

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 15, 2019- -4:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 4:33 p.m.

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

[Note: Councilmember Vella arrived at 4:35 p.m. and Councilmember Daysog arrived at 5:07 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(19-559) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Position Evaluated: City Manager - Eric Levitt

(19-560) 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

(19-561) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 17-Acres of both dry and submerged land on the north side of the City adjacent to the estuary and east of Grant Street, Alameda CA; City Negotiators: Debbie Potter, Community Development Director, Andrew Thomas, Planning, Building and Transportation Director, and Nanette Mocanu, Assistant Community Development Director; Negotiating Parties: City of Alameda and Pacific Shops, Inc., dba Alameda Marina; Under Negotiation: Price and terms to exercise Option to Extend

(19-562) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Portion of the 24 Acre Phase 1 Parcel of the Enterprise District at Alameda Point, Alameda CA, Bounded by W. Pacific Avenue, Skyhawk Street, West Oriskany and Orion Street; City Negotiators: Debbie Potter, Community Development Director, and John McManus, Cushman Wakefield; Negotiating Parties: City of Alameda and Astra Space, Inc.; Under Negotiation: Price and terms of payment for the potential sale of the property

(19-563) 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, A150276

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Existing Litigation, staff provided information to Council; this case, Alameda Superior Court Case Number RG16-823346, Court of Appeal Case Numbers A150276, involves litigation between developer Boatworks and the City regarding the applicability of an October 2010 Settlement Agreement to Boatworks' current plans to redevelop its property near the intersection of Oak Street and Clement Avenue; on March 5, 2019, the California Court of Appeal reversed the trial court's grant of preliminary injunction in favor of Boatworks and concluded that: "Boatworks has not shown a likelihood of success in enforcing the Settlement Agreement;" by unanimous voice vote, with Councilmember Daysog absent, the City Council authorized the City Attorney to accept \$77,334.03 from Boatworks as compensation for attorney's fees expended by the City in prosecuting the appeal; the Council further authorized the City Attorney to enter into tolling agreements, to the extent necessary or appropriate, in any ongoing or new litigation with Boatworks; regarding Emma Hood Swim Center, staff provided information and Council provided feedback and direction with no vote taken; regarding Performance Evaluation, no reportable action was taken; regarding Pacific Shops, Inc., dba Alameda Marina, staff provided information to Council and Council provided direction with no vote taken; and regarding Astra Space, Inc., staff provided information and Council provided feedback with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:19 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- -OCTOBER 15, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:29 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 8:21 p.m.]

Absent: None.

AGENDA CHANGES

(19-564) Vice Mayor Knox White moved approval of combing the Housing Authority presentation [paragraph no. 19-580], the rent report [paragraph no. 19-583] and the referral regarding the Housing Authority [paragraph no. 19-580].

Councilmember Oddie seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Vella – 1.]

The City Manager announced that the Public Hearing [paragraph no. 19-579] would not be heard and would return at a later date.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(19-565) Proclamation Declaring October 15, 2019 as Benjamin P. Reyes Sr. Day.

Mayor Ezzy Ashcraft read the proclamation and presented it to the family of Benjamin P. Reyes, Sr.

Benjamin T. Reyes, II made brief comments.

(19-566) Proclamation Declaring October 2019 at Filipino American History Month.

Mayor Ezzy Ashcraft read the proclamation and presented it to members of Bohol Circle, Inc., Alameda-Dumaguete Sister City, Philippine Independence Day Organizing Committee of Alameda, Saint Philip Neri-Saint Albert's Parish Filipino Congregation, Philippine Medical Society of Northern California, and Alameda Committee to Celebrate Filipino American History Month.

Councilmember Daysog made brief comments.

Gary Cagaanan, Bohol Circle, Inc., made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Vice Mayor Knox White moved approval of the Consent Calendar.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Vella – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*19-567) Minutes of the Special and Regular City Council Meetings Held on September 17, 2019. Approved.

(*19-568) Ratified bills in the amount of \$3,232,754.57.

(*19-569) Recommendation to Authorize the City Manager to Execute an Agreement with Garland/DBS, Inc. for City Hall Exterior Walls Waterproofing Restoration Project, No. P.W. 07-19-38, in an Amount Not to Exceed \$270,381. Accepted.

(*19-570) Recommendation to Authorize the City Manager to Reject All Bids and Call for Rebid for Citywide Landscape Maintenance of Median Strips and Special Areas, No. P.W. 06-19-28. Accepted.

(*19-571) Recommendation to Authorize the City Manager to Execute a First Amendment to an Agreement with Panther Industries for the Cleaning, Repair, and Graffiti Removal for Bus Shelters (Various Locations), for a Four-Year Term, in an Amount Not to Exceed \$45,714.64 for Fiscal Year 2019-20 for a Total Five-Year Expenditure Not to Exceed \$234,132.46. Accepted.

(*19-572) Resolution No. 15599, “Authorizing the City Manager to Apply for and Accept up to One Hundred Seventy-Five Thousand Dollars (\$175,000) in CalRecycle Rubberized Pavement Grant Program Funds for Work Under the Pavement Management Program, Phase 39.” Adopted.

(*19-573) Ordinance No. 3252, “Amending the Alameda Municipal Code by Adding Section 13-12, Use and Occupancy of Damaged Buildings and Structures/Use of Placards or Signs to Chapter XIII Article I.” Finally passed.

(*19-574) Ordinance No. 3253, “Authorizing the City Manager or His Designee to Execute a 66-Month Lease with One Option to Extend the Term 60 Months with Park Street Wine Cellars, Inc. for the Premises 2315 Central Avenue, Suite 122 (Historic Alameda Theatre Building).” Finally passed.

REGULAR AGENDA ITEMS

(19-575) Resolution No. 15600, “Appointing Warren DeSouza as a Member of the Mayor’s Economic Development Advisory Panel”; and

(19-575A) Resolution No. 15601, “Appointing Gia Schneider as a Member of the Mayor’s Economic Development Advisory Panel” Adopted.

Councilmember Oddie moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented a certificate of appointment to Mr. DeSouza.

(19-576) Introduction of Ordinance Approving a 33-Year Lease, with One 33-Year Option to Renew, and Authorizing the City Manager to Negotiate and Execute Documents Necessary to Implement the Terms of a Lease with the Carnegie Innovation Hall, a California 501(c)3 Non-profit Organization, for 2264 Santa Clara Avenue (the Carnegie Building) and 1429 Oak Street (Foster House). [Requires Four Affirmative Votes] Introduced.

The Development Manager gave a PowerPoint presentation.

Expressed her excitement for the renovation; discussed another renovation project done by the lessee: Kim Hayes, Alameda.

Urged approval with no further changes; expressed concern over adding a Project Labor Agreement (PLA): J. Marlow Schmauder, Carnegie Innovation Hall.

Expressed support for the project: Susan Sperry, Alameda.

Stated that he believes in the project and the people behind it; stated the project needs to move forward without the PLA: Bob DuBow, Carnegie Innovation Hall.

Stated that he was made aware of the project two weeks ago; outlined labor discussions; stated issues can be worked out; expressed concern over not having oversight: Andreas Cluver, Alameda County Building Trades.

Vice Mayor Knox White inquired whether there are issues which were not addressed that require the contract language to change.

Ms. Schmauder responded the biggest challenge is due to having an all-volunteer staff; stated the ability to fundraise for the project depends on prospective fundraisers having confidence in the project as a whole; prospective fundraisers need to see action due to

many delays; the timeline to work out the PLA details are unknown; expressed support for the lease to move forward rapidly with the amendment language.

Councilmember Oddie requested staff to explain the property negotiation processes.

The City Manager stated the process started prior to his arrival; the City Council has final approval based on the Charter and ordinances; leases require a super majority of 4 affirmative votes; the process is unique in that there was a Request for Qualifications (RFQ) process.

The Assistant Community Development Director stated staff spent time negotiating a Letter of Intent (LOI); the applicant used the signed LOI to begin fundraising without a lease; lease negotiations take time and the shift from the LOI to the lease makes the terms real; delays were due to creating acceptable language; alternate rent structures have been created.

The City Manager stated the RFQ requested proposers to be open to both short and long term leases; the term of the proposed lease is a lengthy commitment by the City which brings other concerns.

The City Attorney stated the Council has the ultimate authority to enter into any lease; Council will give direction to staff related to important terms desired; the RFQ does not bind Council to any term or applicant.

Councilmember Oddie stated there has been no agreement; the agreement requires a Council vote; there is a misconception that needs to be changed; requested clarification of the risk to the City for City owned property in relation to insurance requirements.

Mayor Ezzy Ashcraft stated the project is very exciting; there is also a fiduciary responsibility; the business deal must be solid; expressed concern about the labor issue; discussed the housing crisis in relation to well-paid labor; stated insurance is an important issue; increasing insurance limits have been discussed by staff from the beginning; expressed concern for higher insurance limits not being affordable; stated the iconic building has specific needs and the risks need to be protected.

The City Attorney stated the City and applicant have had many conversations related to insurance provisions; outlined the current proposed lease insurance requirements; stated there has been a wide range of coverage limits.

Mayor Ezzy Ashcraft inquired the changes year to year.

The City Attorney responded certain provisions have a five year market rate adjustment; stated only one provision allows for a Consumer Price Index (CPI) adjustment; staff and the applicant have discussed increasing coverage to improvement limits.

Mayor Ezzy Ashcraft stated adequate insurance is needed; the current limits appear to be too low.

Councilmember Oddie questioned who would pay if something happens.

The City Attorney responded payment depends on the incident.

Councilmember Oddie outlined a hypothetical scenario of \$6 million in damages.

The City Attorney stated under the current proposed lease, the applicant's insurance would cover the City's deductible, and the City's insurance would kick in after the \$1 million in damages; any issues would impact the City's future insurance premiums.

Mayor Ezzy Ashcraft requested clarifying comments from Mr. Dubow.

Mr. Dubow stated the RFQ listed specific insurance requirements; insurance providers will not give a quote for historic buildings, however, a quote for a group of buildings is possible; the applicant is willing to reimburse the City for property insurance, but the property insurance must be secured by the City.

Mayor Ezzy Ashcraft inquired whether the applicant is willing to reimburse the City for the cost of the premium and the deductible.

Mr. Dubow responded the deductible is covered by the applicant's \$2 million liability insurance; stated the City's insurance would cover the greater loss, but the cost of the insurance will be borne by the applicant.

Mayor Ezzy Ashcraft questioned whether the applicant will cover the costs if a claim is made, and the deductible is met.

Mr. Dubow stated the applicant's insurance will cover the deductible; the insurance for the City will cover the larger claim; the applicant will cover the premiums for the City insurance.

Councilmember Oddie inquired whether a casualty or claim occurs, and City premiums increase, who will be the responsible party for the payment increases.

Mr. Dubow responded the applicant would cover their share of the building.

The City Attorney stated when there is a claim, the City's overall portfolio insurance rate increases; the lessee would not cover the increase in that case.

Mayor Ezzy Ashcraft stated the increase would ultimately be borne by the taxpayers.

Councilmember Oddie inquired about the newly proposed language.

Mayor Ezzy Ashcraft questioned how to ensure the language can be made stronger.

Councilmember Oddie stated the language included in the current lease is strong; stated the City's language is also strong, but allows some flexibility.

The City Attorney responded the commitment is for prevailing wage.

Councilmember Oddie outlined prevailing wage provisions.

Councilmember Daysog stated the goal is to bring the Carnegie back; in 2018, a process was designed to reach the goal; the process was clearly put forth in the RFQ, but changes have been made; outlined RFQ requirements; stated issues related to the PLA could have been addressed in 2018.

Mayor Ezzy Ashcraft stated insurance requirements are not listed in the RFQ.

Councilmember Daysog stated the applicant has discussed negotiating insurance requirements.

The City Manager stated insurance requirements were discussed in June and July, but the RFQ does not reference insurance requirements.

The Assistant Community Development Director stated the insurance provisions came from discussions related to the LOI.

Councilmember Daysog inquired whether the PLA was part of the RFQ discussions.

The Assistant Community Development Director responded there was a PLA question during the RFQ process; stated the response at the time stated a PLA is not required for the project; there is language throughout the RFQ which states Council has the final say on the project; stated prevailing wage was referenced as a requirement of the project.

Councilmember Daysog stated there appear to be administrative issues with the PLA document; there is a process to allow the Carnegie to be restored; among the applicants, the selected respondent has background restoring buildings; the process should be honored; the lease is the best chance at bringing back the Carnegie; other applicants would have the same questions and concerns.

The City Manager stated long term versus short term lease projects yield different requirements; communication should have been better; the Council has discretion to decide the requirements.

Councilmember Vella stated labor is listed under Section 4.1.8 of the lease; questioned the Applicant's apprehension to including the language; outlined Section 4.1.8; stated historic buildings hold importance; the work should be done in a matter that does not pose risk and preserves the nature of the building; the project will be presented to the

Historical Advisory Board and Planning Board; the proposed language accepts a portion of the lease language and rejects other language; expressed support for having the most skilled workers for the project; the terms as drafted by the City allow for pro-bono skilled labor to be negotiated; Council has discretion to approve the project requirements.

Vice Mayor Knox White stated mistakes have been made on both sides; when negotiations are made public, it puts people into different camps; good faith negotiations are necessary behind closed doors; the contract was discussed by Council four weeks ago; the process and timeline needs to be streamlined; noted both sides do not have an issue with the timeline needed for the agreement to be signed; stated both sides can stay committed to signing the agreement quickly; the project is exciting, but conversations need to happen.

Mayor Ezzy Ashcraft stated prevailing wage is important; that she cannot support a contract which does not include prevailing wage; questioned how to ensure prevailing wage is being paid; stated the insurance requirements are important; it is Council responsibility to know that the City is adequately insured; certain processes are being changed by Council moving forward to ensure better communications in the future and avoid issues; the lease term request is 66 years; valid concerns must be discussed; expressed support for finding ways to move the project forward.

Councilmember Oddie expressed support for the success of the project; expressed concern over the building uses; stated Council makes the final decision; expressed concern for multiple remarks via social media and the lack of good faith negotiations; stated everyone has a right to speak; Council must ensure projects are able to properly fulfill the community's vision; good faith negotiations do not happen over social media; noted labor claims against the company providing the cost estimate exist; the best way to ensure project labor laws are compliant is to have a PLA; a citywide PLA exists; staff should include the PLA requirement in RFQs going forward; the deadline for coming to agreement is when construction begins; there is enough flexibility in the lease language to allow parties to succeed; the community deserves another great project; expressed support for approving the lease as-is with no changes as a gesture of trust.

Councilmember Daysog stated that he hopes the proponents of the project continue to stay the course.

Councilmember Vella expressed support for the vision of the project; expressed concern over the financial longevity of the project and the duration of the lease; stated that she typically does not support long lease options; expressed support for the term of the project which requires the applicant to approve the language included in Sections 4.1.4 and 4.1.8; stated that she does not support underqualified workers completing the project.

Councilmember Vella moved approval of the lease as-written, with additional direction provided regarding insurance requirements.

Mayor Ezzy Ashcraft made a friendly amendment to have staff work with the project applicant to ensure concerns for insurance requirements are met.

The City Attorney stated the insurance provision requirement is relatively broad; inquired whether Council would consider approving the lease with modifications to the insurance provisions adequacy as ultimately decided by the City Manager.

Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Oddie concurred with seconding the motion with comments made by Mayor Ezzy Ashcraft and the City Attorney.

Under discussion, Councilmember Daysog moved approval of a substitute motion replacing the existing language regarding the PLA with the language provided to Council.

The substitute motion failed for a lack of second.

Vice Mayor Knox White stated that he will be voting for the motion; expressed support for helping the process move along as quickly as possible.

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: Daysog – 1.

Mayor Ezzy Ashcraft called a recess at 9:10 p.m. and reconvened the meeting at 9:15 p.m.

AGENDA CHANGES (continued)

(19-577) Mayor Ezzy Ashcraft suggested that the Ranger Pipeline agreement [paragraph 19-578] be addressed next and the Housing Authority items be considered separate from the rent item.

The City Attorney suggested a motion be made.

Mayor Ezzy Ashcraft moved approval of the proposed changes.

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

AGENDA ITEMS (continued)

(19-578) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Ranger Pipeline, Inc. for Cyclic Sewer Replacement Project, Phase 16, No. PW 05-19-26 in an Amount, Including Contingency, Not to Exceed \$28,924,389.83.

Vice Mayor Knox White moved approval of the staff recommendation.

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

(19-579) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Chapter 30 (Zoning Ordinance) to Streamline Design Review for Small Residential Additions, Window Replacements, and Green Roofs, Update Work/Live Ordinance Requirements, Update Lot Line Adjustment Procedures, and Make Other Miscellaneous Administrative, Technical, and Clarifying Amendments, as Recommended by the Planning Board. Not heard.

AGENDA ITEM/COUNCIL REFERRAL

(19-580) Presentation by the Housing Authority Providing Information to the Council.

(19-581) Consider Directing Staff to Present Options to the Council on Increasing Accountability of, and Addressing Potential Conflict of Interest Issues at, the Alameda Housing Authority. (Councilmembers Vella and Oddie)

The City Council heard the above items together.

The Housing Authority Executive Director gave a PowerPoint presentation.

Councilmember Oddie inquired whether incentives for landlords exist in order to house voucher holders.

The Housing Authority Executive Director responded a program exists that allows \$500 for each new unit leased; outlined the philosophy of the program.

Councilmember Oddie inquired whether committing City funds can be committed to expansion of housing incentives.

The Housing Authority Executive Director responded in the affirmative; stated other housing authorities have more flexibility; outlined Section 8 funding instances related to damaged units and potential landlord acceptance.

Mayor Ezzy Ashcraft inquired the expiration details for the subsidy at Independence Plaza.

The Housing Authority Executive Director responded the subsidy runs out in 2026; stated the subsidized cost per year is between \$1 to \$1.5 million; the program has allowed the Housing Authority to plan ahead and minimize impacts to tenants; there has

been an extensive process with the Board and tenants; there have not been significant increases in many years; a plan has been produced to gradually increase rents; there is a fund to be established for those who cannot afford the increase; early notice has been provided; higher rents have been provided to new tenants; there is an understanding that any rent increase can be difficult.

Mayor Ezzy Ashcraft inquired how tenants may contact Board members directly with concerns.

The Housing Authority Executive Director responded active participation at Board meetings is encouraged to allow staff and Board members to hear feedback; concerns may be submitted in writing or by electronic mail; meetings allow for public comment as well.

Vice Mayor Knox White stated that he would like to hear referral information prior to public comment; inquired whether the mandatory tenant conference includes staff and the voucher holder.

The Housing Authority Executive Director responded in the affirmative; stated the meeting may include a supervisor depending on the severity.

Vice Mayor Knox White questioned whether an informal hearing process may be requested; inquired whether the informal hearing process includes staff.

The Housing Authority Executive Director responded the situation depends; stated sometimes there are contractors, retirees from other Housing Authorities, present; the staff members do not know the tenant.

Vice Mayor Knox White inquired whether lawyers are hired for judicial review at the request of the tenant.

The Housing Authority Executive Director responded there is free legal aid when tenants and participants go to court; some assistance is paid.

Jennifer Bell, Housing Authority General Counsel, Goldfarb Lipmann, stated private attorneys represent tenants on a writ of mandate action after the informal hearing; outlined different legal entities providing services; stated the Housing Authority is represented by Housing Authority staff.

Vice Mayor Knox White inquired whether there is someone at the front desk of the Housing Authority offices.

The Housing Authority Executive Director responded in the affirmative; stated is desk coverage from 8:30 am to 5:00 pm; appointments are generally needed for non-urgent items.

Councilmember Vella inquired how long the informal hearings take.

The Housing Authority Executive Director responded a guideline of an hour and a half is given; stated the duration is dependent on the hearing officer; the duration can extend when translation or disability needs are accommodated; the informal hearing process only applies to notices of determination or rejected reasonable accommodations.

Councilmember Vella inquired when hearings typically take place.

The Housing Authority Executive Director responded hearings are typically scheduled during the work day; stated there have been evening hearings as well; hearings are typically scheduled on Thursdays; once the hearing has been held, response to the participant is given within 14 days; evening appointments are possible with advance notice.

Councilmember Vella inquired whether the volunteers are paid.

The Housing Authority Executive Director responded in the affirmative; stated the regulations are thick; noted training hearing officers includes informing hearing officers that issues are not tenant versus Housing Authority; stated the process is tenants right to due process and validity; understanding of the issue is key.

Vice Mayor Knox White inquired whether there is a tracking number for a tenant that issues a complaint and about the appeal process.

The Housing Authority Executive Director responded tracking systems that are secure enough to hold interactions and key complaints are being reviewed; stated a centralized tracking system is continuing to be worked on; the goal is to respond within 10 days; a small number of complainants are not resolved and receive a standard letter back; outlined unsolvable issues reported; stated efforts and timelines are provided; the Housing Authority encourages use of the supervisory process, as well as visiting the on-site property manager; that she has met with tenants when possible; outlined options for submitting issues; stated there is desire to fix issues as quickly as possible.

Councilmember Daysog stated that he enjoys seeing the flourishing Esperanza area; inquired how many subsidies went into the Site A area of Alameda Point.

The Housing Authority Executive Director responded there are either 20 or 25 units in the senior building.

Mayor Ezzy Ashcraft noted there are 28 units designated for formerly homeless veterans.

The Housing Authority Executive Director stated there are a few more; the vouchers are a special allocation; some vouchers went into Everett Commons; 16 subsidies went into the family side of Site A for non-veteran.

Councilmember Daysog stated the project specific vouchers can assist in the cash flow of the project and are very helpful.

The Housing Authority Executive Director stated the number of vouchers is based on 20 years; project based vouchers are able to be borrowed against and help reduce financing costs.

Councilmembers Oddie and Vella gave a brief presentation on the referral.

Mayor Ezzy Ashcraft stated there is no reason to attack a volunteer board of qualified individuals; housing issues are taken very seriously; a process pitting one side against another is counterproductive; the process does not have to be adversarial; engaged dialogue helps keep the City's most vulnerable safe and in their homes; expressed support for reporting the number of vouchers lost; stated accusations have been made against the Housing Authority; she and the City Manager arranged a meeting with the advocacy group and the meeting did not occur; issues related to housing are complicated and difficult.

The Housing Authority Executive Director stated the Housing Authority has been around for 75 years; the advocates have an important role; efforts are made to help ensure people are not un-housed; evictions do happen; expressed support for facilitating a conversation with advocates through Services that Encourage Effective Dialogue and Solutions (SEEDS); tenant privacy will not be breached unless elected by the tenant; there has been success with SEEDS.

Councilmember Vella stated that she has met with all sides; there can be a wide range of solutions to the underlying problems; expressed concern about the City taking oversight of the Housing Authority; stated all parties should be working collectively on the issues; many people feel frustrated and feel as though the system does not work.

Councilmember Oddie expressed support for the options being presented; stated there is no accountability of the Housing Authority to an elected official; expressed support for improving the level of accountability; stated Council is only allowed to hear one side of the story.

Councilmember Daysog noted the Council previously was the governing board of the Housing Authority; stated tenants do not have a process which allows Housing Authority decision to be appealed to Council; Council previously issued guidance and direction on issues; independence from Council has been successful for the Housing Authority; the appeal process is as articulated and as transparent as possible; the federal government will impose certain rules and expectations related to administrative process and privacy; the processes are meant to help treat families fairly and with respect.

(19-582) Mayor Ezzy Ashcraft stated a motion is needed to consider the remaining

items: the rent item [paragraph no. 19-583], the SAFER grant [paragraph no. 19-584] and the De-Pave Park referral [paragraph no. 19-585].

Councilmember Vella moved approval of hearing the items and ending by 12:30 a.m.

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

Expressed concern over rent increases: Reverend Dilys Cromack, Alameda.

Outlined what LifeSTEPS does: Beth Southorn, LifeSTEPS.

Stated that she received her file with the Housing Authority, which does not include call logs; expressed concern over the way she is treated by Housing Authority staff: Arminda Graca, Alameda.

Discussed her background and why she joined the Housing Authority: Cynthia Alvarez, Housing Authority.

Discussed her background and experience at the Housing Authority: Lynelle Jordan, Housing Authority.

Discussed filing complaints with outside agencies and his experience working with housing agencies: Kenji Tamaoki, Housing Authority Board of Commissioners.

Discussed staff and her experience at the Housing Authority: Janet Basta, Housing Authority.

Discussed wanting to participate in a meaningful meeting; expressed concern over the gap in information; stated there is a serious problem; people are being treated badly and are afraid: Catherine Pauling, Senior and Disabled Renters Committee.

Discussed her background and experience working for the Housing Authority: Kathleen Mertz, Housing Authority.

Stated that he wants to make himself available to anybody interested in the Housing Authority: Mike Pucci, Alameda.

Stated the Housing Authority is doing tremendous work, which should not be negated; the City should participate in conflict resolution; she submitted a letter that was never addressed: Svetlana Rishina, Alameda.

Councilmember Vella expressed support for having a stakeholder group help lead discussions about transitioning; stated many groups need to discuss the transition period from fully independent living to the stage before skilled nursing; it is unique that

the Housing Authority is not under the City's governance; information and forms for the appeal process should be on the City's website; there is an overall Code Enforcement issue related to habitability; the City needs a better way to report Code Enforcement problems; identifying hearing officers for appeals is important; questioned whether rent funds can be used towards retiree hearing officer staff; stated leaving direction open-ended can allow for improvement to all root issues.

Vice Mayor Knox White stated many tenant comments have not been relayed to Board members; there is a lack of clarity and a third party is needed; expressed support for an external task force; expressed concern over bringing the Housing Authority back under City governance; noted there is frustration about not being able to hear both sides of issues; stated there needs to be a way for the Housing Authority to listen to the public complaints and address them; elected officials do not need to be the end result of every decision; expressed support for engagement around the issues being brought forth.

Councilmember Oddie stated the referral is meant to increase accountability, transparency and reduce conflicts of interest; the answer is not to have the Housing Authority move back under the City; discussed the legal implications of private information; stated that he will never stop fighting for the most vulnerable people in the community; society is judged by how the most vulnerable are treated; expressed support for the hard work done by the Housing Authority; stated there needs to be time to address the issues.

Councilmember Daysog stated the Housing Authority was separated from the City in 2012; expressed support for continuing the separation and independence; stated the Housing Authority has proven to be successful since 2012; the attempt to incorporate Council into the appeals process is difficult; discussed outside agencies which implement housing policies; stated there are specific obligations to taxpayer funded programs; involving outside officers in the appeals and hearing process can be difficult due to differences in policies; the funding allows families to live in affordable housing and equally applies rules and transparency.

Mayor Ezzy Ashcraft stated the idea of a mediated conversation is good; Code Enforcement will come up for discussion at a priority setting meeting; the Housing Authority Board is a great resource that is not frequently used instead of making requests to elected officials; there are independent agencies that can be used as well; there is desire to provide more housing; the housing crisis is not going away any time soon.

The City Manager stated everyone has the same goals; noted his experience began with housing; stated the root of the issue should be the focus; three City departments will need to staff the issue: City Manager's office, Community Development Department and City Attorney's office; he recommends starting with an informal stakeholder group, which could decide whether or not a more formalized group is needed; stated the group will focus on transparency, accountability, conflict of interest, hearing officers and informal mediation methodology, with a deadline of returning to Council February 18,

2020; stated Code Enforcement related to habitability is difficult to define and tackle.

Vice Mayor Knox White stated that he would like to confirm that Council has the capacity and the issue would not bump other items out of priority; expressed support for feedback brought forth at the next Council meeting.

Councilmember Vella stated there are differences between basic habitability versus personal likes; City accountability is needed in terms of basic habitability that can be documented.

Mayor Ezzy Ashcraft stated the information can be included in Housing Authority feedback to be provided.

Councilmember Oddie moved approval of the City Manager's recommendations, including consideration of an incentive program to help with the 75 vouchers.

The City Manager stated that he recommends bringing back research of how Oakland pays for vouchers.

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

AGENDA ITEMS (continued)

(19-583) Recommendation to Accept the Fiscal Year 2018-19 Annual Report for the City's Rent Program; and

(19-583A) Resolution No. 15602, "Establishing a Revised Temporary Relocation Payment Schedule." Adopted.

The Community Development Director gave a brief presentation.

Vice Mayor Knox White left the dais at 11:46 p.m. and returned at 11:49 p.m.

Urged keeping the relocation fee: Madeline Howard, Western Center on Law and Poverty.

Councilmember Vella moved approval of the annual report.

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.

Mayor Ezzy Ashcraft expressed concern about Exhibit 2 to the staff report related to

permanent relocation fees; stated the proposed fee is at 33% for Alameda and the average percentage is 29%; outlined various City jurisdictions with higher rent costs; stated with the higher jurisdictions removed, the average lowers to 27%; Alameda should stay closer to the surrounding City averages similar to Oakland and San Leandro; expressed support for the percentage increase to be at the 29% average.

The City Attorney stated the agenda title does not allow full discussion related to permanent relocation.

Mayor Ezzy Ashcraft stated Council should not be prevented by the title description.

The City Attorney stated if the discussion is desired, staff direction may be provided to bring back permanent relocation.

The Community Development Director stated Council direction was to come back with analysis of impacts on other cities with enhanced benefits.

The City Attorney stated the issue may be discussed generally as part of the annual report, but there may not be action amending the permanent relocation.

The Community Development Director stated if the City's enhanced benefit were to be reduced to 29%, it would be a reduction of \$72 for studio relocation and \$421 for a two-bedroom apartment.

Mayor Ezzy Ashcraft stated the discussion will not currently continue; the item must be brought back.

Councilmember Vella inquired how long the temporary relocation will be; stated the rate of \$335 for 30 days is a potential cost of \$10,000; expressed concern over the temporary rate being more than the permanent relocation benefit; questioned how to address the number of people being re-housed or available options.

The Community Development Director responded the revised schedule is a reflection of looking at more hotels within Alameda to give a better sense of pricing and weekly rates; stated the recommendation is to go with the rate of \$220 per day.

Councilmember Vella stated the amount only assumes one hotel room; more per day may be needed for a shorter period of time due to hotel day-rates; questioned who covers the cost of temporarily moving items; discussed the difference between being personally out of the unit versus out of the unit with all belongings.

The Community Development Director stated the \$220 per day covers the housing cost, not storage; the permanent relocation calculation includes storage; temporary housing looks at the annual average daily rate; there is concern for daily rates pushing a higher per diem rate.

Councilmember Vella stated inquired whether it is possible to provide a range of fees for specific incidents.

The City Attorney responded in the affirmative; stated the option creates an incredible administrative burden; a flat dollar amount is able to be implemented by staff; a range will likely yield a hearing process; staff has provided a base rate with simple add-ons like meals, laundry and pets.

The Community Development Director stated Council may maintain the higher daily relocation benefit previously approved.

In response to Vice Mayor Knox White's inquiry, the Community Development Director stated having a range of rates causes an administrative burden.

Vice Mayor Knox White stated the costs seem very high.

The Community Development Director stated the rates reflect surveying local hotels and understanding not only daily rates, but weekly and monthly rates as well.

Councilmember Oddie stated rent is still being paid during the temporary relocation process; expressed support for keeping the rates the same; questioned whether contracts with specific hotels can lower rates.

Councilmember Daysog inquired the need for temporary relocation payments; questioned why renters insurance is not a requirement; stated renters insurance would cover temporary relocation payments.

The Community Development Director responded the City does not currently have a policy in place requiring tenants to secure insurance; stated many property management companies do require renters insurance; the policy is appropriate when a tenant needs to be temporarily relocated due to no fault of their own.

Councilmember Daysog stated renters insurance would cover such instances.

The Community Development Director stated having renters insurance is not a mandatory requirement within the City.

Councilmember Daysog stated it is odd to require small mom and pop landlords to pay \$220 per day in relocation fees instead of working with small landlords and tenants to secure renters insurance.

Mayor Ezzy Ashcraft stated staff has returned with rates previously requested by Council; the rates are not as high as previously reported; expressed support for accepting the rates.

Councilmember Vella stated there is nothing precluding a smaller landlord from

requiring renters insurance; inquired whether the fee is reimbursable if a tenant collects from renters insurance.

The Community Development Director responded that is incentive to utilize the reduced rate.

Councilmember Vella inquired how the temporary relocation compares with other cities.

Mayor Ezzy Ashcraft stated the goal is not to send Alameda renters to other cities due to school districts.

The Community Development Director stated the focus was based internal to Alameda due to school districts.

Vice Mayor Knox White moved adoption of the resolution, with leaving open the idea of a more affordable option being allowed, if discovered; stated if a landlord is able to pay for a stay at the Hampton Inn, it should be allowed.

The Community Development Director stated the activity can be tracked over the next 12 months, and can report out data related to temporary relocations at the next annual report.

Councilmember Vella expressed support for the annual report data returning; expressed concern for a landlord placing a tenant in a substandard motel.

Councilmember Vella made a substitute motion to approve the staff recommendation [adoption of the resolution], with the caveat that Council will review the issue within a year's time.

Mayor Ezzy Ashcraft seconded the substitute motion which failed by the following voice vote: Ayes: Councilmember Vella and Mayor Ezzy Ashcraft – 2. Noes: Councilmembers Daysog, Knox White and Oddie – 3.

Councilmember Oddie inquired whether the result is status quo if no action is taken, to which Councilmember Vella responded in the affirmative.

The Community Development Director stated the annual report will likely return in less than one year.

Vice Mayor Knox White moved adoption of the resolution with bringing back the housing report including an option for reimbursement of actual costs.

The City Manager requested the motion be restated.

Vice Mayor Knox White restated the motion: approval of moving forward with the staff proposal [adoption of the resolution], but when the housing annual report comes back,

there should be some sort of reimbursement option for consideration and adoption.

Councilmember Vella seconded the motion which carried by the following voice vote: Ayes: Councilmembers Knox White, Vella and Mayor Ezzy Ashcraft – 3. Noes: Councilmember Daysog – 1. Abstention: Councilmember Oddie – 1.

(19-584) Recommendation to Accept \$1,600,786.50 Grant EMW-2018-FH-00229 from the Staffing for Adequate Fire and Emergency Response (SAFER) Program; and

(19-584 A) Resolution No. 15603, “Amending the Fiscal Year 2019-20 Fire Grants Fund Revenue and Expenditures Budget by \$2,595,870, Each, and the General Fund Expenditures Budget by \$995,084 to Allocate the Required Matching Funds mandated by the SAFER Grant Program.” Adopted.

The City Manager stated the action was previously supported with the budget; a presentation is available if requested.

Councilmember Oddie moved approval.

Councilmember Vella seconded the motion.

Urged Council to reject the grant: Stephen Slauson, Alameda.

Under discussion, Vice Mayor Knox White inquired whether the firefighters have already been hired.

The City Manager responded the positions have been budgeted for but employees have not been hired yet; stated the recruitment process is in progress; the money has been budgeted for; if the grant is not accepted, the funding for the fourth ambulance would have to come from General Fund.

Vice Mayor Knox White inquired whether the vehicle has been purchased, to which the City Manager responded in the affirmative.

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.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(19-585) Consider Establishing an Implementation Plan for Creating the Shoreline Ecological Park on the West Side of Seaplane Lagoon at Alameda Point, Commonly Known as De-Pave Park. (Councilmembers Oddie and Daysog)

Stated now is a great time to break ground and repurpose the shoreline; the project will likely not be tied to any major redevelopment project to assist with funding; urged Council to implement a Request for Qualifications (RFQ) for floating wetlands: Richard Bangert, Alameda.

Expressed strong support for planning de-pave park; stated there are incredible benefits to the park; urged Council to approve the referral: Linda Carloni, Golden Gate Audubon Society.

Urged Council to move quickly with finding a team to put plans together and do grant writing for funding and implementation; stated sea level rise and the need for wetlands impacting the area are reasons to approve the referral; urged consideration of removing two buildings: Marjorie Powell, Golden Gate Audubon Society.

Councilmembers Oddie and Daysog made brief comments regarding the referral.

Councilmember Vella stated that she supports the item, but would like the plan to come back.

The Recreation and Parks Director stated that she supports de-pave park; there is an updated parks project list; prioritization from Council is requested to return at a later date; outlined upcoming park projects.

Councilmember Vella stated direction to staff is to have the item come back with a full report.

Vice Mayor Knox White inquired whether the intention is to have a process for the Veterans Administration (VA) land.

Councilmember Oddie responded the intent is to find ways to collaborate to dig up cement for reuse and recycling instead of discarding; stated the intent is not limited to the VA; outlined Stopwaste goals.

Vice Mayor Knox White inquired whether the intent includes the wetlands of the area included on VA land.

Councilmember Oddie responded in the negative; stated the item is related to recycling pavement as an option.

Vice Mayor Knox White expressed concern about the list of uncompleted parks which

need funding; stated this is a good opportunity for a prioritization discussion; the discussion should begin with the Recreation and Parks Commission; there are no plans for taking down Building 29.

Mayor Ezzy Ashcraft inquired whether the item should be heard by the Recreation and Parks Commission first.

Councilmember Oddie responded as long as there is a specific date; Item 6 of the report should not be taken out, but can be listed as potential demolition; inquired when the priority session would occur.

The Recreation and Parks Director responded the Commission can hear the item in December; stated based on the conversation, the item can be brought back to Council in January or February.

Mayor Ezzy Ashcraft inquired whether the direction to staff is sufficient.

Councilmember Vella responded in the affirmative; stated a parallel track exists if a community group is willing to work on the project.

Mayor Ezzy Ashcraft stated those interested can reach out to the Recreation and Parks Director.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:30 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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