring in place; the problems with hiring officers is causing difficulties for Options 1 and 2; if Option 4 is selected, prevailing wage requirements need to be met.

Councilmember Daysog expressed support for Option 2.

Councilmember Oddie expressed support for Option 2; stated his preference is Option 3; outlined sections of the staff report related to parking incentives; stated that he does not believe in outsourcing public jobs whatsoever as mentioned in Option 4; Option 3 allows for revenue to reach a point where costs are covered and parking can become a revenue generator and incentivizes a change in behavior.

Councilmember Daysog stated that he supports part-time police assistance because they are part of the local fabric.

Mayor Ezzy Ashcraft expressed support for Option 4; stated the situation needs to be addressed; the length of the contract can be revisited if needed; climate implications are part of the problem; outlined driving issues related to parking and merchant difficulties; stated if parking is not enforced; people tend to leave their vehicle on the street and others cannot get in to support local businesses; an economic downturn is coming; parking revenue can be increased with Option 4; contract employees can be worked into a full time position; Option 3 costs more than \$2,500,000 at full build-out.

Vice Mayor Knox White inquired whether Option 3 includes current OPEB and long-term liabilities and not projected figures.

The City Manager responded that he is not sure if the figures do or do not include the current liability.

The Public Works Coordinator stated the figures include today's current total costs.

The City Manager stated with the way California Public Employees' Retirement System (CalPERS) has changed the structure, future costs are predicted.

Councilmember Oddie stated if the economy does have a downturn, there could be more people wanting to be part-time employees; there are anti-raiding provisions that

state people cannot be taken from companies; discussed Oakland's experience with outsourcing.

Councilmember Daysog stated that he has lived near Webster Street for about 10 years and he has received at least 10 parking tickets; part-time parking enforcement staff are efficient; expressed support for Option 2; stated the cost for outsourcing is bore by the City, but some vendors might over-ticket causing issue within the community.

Mayor Ezzy Ashcraft stated Council should think about what message is being sent; choices should encourage walking over driving.

The City Manager stated with Options 2 through 4 there will be much more enforcement; there will be impacts and an increase in complaints; urged Council to take into account that parking is a sensitive issue; stated moving to other modes of transportation is an effective strategy.

Vice Mayor Knox White stated there are 8 part-time positions available and only 3 were able to be filled; expressed support for Option 3 or 4; stated Council has just passed a Climate Action Plan that requires Council to start adopting policies; there are many plans in place to help achieve the goals; the 3 parking enforcement staff members are efficient, however, they cannot cover the work of a full staff of 8; questioned whether there could be consensus for a two-year pilot program that leads to Option 3.

Councilmember Oddie stated the thought that people will return when jobs are outsourced is magical thinking; that he has a visceral reaction to outsourcing jobs to the private sector; inquired whether there could be a hybrid of Option 2 and 3 with some part-time and some full-time staff.

Mayor Ezzy Ashcraft inquired whether it is possible to include language that protects valid interests, but also look at the reality of the situation.

Councilmember Oddie responded the matter is about values; discussed a rally he attended for Kaiser due to outsourcing of janitorial services and gardening services.

Mayor Ezzy Ashcraft stated there appears to be a plurality not a majority; values can be kept intact while addressing the issue; expressed support for a hybrid Option 4 leading to Option 3 as it will be most effective.

Councilmember Oddie stated the Charter requires 3 votes for any Council action.

Mayor Ezzy Ashcraft stated Council is providing direction.

Vice Mayor Knox White stated giving direction to move forward with a hybrid contract model will do no good; the contract will need to be approved by 3 votes.

The City Manager stated there is an option to look at Option 2 and 3 together; the contract model can be with another public agency with public employees.

Vice Mayor Knox White stated that he would like to get to Option 3; expressed concern about Option 3 being 18 months out until there is service and not meeting transportation goals; expressed support for Option 4 with a shift to Option 3, along with providing protections; stated the City has contracts with private companies that provide public services; the conversation can be tabled until Councilmember Vella returns.

Councilmember Daysog expressed concern over Option 3; stated the \$2,700,000 to 2,800,000 needs to be translated into some kind of average traffic ticket cost which may cause sticker shock, especially with long-term liabilities; expressed support for Option 2; stated direction needs to be given to find appropriate staff; if staff cannot be found, Council needs to hear a strategy that can allow for proper part-time parking enforcement.

Councilmember Vella returned at 11:07 p.m.

The City Manager stated one option is to hear from Councilmember Vella; a second option is to table the discussion and allow staff to come back with recommendations.

Councilmember Vella inquired whether Option 4 could be done as a pilot.

Vice Mayor Knox White outlined Councilmember standings on option preferences; inquired whether Councilmember Vella supports a specific option.

Councilmember Vella expressed concern over contracting out; stated that she does not support outsourcing work; outlined her experience with contracted work not being of quality; stated it is a time pressing issue; that she does not support Option 4 as a pilot; what is being proposed is a stop-gap measure, allowing for staff to negotiate with bargaining units involved to create a full-time model.

Mayor Ezzy Ashcraft stated one of the things to consider is time to ramp up to filling needed positions; inquired how long a stop gap would be needed.

Councilmember Vella responded there is a public safety component; stated the middle ground includes the bargaining unit weighing in on concerns; if a stop gap measure is approved, language would need to be included stating the intent is to have a bargaining unit and full-time positions; perhaps people hired on within the temporary time could be given the opportunity to be hired full-time; inquired how much time is needed to get to the full time model.

Mayor Ezzy Ashcraft stated the meeting will not go past midnight and there are additional items to be heard; questioned whether the item can be brought back and continued to a date specific.

The City Manager suggested the item be continued to October 1.

The City Clerk stated the item can be placed on the next agenda without being continued.

Vice Mayor Knox White moved approval of to coming back on October 1 with the information requested from Councilmember Vella to have a stop gap contract model, where the length of the contract is based on the time it would take to work with bargaining units, set up positions, and hire staff.

The City Manager requested the item be moved to October 1 and staff be allowed to compile options in order to keep the discussion open.

(19-486) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Article XVIII to Chapter VI Concerning Fair Housing and Tenant Protections by Prohibiting Unlawful Tenant Harassment, Disruption of Housing Services and Housing Discrimination including Source of Income. Introduced.

The City Attorney gave a brief presentation.

Councilmember Daysog inquired whether it is correct to say that when a landlord accepts a Section 8 tenant, they are also entering into a contract with the Housing Authority which stipulates the landlord will supply a unit adhering to certain standards established by HUD and monitored by the local Housing Authority, to which the City Attorney responded in the affirmative.

Councilmember Daysog inquired whether landlords have to accept Section 8 and whether landlords must accept the standards stipulated in HUD.

The City Attorney responded in the negative; stated landlords must not discriminate on the basis of source of income; outlined legitimate and illegitimate reasons for landlord stipulations.

Councilmember Daysog questioned whether a tenant legal advocate could take a case of Section 8 thought as discriminatory.

The City Attorney stated the scenario is hypothetically possible; outlined a gender discrimination example.

Discussed Section 8; stated both sides should be held to the same standard, not just landlords; inquired about documentation; expressed support: Alan Teague, Alameda.

Stated the Alameda Progressives supports extending the protections that have been fought for: Cheri Johansen, Alameda Progressives.

Stated that she strongly supports the ordinance; discussed Assembly Bill (AB) 686: Madeline Howard, Western Center on Law and Poverty.

Expressed support for the ordinance; urged approval: Lana Rishina, Alameda.

Councilmember Oddie inquired whether immigration status can be included in the language, to which the City Attorney responded said status is fully protected by State law.

Councilmember Oddie expressed support for the item.

Councilmember Oddie moved introduction of the ordinance.

Councilmember Vella seconded the motion.

Under discussion, Vice Mayor Knox White inquired whether the public speakers' question can be answered by the City Attorney.

The City Attorney responded a landlord can legitimately go into a unit to document damage.

Councilmember Daysog stated the City of San Jose passed a similar ordinance in the past month; there are certain provisions included related to a fix-it period; discussed delaying the ordinance for 60-days.

Mayor Ezzy Ashcraft stated the ordinance requires a second reading; there is 30 days for landlord education; the prohibitions listed in the ordinance are things landlords should know.

Vice Mayor Knox White stated it would be 45 days before the ordinance goes into effect.

Councilmember Vella stated that she is not inclined to add another 15 days.

Vice Mayor Knox White stated that he is a fan of education and conversation.

Councilmember Daysog expressed concern for bureaucratic HUD standards causing smaller landlords not to be involved with the program; outlined HUD standards.

Mayor Ezzy Ashcraft stated workshops will be scheduled in September and October; staff can be asked to provide more information.

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. Abstention: Councilmember Daysog – 1.

(19-487) Recommendation to Approve Adding a Prosecution Unit to the City Attorney's Office and to Provide for Facilities Upgrades to Accommodate New Staffing;

(19-487A) Resolution No. 15584, "Approving Workforce Changes in the City Attorney's Office to Add Two Positions: Assistant City Attorney and Paralegal, and Upgrade an Administrative Services Coordinator Position to Management Analyst." Adopted;

(19-487B) Resolution No. 15585, "Amending the Fiscal Year 2019-20 General Fund Operating Budget by Increasing City Attorney's Office Appropriations by \$172,000." Adopted; and

(19-487C) Authorize the City Attorney to Enter into Any Agreements Necessary with the Alameda County Superior Court and Alameda County District Attorney's Office to Effectuate the Implementation of the Program; and Provide Direction on Whether the City Attorney's Office Should Work with the Charter Revision Subcommittee on a Potential Charter Amendment Authorizing Prosecution of State Law Misdemeanors.

The City Attorney gave a brief presentation.

Expressed concern over the funding; discussed other more important, critical things that could be funded: Alan Teague, Alameda.

Councilmember Vella stated laws without enforcement are meaningless; the item helps the City enforce laws to the full extent, including some that go toward Climate Action goals; many things resulting from State law have been impacting the City Attorney's office; the item will allow growth and enforcement of laws in working with the District Attorney's office; the City Attorney has had experience with enforcement; expressed support for the proposal.

Councilmember Vella moved approval of the staff recommendation [including adoption of the resolutions].

Vice Mayor Knox White seconded the motion, with a friendly amendment to include direction to have the Charter Review Subcommittee review Charter language for consideration.

Councilmember Vella accepted amendment to the motion.

Under discussion, Councilmember Oddie stated the item is the most important thing Council will consider due to the enforcement element; Council has to be responsive to constituents; requested consideration be made for the staff member reviewing sensitive materials to have an office with walls instead of a cubicle.

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

CITY MANAGER COMMUNICATIONS

(19-488) The City Manager introduced the new Assistant City Manager.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(19-489) Consider Reducing the Number of Commission on Disability Members from Nine Due to Difficulty Achieving a Quorum for Meetings and Limited Staff Resources. (Mayor Ezzy Ashcraft and Vice Mayor Knox White)

Mayor Ezzy Ashcraft and Vice Mayor Knox White made brief comments regarding the referral.

Councilmember Oddie moved approval of the referral.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Vella stated there are other boards that have quorum issues; expressed support for staff advising the board of the scope of the board's mission.

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

(19-490) Consider Providing Direction to Staff on Transportation Priorities in Advance of the Active Transportation Plan Work. (Vice Mayor Knox White and Councilmember Oddie)

Councilmember Oddie and Vice Mayor Knox White made brief comments regarding the referral.

Councilmember Vella moved approval of the referral.

Councilmember Vella stated the item relates to the impact on existing neighborhoods as much as new developments focusing on being safe and accessible for cyclists and pedestrians.

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

COUNCIL COMMUNICATIONS

(19-491) Councilmember Daysog made an announcement regarding attending the East Bay Division meeting of the League of California Cities.

(19-492) Councilmember Oddie stated Stopwaste is doing a Proposition 218 election to lower the hazardous waste recycling fee, which will be a mail-in only if opposed type of election; announced that he attended National Night Out.

(19-493) Mayor Ezzy Ashcraft stated that she and the City Manager toured the closed Alameda County Glenn Dyre jail, which is being considered as a proposal to shelter homeless persons.

(19-494) Vice Mayor Knox White stated a link has been provided for the League of Women Voter's Charter workshops; discussed Estuary Park homeless encampment.

ADJOURNMENT

(19-495) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:58 p.m. with a moment of silence for the victims of the dive boat accident in Southern California, and a moment of remembrance for the victims of mass shootings

Respectfully submitted,

Lara Weisiger
City Clerk

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