

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- - MARCH 17, 2020- -5:45 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:50 p.m.

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

[Note: Councilmembers Oddie and Vella were present via teleconference.]

Absent: None.

Consent Calendar

Vice Mayor Knox White moved approval of the Consent Calendar.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye, Knox White: Aye, Oddie: Aye, Vella: Aye and Mayor Ezzy Ashcraft: Aye; Ayes – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(20-148) Recommendation to Approve Eric Levitt, City Manager, Lisa Maxwell, Assistant City Attorney, Debbie Potter, Community Development Director, and Nanette Mocanu, Assistant Community Development Director, as Real Property Negotiators for the Potential Licensing of the Northwest Territories. Accepted.

(20-149) Recommendation to Approve Eric Levitt, City Manager, Lisa Maxwell, Assistant City Attorney, Debbie Potter, Community Development Director, and Nanette Mocanu, Assistant Community Development Director, as Real Property Negotiators for the Potential Lease of Building 14 at 1800 Ferry Point on Alameda Point. Accepted.

(20-150) Recommendation to Approve Eric Levitt, City Manager, Lisa Maxwell, Assistant City Attorney, Debbie Potter, Community Development Director, and Lois Butler, Economic Development Manager, as Real Property Negotiators for the Potential Lease and Development of a Portion of the Ballena Isle Upland Parcel APN 74-1025-3. Accepted.

(20-151) Recommendation to Approve Eric Levitt, City Manager, and Michael Roush, Chief Assistant City Attorney, as Real Property Negotiators for the Potential Assignment and Assumption of the Lease for 300 Island Drive in Alameda. Accepted.

The meeting was adjourned to Closed Session to consider:

(20-152) Conference with Legal Counsel – Liability Claim (Pursuant to Government Code § 54956.95); Claimant: Shelby Gattenby; Agency Claimed Against: City of Alameda

(20-153) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8) Property: 300 Island Drive; City Negotiators: Eric Levitt, City Manager, and Michael Roush, Chief Assistant City Attorney; Negotiating Parties: City of Alameda and Greenway Golf; Under Negotiation: Price and terms of lease

(20-154) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Little Sisters of the Poor v. Pennsylvania; Court: United State Supreme Court; Case Number: 19-431

(20-155) Conference with Legal Counsel – Liability Claim (Pursuant to Government Code § 54956.95) Claimant: Grand Edibles; Agency Claimed Against: City of Alameda

(20-156) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8) Property: Northwest Territories, approximately 1,704 acres of rentable space on the former Naval Air Station Alameda at Alameda Point; City Negotiators: Eric Levitt, City Manager, Lisa Maxwell, Assistant City Attorney, Debbie Potter, Community Development Director, and Nanette Mocanu, Assistant Community Development Director; Negotiating Parties: City of Alameda and Porsche Club of America, Inc.; Under Negotiation: Licensing, price and terms. Not heard.

(20-157) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8) Property: Building 14, approximately 31,194 rentable square feet of building area, located at 1800 Ferry Point at Alameda Point; City Negotiators: Eric Levitt, City Manager, Lisa Maxwell, Assistant City Attorney, Debbie Potter, Community Development Director, and Nanette Mocanu, Assistant Community Development Director; Negotiating Parties: City of Alameda and Navigator Systems; Under Negotiation: Price and terms. Not heard.

(20-158) Conference with Real Property Negotiators (Government Code section 54956.8) Property: Ballena Isle Upland Parcel APN 74-1025-3; City Negotiators: Eric Levitt, City Manager; Debbie Potter, Community Development Director; Lois Butler, Economic Development Manager; Lisa Maxwell, Assistant City Attorney; Maurice Robinson, Maurice Robinson & Associates LLC; Potential Tenant: West River, Inc.; Current Tenant: SHM Ballena Isle, LLC; Issue Under Negotiation: Real Property Negotiations Price and Terms. Not heard.

Mayor Ezzy Ashcraft called a recess at 6:03 p.m. and reconvened the meeting at 6:08 p.m.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Gattenby, staff provided information; this matter involves a claim filed by Shelby Gattenby, against the City of Alameda, alleging that Alameda

Police Department (APD) Officers violated Mr. Gattenby's of civil rights under federal and California state law and caused his death while in custody on December 5, 2018; the City maintains that APD Officers acted in accordance with all applicable laws; nonetheless, in order to avoid the expense and uncertainty of litigation, by the following roll call vote: Councilmember Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5, the City Council authorizes the City Attorney to settle this matter in an amount not to exceed \$250,000; regarding Real Property, staff provided information to Council and direction was provided to staff with no vote taken; regarding Existing Litigation, staff provided information; this case relates to Pennsylvania and New Jersey's pending challenge against the Trump administration's recent regulations permitting employers to curtail any and all contraceptive coverage under their health plans; Pennsylvania and New Jersey received favorable rulings at the Third Circuit, the US Supreme Court has granted review of the case;. Little Sisters of the Poor, a religious non-profit organization, moved to intervene in support of the Trump Administration; by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5, the Council authorized the City Attorney to sign onto an amicus briefed to be drafted by the Public Rights Project and the Oakland City Attorney's Office supporting Pennsylvania and New Jersey's positions; regarding Grand Edibles, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL/SUCCESSOR AGENCY TO THE
COMMUNITY IMPROVEMENT COMMISSION (SACIC) MEETING
TUESDAY- -MARCH 17, 2020- -5:46 P.M.

Mayor Ezzy Ashcraft convened the meeting at 6:03 p.m.

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

[Note: Councilmembers/Commissioners Oddie and Vella were present via teleconference]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(20-159 CC/20-008 SACIC) 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: RG16823346, RG16841240, RG19041531

Following the Closed Session, the meeting was reconvened and the City Clerk announced that staff provided information; the SACIC ratified the City Council's settlement decision from March 3, 2020 by the following roll call vote: Councilmembers/Commissioners Daysog: No; Knox White: Aye; Oddie: Aye; Vella: Aye; Mayor/Chair Ezzy Ashcraft: Aye; Ayes - 4; Noes: – 1; the SACIC authorized the City Attorney to execute the agreement on behalf of the SACIC.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:08 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL URGENCY MEETING OF THE CITY COUNCIL
TUESDAY- -MARCH 17, 2020- -6:58 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:07 p.m. Vice Mayor Knox White led the Pledge of Allegiance.

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

[Note: Councilmembers Oddie and Vella were present via teleconference.]

Absent: None.

AGENDA ITEMS

(20-160) Mayor's Address on the City's Response to COVID-19

The Mayor made a brief presentation.

(20-161) Urgency Ordinance No. 3267, "Declaring the Existence of a Local Emergency in Response to the COVID-19 Pandemic, and Directing City Staff to Respond Appropriately to Such Local Emergency." Adopted.

The City Manager gave a brief presentation.

Councilmember Oddie stated that he would like the City of Alameda to know staff is working hard to keep everyone safe; expressed support for the item.

Councilmember Vella stated this event is unprecedented; expressed support for the item; stated that she appreciates Mayor Ezzy Ashcraft's comments.

Vice Mayor Knox White inquired whether there is public comment for the item, to which the City Clerk responded in the negative.

Vice Mayor Knox White stated the community understands the effort; expressed support for the item.

Vice Mayor Knox White moved adoption of the urgency ordinance.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmember Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(20-162) Urgency Ordinance No. 3268, "Imposing within the City of Alameda a Temporary (60-Day) Moratorium on Evictions from all Residential Rental Units due to

the COVID-19 Pandemic and Landlords' Shutting off Utilities in Rental Units Except for Emergency Situations." Adopted.

The City Attorney gave a brief presentation.

Councilmember Vella inquired whether there is public comment for the item, to which the City Clerk responded in the negative.

Councilmember Vella stated the City has residential and commercial tenants; inquired whether the City could take action to not just put the moratorium on evictions, but to also postpone the payment of rent and make any rent due April 1st be delayed to payment over time.

Mayor Ezzy Ashcraft requested clarification about whether Councilmember Vella's inquiry includes instances when the City is the landlord, to which Councilmember Vella responded in the affirmative.

The City Manager responded that he believes a provision exists within the language of the previous urgency ordinance [paragraph no. 20-].

The City Attorney stated Council approved giving the City Manager the flexibility in the prior item.

Councilmember Vella inquired whether the language needs to be built-in to the ordinance or if the City Manager authorization on a case by case basis is enough.

The City Attorney responded the prior ordinance gives the City Manager discretion; stated due to the City acting as landlord, not a regulator, an ordinance does not need to be adopted; the City Manager may take further direction from Council; however, an ordinance is not needed to regulate City Manager actions.

In response to Councilmember Oddie's inquiry, Mayor Ezzy Ashcraft stated the Council may direct staff to look into commercial payments.

Councilmember Oddie expressed support for including commercial tenants in the language; questioned whether property owners who are not receiving rental income could receive aid; stated that he believes the Governor has provided information related to foreclosures; the City needs to look into the foreclosure information; inquired whether a process is being put in place for Section 8 voucher holders to put a pause on vouchers being taken away.

Councilmember Vella outlined Governor Newsom's Executive Order N-28-20 related to commercial provisions; stated that she would like staff to look into the City's ability to place a moratorium on commercial evictions.

Vice Mayor Knox White expressed support for addressing the commercial property

issue; stated that he would like to give staff direction to consider whether related emergency ordinances can be looked into in a timely manner so as not to cause delay with implementation; it is possible there will be daily orders from Governor Newsom; expressed support for clarification on Section 8.

Councilmember Daysog stated that he would like to see a mechanism by which percentage loss of income stemming from the COVID-19 virus results in a pro-rata reduction in rent; should someone lose 20% of their income during the moratorium period, a mechanism should be put in place that allows for collection of 80% of the previous rent during the life of the moratorium; he believes that the ordinance language does not contain a mechanism to deal with rent and income reductions; expressed support for a loss of income not resulting in eviction; stated a loss of income still requires the obligation of communication between the landlord and tenant; he has drafted language to include the mechanism; should rent reductions occur as a result of the ordinance, there should also be a process by which parts of unpaid rent is paid back over a period of time; outlined an article from the San Francisco Examiner; stated the ordinance is silent about repayment of rent, a process that gets tenants speaking to their landlords, and landlords accommodating tenants to come upon mutually agreed upon rent reduction; noted should someone be able to demonstrate a loss of income by 15%, the language included should depict a rent reduction of 15%; expressed support for a mechanism to be in place indicating: a) a rent adjustment discussion with landlord, b) an agreement between landlord and tenant, and c) should no agreement be met, the operative parts of the ordinance takes effect; stated the crisis impacts both tenants and small landlords; the ordinance can be strengthened; both San Francisco and San Jose have 30-day moratoriums with the possibility of extending; Alameda is jumping to 60-days; Section 1 Subsection 3 needs to clarify the timeframe to state during the course of COVID-19 crisis; the ordinance needs to have a clear sunset; the term tenants must be defined; expressed support for adopting a mechanism that gets tenants and landlords to talk to each other and arrive at a mutually agreed upon rent reduction resulting from a loss of income and for a payback element to be included in the language.

Mayor Ezzy Ashcraft stated that a 60-day moratorium has its own sunset; the Council will either reconsider or sunset at the end of 60 days; she is unsure of where things will be at the end of 60 days; noted San Jose and San Francisco will possibly extend their provisions; stated that she believes utilities have all agreed not to shut off during the COVID-19 outbreak; this is a healthcare crisis and people should not be without utilities; Councilmember Daysog has raised good points worth reviewing; any items approved should not be difficult to administer; expressed concern for pro-rata formulas; many landlords are not present to conduct dialogue, which may cause complications.

The City Attorney stated the ordinance will sunset 60 days from today; the ordinance does allow for the City Manager to extend under two conditions: 1) the State must be in a COVID-19 declared emergency by the Governor, or 2) the City Council is unable to meet to authorize an extension; should both circumstances be true, the City Manager can offer extensions; the 60-day limit is less than the Governor's current timeframe, which extends to May 31st and allows the City to pause and review at the 60-day mark;

the utility shut-off provision is directly tied to the declared emergency; every provision in the ordinance is tied to the COVID-19 declared emergency; should the COVID-19 emergency cease, the prohibition against landlords shutting off utilities, unrelated to an emergency, will go away; outlined the emergency utility shut off scenario and non-emergency shut off scenario; stated staff can take direction on landlords and tenants conversing; the direction will require additional administrative efforts, which could prove difficult to undertake; staff is attempting to limit the impairment of existing contracts and using the City's regulatory powers to alter contracts which are in place

Councilmember Daysog stated his drafted language is not an effort for the City to insert itself into the discussion between landlord and tenant; the language is to say that landlords and tenants must have the discussion; should litigation be initiated by either landlord or tenant, the question will be asked if communication efforts were made; should communication efforts not be made, the protections listed will not be awarded to either party; there is no role of the City; the communication is part of the procedures that landlords and tenants must take as a result of the ordinance.

The City Attorney stated should Council desire to place a procedural limit upfront about conversations, staff will take direction; previous statements related to administration relate to any pro-rata rent payments; pro-rata rent payments delves into the rent program reviewing full or partial rent payments.

Mayor Ezzy Ashcraft requested clarification on the provision requiring reimbursement over time.

The City Attorney stated the provision is related to pro-rata of rent up-front; there will be some administrative work; the City Manager may have input related to ensuring rent is correct; changes made to existing contracts relates to pro-rata, which changes and creates new lease terms; staff is proposing a time stop on evictions without changing the existing lease provisions; rates and payments do not change; payments can be made when the emergency is over; the current ordinance is simplistic and creates a time stop allowing for a delay in payment.

Mayor Ezzy Ashcraft stated how the City can act as landlord should be reviewed; provisions for small business administration might allow some landlords to qualify.

Vice Mayor Knox White expressed gratitude for Councilmember Daysog's comments; stated the explanation given by the City Attorney confirmed his understanding of the ordinance; evictions are not being stopped; the pro-rata would go further than San Francisco or the current ordinance proposes; questioned whether Councilmember Daysog intends for landlords to receive less money over-time.

Councilmember Daysog responded in the affirmative.

Vice Mayor Knox White stated the repayment is set to be 100%.

Councilmember Daysog stated should be COVID-19 virus emergency be one-month long and a \$1000 per month rent payment is typical, under a 20% loss in income, the rent due would now be \$800, the 20%, \$200, would still be due at a later date spread over time.

Vice Mayor Knox White stated the landlord is still receiving 100% of what is owed over time; the total owed is now being stretched over time with administrative processes.

Councilmember Daysog stated that he does not see a sufficient mechanisms addressing how the process works.

Vice Mayor Knox White stated San Francisco does provide a time by which payment needs to be provided; expressed support for the provision to be inserted into the language; questioned whether Council can consider the addition.

The City Attorney responded the addition would not necessitate a new hearing to be considered.

Mayor Ezzy Ashcraft expressed support for the proposal; stated that she is hearing many people are uncertain about what the future holds; some providers will not be able to receive unemployment benefits for two-weeks; many people are living paycheck to paycheck; questioned whether the six months would start at the end of the COVID-19 emergency.

Vice Mayor Knox White stated there is only one month of missing payment due under the 30-day provision; if a payment is missed, there will be 60-days to cure.

Councilmember Daysog expressed support for a payback period similar to San Francisco.

Mayor Ezzy Ashcraft expressed support.

The City Clerk announced a public comment has been received.

Mayor Ezzy Ashcraft inquired whether the public was made aware of how to submit comments, to which the City Clerk responded in the affirmative; stated instructions were provided on the revised agenda; members of the public can either e-mail clerk@alamedaca.gov or may text or leave a voicemail at: (510) 747-4802.

Expressed support for both ordinances as listed in the staff reports; the moratorium on evictions urgency ordinance attached to the agenda item reflects the fifth option for Council actions: direct staff to prepare an urgency ordinance that establishes a moratorium on evictions regardless of the reason for non-payment of rent, for example, the tenant would not have to establish the inability to pay rent was directly related to COVID-19; while there may be an argument for such a broad moratorium, it could be difficult to find housing in this rental market if evicted, thus increasing the likeliness of

homelessness etc.; urged Council to make a decision regarding the moratorium on evictions relating to non-payment of rent where the tenant can demonstrate that the tenant has suffered a substantial loss of income defined as a reduction of 20% or more monthly gross pay due to COVID-19 pandemic and regardless of the reason for non-payment of rent: Alan Teague, Alameda.

Councilmember Vella expressed support for the period of payment being six months, for Vice Mayor Knox White's proposal authorizing staff to look into a number of different options relative to the options constituents might be facing and for local governments to take action.

Vice Mayor Knox White expressed support.

Councilmember Oddie stated some options are worth exploring; it is important for Council to understand the extent of the ordinance; provisions can extend to more than just those that are afflicted with the virus; outlined a headline related to unemployment; expressed support for leaving the ordinance as-is without adding any undue requirements; stated that he does understand that Council may have to refine the ordinance and implement repercussions as indicated.

Vice Mayor Knox White stated the City Attorney should confirm the language being approved and voted on; expressed support for adding some sort of repayment within six months of the end of the state of emergency.

The City Attorney stated staff is ready to accept Council direction; the current ordinance as drafted requires a tenant to pay within 1 day of the emergency ending; Council direction is to stretch that out to six-months giving more time to pay.

Mayor Ezzy Ashcraft stated some tenants may break down payments over a period of six-months.

Councilmember Daysog expressed support for the rent payback agreement; stated that a tenant must make an effort to pay some amount of the rent that they can pay during the moratorium, with payback of the amount that could not be paid.

Mayor Ezzy Ashcraft inquired whether there is anything which would stop a tenant offering a partial rent payment to a landlord during the COVID-19 declared emergency; stated that would require a level of communication between landlord and tenant; that she is unsure something needs to be legislated to the effect.

Councilmember Daysog inquired whether the proposed payment would only apply to those that hit the 20% income reduction point.

The City Attorney responded there are circumstances: 1) a 20% reduction, 2) extraordinary health care or medical costs, 3) if someone or a member of the family is affected by COVID-19.

The Community Development Director stated the ordinance is intended to be straightforward for people who are served with an unlawful detainer; should someone receive a 3-day notice to pay rent or quit and end up going to court on unlawful detainer, the ordinance allows an affirmative defense for why there should be no eviction during the moratorium; the ability for landlords and tenants to discuss and work out a reduced rent can happen without the City; the ordinance is a defense against unlawful detainer for 60-days; at the end of the 60-day period, a notice can be received stating pay rent or quit; grants are available at the end of the moratorium period; some with low income will have to qualify under the Centro Legal contract.

Mayor Ezzy Ashcraft stated tenants must be prepared to pay full rent at the end of 60-days; questioned whether some will be able to obtain a grant for payment through Centro Legal.

The Community Development Director responded in the affirmative.

Vice Mayor Knox White moved adoption of the urgency ordinance with direction to clarify the six month payback.

The City Attorney requested clarification of the motion; stated should there be an extension of the 60-days, the Council will extend the moratorium; noted some landlords may not bring an unlawful detainer action during the declared emergency, plus whatever extension is given.

Vice Mayor Knox White stated the requirement should be as long as the tenant has paid the post-moratorium rent on-time.

The City Attorney concurred.

Vice Mayor Knox White stated rent must begin to be paid on-time after the moratorium concludes; the tenant then has six-months to pay back the up to two months or 60 days' worth of rent.

The City Attorney stated staff will need time to draft the ordinance to ensure correctness; for the declared period of an emergency, non-payment is a non-evictable offense; the non-eviction period will be extended by however much the Council decides.

Mayor Ezzy Ashcraft inquired whether Council is balancing the needs of property owners.

Councilmember Oddie stated staff can return to Council with a proposal on how to deal with payback and the six-month timeline; there is not an anticipation of a nine-month moratorium on evictions; expressed support for a mechanism that landlords can be made whole; stated there are many ways to proceed.

Mayor Ezzy Ashcraft stated the ordinance is being enacted as an emergency ordinance; the effective date is March 1 if approved; the item should be decided now; questioned what should be proposed.

Councilmember Oddie stated May 1st would allow for an unlawful detainer to be placed should the defense no longer hold; expressed support for six-months and concern about people lingering.

The Community Development Director stated that she understands there is concern for how landlords will be paid after being out rent during the moratorium period of non-eviction; stated that she hears a desire to ensure rent is recouped after the moratorium; typically, a tenant can be served a notice to pay rent or quit which would accrue for the months of non-payment and is due immediately; questioned whether there is desire for everyone to be made whole, with more time for the tenant to catch up paying rent; once the moratorium expires, total rent will be due within 3 days.

Councilmember Vella expressed concern about the duration of time; expressed support for giving more time to ensure a lump sum is not due all at once; questioned whether direction can be given to staff to figure out.

The City Attorney stated due to the moratorium giving 60-days, Council can direct staff to return in April with more information.

Councilmember Vella expressed support; inquired whether the commercial provision can be back-dated and brought back; expressed concern about small businesses' ability to pay expenses.

The City Attorney responded in the affirmative.

Councilmember Oddie expressed support for the Community Development Director's comments.

Councilmember Daysog expressed support for the Community Development Director's comments; stated this is all about a tenant being in front of a judge stating reasons for non-eviction; there are three tests to avoid eviction: 1) experiencing a 20% loss of income or more, 2) experiencing extraordinary medical expenses, or 3) experiencing extraordinary childcare needs during the time of crisis; there are additional tests missing from the process; the judge also needs to question whether the tenant made efforts to come to a mutually agreeable rent, which takes into account the loss of income or whether a payback agreement been reached; stated that he cannot support the item without the additional test.

Vice Mayor Knox White restated his motion: approval of the ordinance as-written, with direction for staff to return at the next Council meeting with language that adds a rent repayment over the suggested six months, as well as commercial considerations and any other further considerations related to Governor Newsom's state of emergency

orders made in the future.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 8:29 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF THE CITY COUNCIL
AND THE SUCCESSOR AGENCY TO THE
COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -MARCH 17, 2020- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 8:29 p.m.

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

[Note: Councilmembers/Commissioners Oddie and Vella were present via teleconference.]

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Oddie moved approval of the Consent Calendar.

Vice Mayor/Commissioner Knox White seconded the motion, which carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor/Chair Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*20-163 CC/20-009 SACIC) Minutes of the Special Joint City Council and SACIC Meeting Held on March 3, 2020. Approved.

(*20-164 CC/20-010 SACIC) Recommendation to Accept the Third Quarter Financial Report for the Period Ending March 31, 2019. Accepted.

(*20-165 CC/20-011 SACIC) Recommendation to Accept the Fourth Quarter Financial Report for the Period Ending June 30, 2019. Accepted.

(*20-166 CC) Resolution No. 15637, “Approving Parcel Map No. 11038 - A Parcel Map to Subdivide Six Parcels Comprising Approximately 22.86 Acres at 2800 Fifth Street into Four Parcels.” Adopted.

(*20-012 SACIC) Recommendation to Find that Pulte Home Company, LLC is a Qualified Developer Pursuant to the Alameda Landing Disposition and Development Agreement, and Consent to the Form of the Partial Assignment and Assumption Agreement (Disposition and Development Agreement (Alameda Landing Mixed Use Project) – Remainder Residential Parcel), and Authorize the City Manager, or Designee, to Execute the Required Documents; and

(*20-167 CC) Recommendation to Consent to the Form of the Partial Assignment and Assumption Agreement (Development Agreement (Alameda Landing Mixed Use Commercial Project) - Remainder Residential Parcel) to Pulte Homes Company LLC, and Authorize the City Manager, or Designee, to Execute the Required Documents. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - MARCH 17, 2020- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:03 p.m.

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

[Note: Councilmembers Oddie and Vella were present via
teleconference.]

Absent: None.

AGENDA CHANGES

(20-168) Councilmember Vella moved approval of hearing the Charter amendment at a
later date.

Councilmember Daysog seconded the motion, which carried by the following roll call
vote: Councilmember Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and
Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Mayor Ezzy Ashcraft called a recess to hold the special urgency meeting at 7:06 p.m.
and reconvened the meeting at 8:30 p.m.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(20-169) Proclamation Declaring March as Women in History Month 2020. Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

(20-170) The City Clerk read the following public comment: Rosalinda Corvi, Alameda,
stated given that everyone is supposed to be sheltered-in-place, a problem is posed for
signature gathering for the petitions: Initiative to Keep Safe Areas in Alameda and an
initiative for expansion of open space at Crab Cove for the November general election;
in-person signature gathering is not a reasonable option; urged Council to approve the
print and mail option for signature gathering where people could certify that they are the
circulator of the initiatives and also sign the initiatives; another option in the midst of
Coronavirus pandemic perhaps could be the use of electronic signatures.

CONSENT CALENDAR

Councilmember Oddie moved approval of the Consent Calendar.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmember Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*20-171) Minutes of the Special and Regular City Council Meetings Held on February 18, 2020. Approved.

(*20-172) Ratified bills in the amount of \$3,925,387.41.

(*20-173) Recommendation to Accept the Work of MCK Services, Inc. for Repair and Resurfacing of Portions of Otis Drive and Pacific Avenue, No. P.W. 03-15-02. Accepted.

(*20-174) Recommendation to Accept the Work of MCK Services, Inc. for Repair and Resurfacing of Certain Streets, Phase 38, No. P.W. 02-19-03. Accepted.

(*20-175) Recommendation to Approve a Policy for the City's Approach to Councilmember Initiated Events. Accepted.

(*20-176) Resolution No. 15638, "Authorizing the City Manager to Negotiate and Execute a Grant Agreement Between the State of California Department of Parks and Recreation, Division of Boating and Waterways and the City of Alameda by and through the Alameda Police Department." Adopted and;

(*20-176 A) Resolution No. 15639, "Amending the Fiscal Year 2019-20 Police Grants Fund Estimated Revenue and Expenditures by \$75,000 Each for the Surrendered and Abandoned Vessel Exchange Grant." Adopted.

(20-177) Ordinance No. 3269, "Amending the Alameda Municipal Code by Adding Provisions to Section 4-32 (Firearms and Weapons) of Article V (Firearms and Explosives) of Chapter IV (Offenses and Public Safety), Requiring Safe Storage of Firearms and Enhancing Enforcement Provisions." Finally passed.

Urged Council to pull the item and continue until after the COVID-19 epidemic is over; stated this is the wrong time to place additional burdens on the people of Alameda or on City staff; people need come together and help each other: Steve Slauson, Alameda.

Councilmember Daysog moved final passage of the ordinance.

Councilmember Oddie seconded the motion, which carried by the following roll call vote: Councilmember Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(20-178) Ordinance No. 3270, "Amending the Alameda Municipal Code by Adding Provisions to Section 4-36 (License Requirements for Firearms and Munitions Dealers) of Article V (Firearms and Explosives) of Chapter IV (Offenses and Public Safety),

Requiring Firearms Dealers to Provide Video Surveillance and Enhancing Enforcement Provisions.” Finally passed.

Urged Council to pull the item and continue until after the COVID-19 epidemic is over:
Steve Slauson, Alameda.

Councilmember Oddie moved final passage of the ordinance.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmember Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

REGULAR AGENDA ITEMS

(20-179) Mayor’s State of the City Address. Not heard.

(20-180) Public Hearing to Consider Accepting: 1) an Annual Report on the Status of the General Plan and Housing Element, 2) an Annual Report on the Status of the Transportation Choices Plan and Associated Work Program Priorities, and 3) an Annual Report for the West Alameda Transportation Management Association (TMA). Consideration of an Annual Report is Exempt from Review Under California Environmental Quality Act (CEQA), Pursuant to CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only Applies to Actions that have the Potential to Cause a Significant Impact on the Environment. Not heard.

(20-181) Adoption of Resolution Establishing Policies on Street Width, Lane Width, Crosswalks and Bulb-Outs to Promote Safe, Livable Streets and Environmentally Sustainable Transportation Choices; and Recommendation to Provide Direction to Staff on Tools for Improving Safety at Intersections. Not heard.

(20-182) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Chapter XII (Designated Parking) to Improve Procedures for Management of Public Parking on City Streets and in City Lots; and Recommendation to Approve a Policy for the Use of License Plate Recognition Technology for the Purpose of Parking Enforcement. Not heard.

(20-183) Recommendation to Accept 2020 Annual Report on the Climate Action and Resiliency Plan (CARP). Not heard.

(20-184) Recommendation to Provide Direction on Potential Measures Amending the City Charter. Not heard.

(20-185) Recommendation to Provide Direction on Potential Revenue Measures to Submit to Voters for the November 3, 2020 Election. Not heard.

CITY MANAGER COMMUNICATIONS

(20-186) The City Manager expressed gratitude for staff and Council keeping lines of communication open while going through COVID-19 items.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(20-187) Consider Directing Staff to Provide Health Insurance to Part-Time Employees Working Over 20 Hours per Week in Time for Fiscal Year 2020-21. (Councilmember Oddie)

Councilmember Oddie made brief comments regarding the referral.

Councilmember Vella stated there are currently many issues occurring; whether or not someone has healthcare could mean the difference between getting tested or treated; expressed support for the item.

The City Manager stated if Council moves forward with the item, direction should be provided to staff to bring back a report with both the cost, benefits of the proposal and a way to implement; staff can also bring back an interim option solely for testing.

Mayor Ezzy Ashcraft expressed support for the proposal; stated that she would like to add treatment in addition to testing; should someone test positive, treatment will be needed.

Councilmember Vella expressed support.

Mayor Ezzy Ashcraft inquired whether there is consensus to add direction to staff to bring back the costs and benefits of the proposal, implementation, and even sooner, covering the cost of testing and treatment for those relevant part-time employees.

Councilmember Oddie expressed support for the proposal; stated that he appreciates the idea of acting sooner for testing and treatment of COVID-19.

Councilmember Daysog stated there needs to be a distinction between permanent part-time from non-permanent part-time positions; some part-time staff members work all year and some work only part of the year; any report set to return to Council should distinguish the staff members' status.

The City Manager stated there are 30 part-time employees defined as permanent part-time working 20-hours per week or more; the evaluation is being prepared to return for Council consideration.

Vice Mayor Knox White outlined an instance involving a teacher supplementing healthcare with employment at Starbucks; stated the issue is important; inquired whether the item can be wrapped into other employment changes; expressed support for identifying any Council or staff issues that might affect part-time or full-time staff.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney responded the Vice Mayor giving brief, general direction related to the item is acceptable.

Mayor Ezzy Ashcraft expressed support for the item; stated staff should not feel the need to come to work while ill or not get tested due to not being able to afford healthcare; inquired whether a motion is needed to approve the item.

The City Manager stated a motion is requested.

Councilmember Oddie moved approval of the item, incorporating comments from the City Manager and Councilmembers related to potential implementation.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmember Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(20-188) Consider Providing Direction to Staff on Handling Late Rent Payments. (Councilmember Oddie) Not heard.

COUNCIL COMMUNICATIONS

(20-189) Councilmember Vella stated the Lead Abatement meeting for the month has been cancelled due to COVID-19; the meetings are set to reconvene in April.

(20-190) Councilmember Oddie expressed gratitude to all City staff in supporting the residents of Alameda and to the Mayor for leading the effort.

Mayor Ezzy Ashcraft stated that she appreciates Councilmember Oddie's efforts in following up with the Alameda Healthcare District.

(20-191) Councilmember Daysog stated that he is thankful for many people remaining positive despite the difficulties being faced; expressed gratitude toward Councilmembers for exhibiting the same positivity.

(20-192) Vice Mayor Knox White expressed gratitude; stated the Registrar of Voters has updated results and Measure A is passing.

(20-193) Mayor Ezzy Ashcraft expressed gratitude toward staff, Councilmembers, and the community.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 8:52 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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