

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 3, 2023- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:07 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Vella arrived at 5:41 p.m., left at 5:48 p.m. and returned at 5:50 p.m..]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(23-554) Public Employee Performance Evaluation (Pursuant to Government Code Section 54957); Position Evaluated: City Attorney – Yibin Shen

(23-555) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(a); Case Name: Brennan, et al. v. City of Alameda, et al.; Court: Alameda County Superior Court; Case Number: 22CV024994

(23-556) Conference with Labor Negotiators (Pursuant to Government Code Section 54957.6); City Negotiators: Jennifer Ott, City Manager, Jessica Romeo, Human Resources Director, Edward Kreisberg, Outside Counsel, and Doug McManaway, Deputy City Attorney; Employee Organizations: International Association of Firefighters Local 689 ((IAFF); Under Negotiation: Salaries, Employee Benefits, and Terms of Employment

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Existing Litigation, staff provided information and Council provided direction by the following vote: Ayes: Councilmembers Daysog, Herrera Spencer, and Jensen – 3; Noes: Mayor Ezzy Ashcraft - 1; [Absent: Councilmember Vella – 1]; regarding Performance Evaluation, Council conducted the performance evaluation and gave direction to staff by the following vote: Ayes: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5; and regarding Labor, staff provided information and Council provided direction by the following vote: Ayes: Councilmembers Daysog, Jensen, Vella, and Mayor Ezzy Ashcraft – 4; Noes: Councilmember Herrera Spencer – 1.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:03 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

Special Meeting
Alameda City Council
October 3, 2023

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - OCTOBER 3, 2023- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:15 p.m. Vice Mayor Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Vella left the meeting at 11:54 p.m.]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(23-557) Proclamation Declaring October 2023 as Lesbian, Gay, Bisexual, Transgender and Queer + History Month.

Mayor Ezzy Ashcraft read the proclamation.

(23-558) Proclamation Declaring October 2023 as Filipino-American History Month.

Mayor Ezzy Ashcraft read the proclamation.

(23-559) Proclamation Declaring October 2023 as Domestic Violence Awareness Month.

Mayor Ezzy Ashcraft read the proclamation.

ORAL COMMUNICATIONS, NON-AGENDA

(23-560) Brian Kennedy, Alameda, discussed a recall petition being circulated for the Alameda County District Attorney, reduced charges, and nepotism.

(23-561) Ryan LaLonde, School Board Member, made announcements about Walk and Roll to School Day and the 31st Annual College Night at College of Alameda.

(23-562) Shelby Sheehan, Alameda, expressed concern about the Pyka lease and fence approved at the previous City Council meeting.

(23-563) Tod Hickman expressed concern about view corridors, public comments, and public trust.

CONSENT CALENDAR

Councilmember Herrera Spencer recorded a no vote on the Chrisp Co. agreement [paragraph no. 23-568] and the South Shore Parcel Map resolution [paragraph no. 23-571] and requested the 1900 Thau Way ordinance [paragraph no. 23-572] be removed from the Consent Calendar for discussion.

Vice Mayor Daysog recorded a no vote on the Chrisp Co. agreement.

Expressed concerns about the All Good Living Foundation lease; discussed the approved lease use and factual errors; urged the lease not be approved: Shelby Sheehan, Alameda.

Discussed Final Tract Map 8570 [paragraph no. 23-] and related public access; urged Council consider voting no on the permanent public access easement; expressed concern over lowered property values: Dani Musso, Alameda.

Mayor Ezzy Ashcraft stated the Tract 8570 resolution would also be pulled for discussion.

Expressed support for the All Good Living Foundation lease and urged to Council approve the lease: Ruth Abbe, Alameda, Community Action for Sustainable Alameda (CASA).

Expressed support for the All Good Living Foundation lease; outlined the need for the space and services; discussed donations received, program expansion, and planned upgrades to the trailer and site: Chris Tam.

Expressed concern over blocking views and reduced property values; questioned whether All Good Living Foundation could use existing space; stated the Consent Calendar should only include routine items: Tod Hickman.

Stated All Good Living Foundation is essential to Alameda City and County and does amazing things for Alameda residents; space is needed for the services to continue; urged Council to provide necessary space: Sabunmi Woods, Lighthouse Community Schools.

Expressed support for the lease with All Good Living Foundation; stated needing more space is a good indication of the work and services being provided; urged Council to approve the lease: Akesa Fakava, Twin Towers United Methodist Church.

Expressed concern about delays and public access for the Final Map for Tract 8570; discussed repairs made to the area: Dona Fisher, Alameda.

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

Councilmember Herrera Spencer seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*23-564) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular City Council Meeting Held on September 5, 2023. Approved.

(*23-565) Ratified bills in the amount of \$4,364,327.58.

(*23-566) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Cooke & Associates, Inc. to Conduct Background Investigations for Pre-Employment and Concealed Carry Weapon (CCW) License Applicants, for a Total Amount Not-to-Exceed \$250,000. Accepted.

(*23-567) Recommendation to Authorize the City Manager to Execute an Agreement with BrightView Landscape Development Inc. for Alameda City Hall West Lawn Conversion, Project No. P.W.11-22-28, in an Amount Not-to-Exceed \$462,847.55. Accepted.

(23-568) Recommendation to Authorize the City Manager to Execute a First Amendment to the Agreement with Chrisp Company for the Sign and Striping Maintenance Project on Main Street between Ralph Appezato Memorial Parkway and Navy Way to Increase the Total Compensation by \$44,204 for a Total Amount Not-to-Exceed \$767,931.

Note: Councilmember Herrera Spencer recorded a no vote, so the item carried by the following vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(*23-569) Recommendation to Authorize the Purchase of One Street Sweeper and One Ford F450 Dump Truck Consistent with Revised Vehicle Replacement Policy in Amounts Not-to-Exceed \$393,000 from Tymco, Inc., \$66,000 from Watsonville Fleet Group and \$53,000 from Western Truck Fabrication; and

(*23-569A) Resolution No. 16099, “Amending the Fleet Replacement Fund (601) Budget (1) Reappropriating \$393,000 from Fiscal Year 2024-25 to Fiscal Year 2023-24 to Advance the Street Sweeper Purchase from Fiscal Year 2024-25 to Fiscal Year 2023-24; and (2) Reappropriating \$119,000 in Unspent Funds from Fiscal Year 2022-23 to Fiscal Year 2023-24 for the Purchase of a Dump Truck.” Adopted.

(23-570) Resolution No. 16100, “Approving Final Map for Tract 8570 to Subdivide a Portion of the Oakland Inner Harbor Tidal Canal (APN 71-289-8) to Create Seven Parcels;” and

(23-570 A) Resolution No. 16101, “Amending the Fiscal Year 2023-24 Operating and Capital Budget by 1) Increasing Property Income Revenue in the Tidelands Fund (Fund

216) by \$60,000 from the Sale of Six Small Parcels in Tract 8570; and 2) Upon Receipt of these Revenues, Appropriating \$60,000 from the Tidelands Fund (Fund 216) to the Fernside Eastshore Pathway Capital Improvement Project (C73000).” Adopted.

The Assistant City Manager gave a brief presentation.

In response to Councilmember Herrera Spencer’s inquiry related to property owners, the Assistant City Manager stated the addresses are 3227 and 3229 Fernside Boulevard and the neighbors previously signed a letter submitted to Council; staff has not received concerns from other neighbors.

Councilmember Herrera Spencer inquired whether the property owners at 3229 Fernside Boulevard support concerns voiced by owners of 3227 Fernside Boulevard, to which the Assistant City Manager responded staff has not received any input during the final map process.

Councilmember Herrera Spencer expressed support for bifurcating the addresses; stated that she would like to spend more time on the address the concern; the matter should have been placed on the Regular Agenda; the neighbors at 3227 and 3229 Fernside Boulevard share the access point.

Mayor Ezzy Ashcraft stated that she would not support a motion to bifurcate the matter; the City has spent years on the issue.

The City Attorney stated the Final Map covers all properties; Council cannot pull out one particular property to vote differently; Council may provide staff direction to change the Final Map altogether; the Final Map is one product.

Councilmember Herrera Spencer requested clarification whether the Final Map can currently be changed or whether the matter would need to return to Council.

The City Attorney stated the change cannot be made from the dais; the maps are engineered; if Council disagrees with how the map is drawn, the matter will need to be sent back to staff for a new map to be created.

Councilmember Herrera Spencer inquired whether a new map could come back to Council at the next regular meeting.

The Assistant City Manager responded in the negative; stated the next regular agenda needs to be published on Thursday; stated the map is drawn by an outside firm.

The City Manager stated staff might have to return to Council through the Tentative Map process versus simply changing the Final Map; the Tentative Map process is lengthy.

In response to Councilmember Jensen’s inquiry related to the Final Map, Special Counsel stated the Final Map has a public access easement over four of the submerged

parcels which are being conveyed to the property owners; two of the parcels have scenic view easements; if Council approves the Final Pap, staff will return with the sale of the six parcels to the adjacent property owners; the property owners have indicated some objection to the easement and price of \$10,000 previously approved by Council; when the matter returns, Council can change the price or provide direction to staff; Council may direct staff to have further discussions with property owners.

Councilmember Herrera Spencer inquired whether the issue is related to price, to which Special Counsel responded in the affirmative; stated each property owner would be required to pay \$10,000 to the City in order to receive the submerged parcels; some property owners have objected to paying \$10,000 due to the parcels not being encumbered by public service, access, or scenic view easements; staff can be directed to have further discussions with the property owners.

Councilmember Herrera Spencer inquired whether the parcels differ from those previously addressed.

Special Counsel responded the parcels would have easements and others did not; stated the question to Council is whether or not a scenic view and public access easement is a sufficient infringement on property rights to warrant a lesser price than \$10,000; when the matter returns, staff will explain why the \$10,000 price is appropriate.

Councilmember Herrera Spencer inquired whether staff would share the differences and opinions within the report, to which Special Counsel responded in the affirmative.

Councilmember Herrera Spencer moved adoption of the resolutions.

Councilmember Jensen seconded the motion, which carried by unanimous voice vote - 5.

(23-571) Resolution No. 16102, "Approving Parcel Map of South Shore Center to Subdivide a 40.88-Acre Property into Four Lots at 2212 South Shore Center." Adopted.

Note: Councilmembers Daysog and Herrera Spencer recorded no votes, so the item carried by the following vote: Ayes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft – 3. Noes: Councilmembers Daysog and Herrera Spencer – 2.

(23-572) Ordinance No. 3354, "Authorizing the City Manager to Execute a 59-Month Lease with All Good Living Foundation for the Property Located at 1900 Thau Way, Alameda, CA." Finally passed.

Councilmember Herrera Spencer inquired whether the parcel is located on Jean Sweeney Open Space Park, to which the Assistant City Manager responded in the affirmative.

Councilmember Herrera Spencer inquired whether staff did not discuss the matter with the Board of Jean Sweeney Open Space Park, to which the Assistant City Manager responded in the affirmative.

Councilmember Herrera Spencer stated Council received a letter from two Jean Sweeney Park Boardmembers; the letter requests the matter return to Council in order to allow Boardmember to comment; showed pictures of the area; stated that she did not previously support the matter and is saddened to know there has been no outreach to Jean Sweeney Open Space Park Boardmembers; expressed concern over the former lease being abandoned by the Food Bank; stated the new occupant, All Good Living Foundation, was hand-selected with no public process; the trailer should have been demolished once the park moved forward; a community garden is planned nearby; public discussion on keeping the trailer or demolition is necessary in order to find the highest and best use; not have a public discussion and process for the approved tenant is not appropriate; many non-profits support and serve the Alameda community; all should have been allowed to apply for the space; the process has subverted a transparent processes.

Mayor Ezzy Ashcraft stated the Jean Sweeney Open Space Park is a public park; questioned whether the Recreation and Park Commission oversees City parks, to which the Assistant City Manager responded in the affirmative.

Mayor Ezzy Ashcraft inquired what the Board of Directors for Jean Sweeney Open Space Park oversees.

The Assistant City Manager responded the Board oversees the Jean Sweeney Open Space Park fund; stated the Board is a non-profit, 501(c)(3) in the community with a Board of Directors; the Recreation and Parks Department works with the Board on certain aspects of the park, including: managing cleanup volunteers and bench and picnic table donations; she worked with the Board on the initial design of the park.

Mayor Ezzy Ashcraft inquired whether the City needs Board permission to rent the trailer on City property, to which the City Attorney responded in the negative.

Mayor Ezzy Ashcraft stated the trailer used to belong to the Alameda Food Bank and would be converted to storing items for All Good Living to distribute items to students in Alameda; all students in Alameda should have access to the same supplies regardless of housing status; All Good Living Foundation has not yet taken possession of the space; the City is likely responsible for picking up trash in the meantime; the matter is not related to view corridors and is an opportunity for the community; there is a great need for the services; expressed support for final passage.

Councilmember Jensen inquired whether upkeep for the lease premises has been discussed with All Good Living Foundation.

The Assistant City Manager responded in the affirmative; stated All Good Living Foundation plans to paint the building and beautify the general area; there is minimal use of the trailer; the space is not active and can attract unwanted behavior; once the area is activated and people are present, the unwanted nuisances will diminish.

Councilmember Jensen inquired whether another organization would be approved for the space if All Good Living Foundation would not have been chosen.

The Assistant City Manager responded that she is not aware of another interested organization; stated no one has come forth expressing interest in the space.

Councilmember Jensen inquired whether the City would have the authority to allow another use for the existing trailer.

The Assistant City Manager responded the City owns the land and the Food Bank owns the trailer; stated the Food Bank would decide what to do with the trailer along with Council consent about who would use the trailer if it remains in its current location.

Councilmember Jensen expressed support for the idea of reaching out to the Jean Sweeney Open Space Park Boardmembers; stated the matter has been moving forward relatively quickly; she is supportive of the matter; inquired whether the lease term is six months, to which the Assistant City Manager responded the lease is for four years and eleven months, with a six month termination clause for no cause; stated if the City finds funding and wants to utilize the space, the City can provide six month notice to All Good Living Foundation and the Food Bank would be responsible for moving the trailer.

Vice Mayor Daysog expressed support for the correspondence from the Co-Chair of the Jean Sweeney Open Space Foundation; stated interesting points have been raised; All Good Living Foundation renders a great service to families in need; he supports the \$1 per year lease; the lease term is for 59-months in order to remain within the parameters of the Surplus Lands Act (SLA); a 60-month term would trigger the SLA and require the City to make the site available for affordable housing; the use will not exceed 59-months; there is a possibility the term will be shorted if the park planning process moves forward; the City is safeguarded; the Jean Sweeney Open Space Foundation have been good partners through the process; he sees no problem with delaying the approval for one month to get approval from the Foundation; Council will note any comments provided and whether the ideas presented by the Foundation and the Recreation and Parks Commission can be implemented; he would like to hold off on approving the matter for one month apart from any related legal issues; he is supportive of the lease, the All Good Living Foundation project, and Chris Tam; the currently vacant building is subject to graffiti; the lease will activate the space.

Vice Mayor Daysog moved approval of having the matter return in one month time to gather input from the Jean Sweeney Open Space Foundation and the Recreation and Parks Commission.

Mayor Ezzy Ashcraft stated the matter is a final passage of ordinance; Boardmembers have access to email to provide input.

Councilmember Vella expressed concern over Council conferring with a non-public Board related to real property negotiations and waiving privilege; stated Council does not typically confer with outside groups related to real property negotiations; the matter has been properly and publicly agendized; the matter had also been agendized under Closed Session as well; she is concerned about creating a new carve-out for issues related to the City and Council violating fiduciary responsibilities; stated provisions in the lease allow for changes in response to concerns being raised about the pool; citizens are able to come to Council meetings and express concerns about matters; Council has heard concerns; provisions in the lease address the concerns raised; anything happening in relation to the pool could be solved by using the six month termination provision; the lease could be amended and brought back to Council; the concerns are addressed; she does not want to continue to have the trailer lie vacant for longer than necessary.

Councilmember Vella made a substitute motion to approve final passage of the ordinance.

Councilmember Jensen seconded the substitute motion.

Under discussion, Councilmember Herrera Spencer stated a motion had already been on the table, which she had been willing to second prior to other Councilmembers being called upon; the Boardmember providing comment is local and two other Members are out of the country; expressed support for delaying the matter; inquired how much money the Jean Sweeney Open Space Fund has contributed to the park over time, to which the Assistant City Manager responded that she does not currently have the information on-hand.

Councilmember Herrera Spencer stated a professional courtesy of including the Board in the discussion would be appropriate.

Councilmember Vella stated allegations of pay to play were raised when the ordinance was introduced; Friends of the Park have been stewards of parks in terms of contributions; the City has a public process for transparency; Council follows said process; the City encourages people to continue to volunteer and be partners, but also does not waive certain actions relative to process or transparency to allow a private entity to weigh-in on public property outside of normal functions.

Vice Mayor Daysog stated that he is not proposing negotiations between the Foundation and the City over the use of the space.

The Assistant City Manager stated a bifurcation of the design occurred with the Cross Alameda Trail due to soil contamination; State regulations required burying contamination under the trail; the trail cannot move; the entirety of the aquatic center,

community garden, and associated parking lot will be north of the trail between the trail and the business park; the aquatic center design will not be affected by the proposed lease; the two are not connected.

(23-573) Councilmember Vella moved approval of allowing an additional 1 minute for Vice Mayor Daysog.

Mayor Ezzy Ashcraft stated Councilmember Herrera Spencer should also be given 1 more minute.

Councilmember Vella concurred and amended the motion.

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

Vice Mayor Daysog proposed Council vote on his motion first to see if there are enough votes; stated there is merit to his proposed motion.

Mayor Ezzy Ashcraft inquired how many votes are needed to postpone the matter, to which the City Clerk responded three.

Mayor Ezzy Ashcraft stated the delay would be for more than one month due to staff report timelines.

Councilmember Vella questioned whether the proposal for delaying approval includes a non-transparent process where a private Board is allowed to engage in negotiations with the City; expressed concern over the proposed process.

Vice Mayor Daysog stated that his motion does not include negotiations, but to gather information and return in one month.

Mayor Ezzy Ashcraft stated the matter is a final passage of an ordinance; the matter was on a previous agenda and already heard; many people can and have provided public comment; questioned the reason Boardmembers waited until the eleventh hour to come forward with concerns; concurred with Councilmember Vella's concerns related to process; inquired whether Vice Mayor Daysog would still like his motion considered, to which Vice Mayor Daysog responded in the affirmative.

Councilmember Herrera Spencer seconded Vice Mayor Daysog's original motion, which failed by the following voice vote: Ayes: Councilmembers Daysog and Herrera Spencer – 2. Noes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft – 3.

Councilmember Vella moved final passage of the ordinance.

Vice Mayor Daysog seconded the motion.

Under discussion, Vice Mayor Daysog stated the points raised by Boardmembers are valid, however, there are safeguards included within the lease; the City has a six month option to terminate if needed.

Councilmember Jensen expressed support for future projects at Jean Sweeney Park including review by the Jean Sweeney Open Space Park Foundation in addition to the Recreation and Parks Commission.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft - 4. Noes: Councilmember Herrera Spencer – 1.

(*23-574) Ordinance No. 3355, “Amending the Zoning Map for the Approximately 2,280-Square-Foot Property at 1715 Lincoln Avenue (APN 72-299-11) from C-1, Neighborhood Business District, to R-5, Residential District, in Conformance with the Property’s General Plan Land Use Designation of Medium-Density Residential, as Recommended by the Planning Board.” Finally passed.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(23-575) Recommendation to Review and Comment on the Port of Oakland’s Draft Environmental Impact Report for the Terminal Modification and Development Project at the Oakland Airport and on City Staff’s Draft Response Letter.

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

(23-576) Councilmember Vella moved approval of allowing an additional 2 minutes for the presentation.

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

The Interim Planning, Building and Transportation Director completed the presentation.

Councilmember Herrera Spencer inquired the names of the airport experts involved in the response.

The Interim Planning, Building, and Transportation Director responded staff has not

hired outside counsel; stated staff is planning to perform outreach with the City Attorney and City Manager's offices after public comment has been heard and Council has provided direction.

Councilmember Herrera Spencer inquired whether the matter would return to the public.

The Interim Planning, Building, and Transportation Director responded in the negative; stated the letter needs to be submitted by October 16; peer review will occur over the next week.

In response to Councilmember Herrera Spencer's inquiry about the reason there is no airport expert counsel, the Interim Planning, Building, and Transportation Director stated staff has been trying to identify airport experts; the field is highly specialized and there are not many; staff has spoken to various Port consultants.

Councilmember Herrera Spencer inquired the resulting letter process, if Council opposes expansion.

The Interim Planning, Building, and Transportation Director responded the process would not differ greatly; stated the letter makes substantial claims about the methodology of the Environmental Impact Report (EIR).

The City Manager stated staff is happy to have outside counsel take a look at the letter to ensure nothing is missed; the Interim Planning, Building, and Transportation Director has been serving as a staff member of the Airport Noise Forum for many years; staff is highly trained in California Environmental Quality Act (CEQA) compliance; the fundamental assumption is that impacts related to growth drives analysis; staff has raised the key issues that require response from the Port.

Councilmember Herrera Spencer inquired why the City did not retain airport experts to participate in the EIR process; stated the City is running out of time to make any changes.

The City Attorney responded staff is prepared to engage with additional airport legal experts; stated many different experts exist; the attorneys will rely on statistical and scientific input from staff and others to provide and perform analysis.

Councilmember Herrera Spencer inquired whether the matter would return to Council and the public for further consideration.

The City Manager responded in the negative; stated staff will work with consultants and have identified the issues; staff can submit additional comments after October 16 and before the final EIR with an expectation that the Port will respond; technical consultants will review everything prior to October 16 and staff can submit more prior to the final EIR; staff can bring the comments to Council.

Councilmember Herrera Spencer inquired whether staff believes the City does not need to submit a full, comprehensive response prior to October 16.

The City Manager responded staff has raised significant issues with fundamental assumptions about the EIR which now have to be responded to; stated the Port is willing to come to the table with the City and negotiate a Memorandum of Understanding (MOU) to address potential solutions and codify the existing relationship; staff has addressed and raised the major issues; staff can complete additional technical analysis, if Council so desires.

Councilmember Herrera Spencer inquired whether the community concerns about current airport functions will be addressed by the Port.

The Interim Planning, Building, and Transportation Director responded there are a wide spectrum of issues; stated not all issues are addressed; staff sees the role of a technical consultant as being able to assist staff to negotiate an MOU with the Port.

In response to Councilmember Jensen's inquiry related to the Airport Noise Capacity Act (ANCA), the Interim Planning, Building, and Transportation Director stated the Port cannot limit runway usage based on noise concerns; safety concerns can limit runway usage.

In response to Councilmember Jensen's inquiry related to use of the north runway field, the Interim Planning, Building, and Transportation Director stated some of the arrangements were preexisting; the north field runways are generally shorter and limit aircraft capacity; longer runways have more flexibility with types of aircrafts.

Councilmember Jensen stated the City submitted robust comments at the previous expansion EIR; many concerns have been outlined in the proposed letter; inquired whether Council can take action, provide further comments, or litigate against something that is not initially commented on in the future.

The Interim Planning, Building, and Transportation Director responded in the affirmative; stated Council can provide comments; the Port has invited an open dialogue.

The Chief Planning Counsel stated any party providing comments under the comment period allows the City to raise the issue in litigation under CEQA; the record can be bolstered after the initial comment period ends by submitting additional studies; the Port is only required to respond to comments submitted before the close of the comment period; if the City submits comments after the comment period, the Port may respond, but is not required to do so.

Councilmember Jensen stated questioning the assumptions in the letter is part of the process; inquired whether the City is questioning assumptions and whether an assumption that the project will not result in usage of permanently restricted runways is being questioned.

The Interim Planning, Building, and Transportation Director responded staff recognizes a fundamental issue within the EIR is the assumption that future air traffic is a market demand issue and is out of the Port's control; stated the Port has indicated the assumption to be a Federal Aviation Association (FAA) matter.

Councilmember Jensen stated the assumptions made related to usage will impact the City of Alameda.

Expressed opposition to the expansion for health and safety reasons; stated the draft response is inadequate; Council does not live on Bay Farm; expressed concern about the Port's actions; submitted information: Michael Robles-Wong, Costa Brava Homeowners Association (HOA).

Stated the Citizens League for Airport Safety and Security (CLASS) is not opposed to modernization and upgrades; expressed concern over extensive expansion; urged the City to hire additional consultants to assist with preparation of comments; discussed increases in traffic; submitted information: Matt Pourfarzaneh, (CLASS).

Discussed airport expansion in the Bay Area; stated the City is not prepared; urged Council to understand the turning point with Harbor Bay's quality of life; stated the matter will have associated litigation: Alfredo Tearasas, Costa Brava HOA.

Stated that he is interested in the effects of health on the community; discussed studies and results based on those living near airport facilities; submitted information: Sam Glassner, Alameda.

Stated the draft letter falls short of the required forcefulness; there is a complex relationship between the Port of Oakland and the City of Alameda as partners; urged Council to be more forceful in its response; stated many residents are terrified and concerned: Kerwin Allen, Cantamar HOA and CLASS.

Stated that she has noticed an increase in noise and pollution; expressed concern over insomnia: Emma Kung, Alameda.

Discussed video of flybys experienced at Harbor Bay; stated the noise is very loud; urged Council to focus on Bay Farm as an important place; stated many schools are in flight paths: Flora Tso, Casitas HOA.

Stated that he would like the letter to reference high speed rail and Amtrak service options as well as cruising aircraft emission information: James Johnston, Alameda.

Stated many businesses rely on Oakland Airport to remain vital; discussed Alameda's job generation; expressed support for the airport being an economic alliance: Madlen Saddik, Chamber of Commerce.

Expressed concern over the health of his daughters related to the airport expansion; urged Council to oppose the expansion and take all possible measures to protect the health of children and residents: Will Hastings, Alameda.

Urged Council to oppose the expansion of the airport; stated the public health impacts of expansion have not been addressed by the staff report or draft EIR; expressed support for the Port conducting a formal health impact assessment: Paul English, Alameda.

Expressed concern over the north field; discussed jet fuel residue on roofs; stated an air quality monitor is needed on Bay Farm Island; discussed noise pollution; urged a review of noise levels in September; submitted information: Neil Wilson, Garden Isle HOA.

Councilmember Vella inquired the dates of the elevated noise.

Mr. Wilson responded noise alerts were issued September 22, 23, 24, and 25; stated conversations could not be held due to noise.

Mayor Ezzy Ashcraft noted any handouts or information can be submitted to the City Clerk.

Expressed support for the comments made and the draft letter; stated that her primary concern is the health and wellbeing of local communities; discussed studies indicating long-term health impacts of noise pollution; expressed concern over the scale of growth: Jessica Carter, Alameda.

Questioned how the City will explain not seeking expert-based scientific and technical data in preparing the letter, whether the letter is lacking legal and political force, and whether Council wants to rely on bolstering the record later on: Larry Freeman, Alameda Neighborhood News.

Discussed the impacts of air pollution and noise on health; stated the EIR has no technical aspects; the assessments are being measured from kilometers away; expressed concern over emissions being used to measure concentrations: Jason Su, Alameda.

Stated that he opposes the expansion due to noise; expressed support for the comment period being extended 30 days and for consideration of Alameda wildlife; stated the noise rattles his windows: Rick Lewis, Alameda.

Discussed the EIR report; stated impacts from noise should be mitigated; she has monitored noise with a reader in real-time and recorded 13 airplanes in 40 minutes with an average decibel read of 67; noise levels are out of compliance; submitted information: Celia Wang, Alameda.

Stated the Oakland Airport is not a good neighbor and does not deserve expansion; he

has filed over 1,000 noise complaints over 5 years; discussed recommended changes to takeoff and flight patterns; urged Council use its leverage: Alan Levine, Alameda.

Stated airplanes are disruptive and loud; expressed concern over health and safety issues and Alameda property values; stated property values affect property taxes: Becky Cusack, Alameda.

Stated data about whether or not existing flights are full needs to be evaluated in order to justify the expansion; there is improper handling of takeoff direction; many children in the area cannot bear the noise of planes; he cannot effectively work from home with airplane noise: Aakash Mehta, Alameda.

Expressed concern over the City's lack of science and defensive techniques to protect residents and view corridors; expressed support for efforts to protect residents: Tod Hickman.

Stated Council should be concerned and compelled to help residents of Bay Farm: Meggie Kang, Alameda.

Stated the public comment period has been extended past the original 60-day period, to 90 days; the Port is committed to a partnership with all regional partners and to long-lasting solutions for all Oakland Airport neighbors; stated the goal is for the airport to have zero emissions; all are invited to submit comments: Diego Gonzalez, Port of Oakland.

Mayor Ezzy Ashcraft called a recess at 9:51 p.m. and reconvened the meeting at 10:00 p.m.

Councilmember Vella stated there have many comments related to experts; inquired whether staff is looking to hire an expert ahead of submitting comments and whether staff is trying to engage the previous experts consulted in 2001.

The City Manager responded staff has not engaged with consultants, but is happy to do so; staff recently sought out previous consultants; staff can work with consultants to supplement the record before October 16 and continue working to supplement the record after; based on comments, staff would focus on air quality and traffic.

Councilmember Vella stated there have been recent studies on the impact of aviation fuel and lead poisoning; she would like the information included in the response; toxicity has been included, but she would like a focus on lead contamination; the contamination is typically within one mile of an airport; flight patterns cause concerns related not only to the immediate impact of Bay Farm, but also the East End; a number of schools are impacted, including private schools; the noise from planes overhead is significant; impacts are heard from planes taking off as well as landing; questioned whether the City

can request air and noise quality monitors at a number of locations throughout Alameda.

The City Manager stated the letter requests for additional monitors; the language can be more forceful and appear as a demand versus request.

Mayor Ezzy Ashcraft inquired whether Councilmember Vella's proposed request is to have the Port install monitors, to which Councilmember Vella responded in the affirmative.

Councilmember Vella stated the City needs to make the request as a condition to move forward; studies will be difficult to put into place and enforce without monitors; it is important for the Port to be a true partner in installing monitors; the City should make the demand versus request; the locations should be mutually agreed upon by the City and the Port and include expert consideration; expressed support for the comment period being extended; stated the City needs to perform its due diligence; the airport is convenient, but stops being convenient when a comparison is made about it being as large as San Francisco International Airport; she hopes studies and analyses are made for working configurations to divert planes away versus encouraging overhead flight paths; she would like considerations made to limit direct human impacts; Council needs to advocate for residents; expressed concern over impacts similar to those of South San Francisco occurring to residents of Alameda; stated that she would like more clarity about direct impacts made in the letter; she understands diversions create impacts to surrounding areas, however, Alameda should not bear the brunt of all impacts; expansion is needed, but Alameda should advocate for itself and mitigate the harm; expressed support for stronger language being included for the mitigation measures.

Vice Mayor Daysog stated the Oakland Airport expansion is the most important matter facing residents of Alameda given the strong potential for negative impacts on quality of life; the expansion is more important than Alameda Point or redevelopment in the estuary area; the planned development of 900,000 square feet of new terminal space at the Oakland Airport represents a profound negative impact on quality of life in all Alameda, not just Bay Farm; it is imperative to leverage the draft EIR process and get Oakland Airport to scale down its proposal; Oakland Airport has failed to adequately explain the necessity and impacts of the addition of 900,000 square feet; the draft EIR includes a projected increase of 24 million passengers by year 2038; the future amount of 24 million passengers can already be accommodated by the existing 630,000 square feet of terminal space; the Oakland Airport could accommodate through the use of remote hardstands; the draft EIR discusses remodeling the existing terminals; the 900,000 square feet imposes no new significant impacts because whether the terminal remains at the existing square footage, or increases by 900,000 square feet, roughly 24 million passengers can be served; the analysis is flawed and the additional 900,000 square feet would result in approximately 9.8 million additional, new passengers; the analysis that counts for the draft EIR comment period should include comments from airport planning experts; the City needs to dramatically change course within days; the City needs to submit analyses and expert testimony related to airport noise, planning,

and legal analysis; the City's comments to the draft EIR of 1997 included 100 pages of expert testimony; the proposed comments consist of one page and six bullet points with no in-depth analysis; the proposed letter is inadequate; missing expert testimony is imperative; the City must raise detailed, substantive comments as part of the draft EIR; in turn, Oakland Airport will provide responses as part of the final EIR; the City could then pursue litigation if there is a need to do so at the time of the final EIR; expert testimony provided after the draft EIR comment period does not require a response from the Port; talk of litigation is premature; it is imperative for the City to get expert testimony onto the draft EIR record within the next few days.

Councilmember Jensen stated comments provided by Councilmembers with related experience helps her better understanding the matter; questioned current compliance; stated the EIR is based on future passenger and cargo activity levels forecasted by the Port; the growth will happen whether or not the expansion occurs; more passengers will be present regardless of airport modernization or adding terminals; expressed concern over compliance with existing settlement agreements; stated the City submitted extensive comments for the 2001 expansion; the passenger level in 2002 was a little less than 13 million passengers; the 2022 passenger level is at 12 million; regardless of expansion, projections have not occurred; the agreements entered into by the City are not subject to extensive control or authority by the Airport; the draft EIR indicates the matter is not up to the Port; the ANCA prohibits the airport from limiting the use of runways and the north runway is consistently used by aircrafts as granted by the settlement agreement; expressed support for directing staff to immediately engage technical support and expertise to respond to the issues of current usage and compliance as well as those in the draft EIR; stated the current letter addresses noise impacts and average noise levels; the EIR indicates a reduction in noise levels from years 2028 to 2038; it is disingenuous to think that 16 more gates and triple the amount of cargo and passengers will result in quieter functions; the 2001 expansion indicated a similar reduction in noise; she would like to have a more robust discussion related to noise, air quality, safety, and transportation impacts; the City needs to respond to impacts surrounding new parking lots in the Bay Farm area.

Councilmember Herrera Spencer expressed support for the comments made; stated CLASS made comments related to the use of an expert and staff needs to respond; expressed support for staff working with CLASS; stated staff has tried to execute a draft letter, but there is a lot of pressure in performing; discussed speaking at public meetings on issues at the Hilton hotel; stated the City needs to demand air quality monitors be on Bay Farm and the main Island immediately; the language related to air quality should not be in letter format; the issues need to be indicated point-by-point with aid from technical experts; she is the co-chair of the Airport Noise Forum; airport functions will be automated with planes repeatedly over houses; expressed support for staff visiting Bay Farm to experience the noise; stated residents on the East End only experience a small portion of the noise experienced by Bay Farm residents; constant planes overhead have significant impacts; this matter is the most important issue to hit Alameda since the airport was built due to pollutants, contaminants, and noise; it is critical for experts to provide information; the draft EIR came out July 17; the comment period was extended;

urged residents visit www.stopoakexpansion.org; stated the City needs to be specific on the air quality impacts and to provide exact distances; the City must advocate for residents; discussed increases to passengers and cargo, and parking lots shifts; stated more traffic through Alameda due to people traveling to the airport can be expected; the parking will be insufficient; the increases made are more substantial for employees than passengers; the City is not the only entity that can provide a response to the EIR; all comments can be submitted; comments need to be submitted prior to the deadline; comments submitted after the deadline are not the same; the Port is not required to respond to late comments; the City can offer alternatives to expansion, such as high speed rail; Alameda must do its part for residents; the Sierra Club is against the expansion due to climate impacts; the Port is not a good neighbor and can only do so much with serious problems resulting.

Mayor Ezzy Ashcraft stated commentors have done a good job expressing concerns; CLASS has provided background on the matter; there are health and safety concerns related to noise and emissions; she expects the Port to be good neighbors; the impacts to the City appear to be minimized in the EIR; expansion needs to be properly depicted and issues must be addressed; the City can direct the Port to provide funding for noise monitors; noise must be measured in real-time to understand the impacts on neighboring residents and businesses; the Oakland Airport development team have been taking notes during the meeting; health and safety will always be the top concern, as well as the environment; discussed an airport site tour which covered quieter, more fuel efficient jet engines; stated alternative fuels are being developed to help decrease greenhouse gas emissions; the Port is one of 30 members of a task force discussing sea and ground level rise; climate change knows no geographical boundaries; all agencies have to do their part to address greenhouse gas emissions; the Port should lead the way; the City needs to be less polite in the proposed letter and not ask permission for the quiet enjoyment of property; the foregone conclusion of the FAA is not acceptable; representatives in Washington DC and lobbyists can be consulted if needed; expressed support for the City working cooperatively with the Port; inquired where the teeth are located and what happens if the Port does not provide the desired response or if agreements are violated.

The City Attorney responded the ultimate remedy to the EIR process is litigation; stated staff hopes not to have to engage in litigation; Council has provided robust comments; staff can work with technical and scientific expert counsel to incorporate comments; the consequences of any breach in agreement is dependent on the agreement terms; agreements are readily enforceable and have many provisions which allow enforce; agreements will need to be carefully drafted and enforcement of agreements will be completed by litigation.

Mayor Ezzy Ashcraft stated that she agrees with Vice Mayor Daysog that litigation would be premature; the Port is performing many innovative things; discussed a groundbreaking celebration for the Go Port project; stated that she is looking to the Port for the same innovation in the proposed expansion.

The City Manager stated staff can immediately commence negotiations for an MOU, which is similar to a settlement agreement and bring it back to Council before the final EIR is released; the proposed project needs a certified EIR; the project must be approved by the Port's elected officials; the City can attend meetings and politically influence those necessary.

Vice Mayor Daysog stated discussion of any MOU is also premature; the City must gather expert testimony to submit as part of the draft EIR process.

Councilmember Vella expressed support for multimodal transportation being a part of the project; expressed concern over the City subsidizing parking; stated that she would like more connectivity to ferries and the airport with bus connections through the first and last mile; a Bay Area Rapid Transit (BART) station is nearby; there have been impacts to headway times for busses; expressed support for the City making the same requests of the Port related to transportation demand and parking.

Councilmember Herrera Spencer discussed wildlife impacts and changes to property values; expressed concern over decreases in property values; stated that she would like a draft of the letter shared with the public in advance of response.

Vice Mayor Daysog moved approval of continuing the matter to October 14; stated staff will need to hire an airport traffic planner, airport noise expert, and airport legal counsel or relative consultants to review and provide expert testimony and analyses of the draft EIR and include staff comments in response to the EIR with expert testimony and analytic attachments prior to October 14; expressed support for the City requesting another 30-day extension; discussed difficulties in searching for draft EIR attachments.

Councilmember Vella inquired whether there is need for a special meeting; proposed a friendly amendment to the motion that the motion to provide direction to staff to hire experts, update the letter, circulate it to Council, and Council providing feedback ahead of the deadline.

Vice Mayor Daysog accepted the friendly amendment to the motion.

Mayor Ezzy Ashcraft stated that she supports staff spending time on getting expert reports incorporated in the letter versus preparing for another Council meeting.

(23-577) Councilmember Vella moved approval of providing 30 seconds additional speaking time to Councilmember Herrera Spencer.

Vice Mayor Daysog seconded the motion, but the question was not called.

Mayor Ezzy Ashcraft inquired whether the City Clerk has a clear understanding of the motion on the table.

The City Clerk responded in the affirmative; stated the motion is to approve staff hiring outside experts and review the testimony in the draft EIR; revisions to the letter will be circulated to Council prior to the deadline; there will be attachments which include the explanation of growth assumptions, adequacy of noise and impact analyses relative to appropriate environmental and transportation standards.

Councilmember Herrera Spencer proposed a friendly amendment to the motion that the letter be shared with the public and Council, not just Council in advance of the deadline.

Vice Mayor Daysog accepted the friendly amendment to the motion.

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

(23-578) Councilmember Vella moved approval of hearing the remaining agenda items up to midnight with the Alameda Swimming Pool Association lease [paragraph no. 23-582] last since she has to recuse herself.

Councilmember Jensen seconded the motion, which carried by the following vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(23-579) Recommendation to Authorize the City Manager to Execute a Five-Year License Agreement with Truleo Inc. for a Software Subscription for Automated Body Worn Camera Review and Analysis in a Total Not-to-Exceed Amount of \$180,000.

The Police Captain gave a Power Point presentation and the City Manager made brief comments.

Expressed support for continued review of body-worn cameras and the contract with Truleo; stated the technology is new and requires review; analysis of interactions, including contact with members of the public whose first language is not English, need to be reviewed; urged further development of policies: Jennifer Rakowski, Alameda.

Mayor Ezzy Ashcraft discussed a meeting in Columbus, Ohio with the Police Chief; stated the analytic software has freed up time for Alameda Police Department (APD) staff; she has not heard residents indicate Officers should be taken off of streets to be placed in front of a computer and analyze hours of data from camera footage; expressed support for the changes made to the license agreement; stated catching problematic behavior before it magnifies is huge; some Police departments in the Bay Area have been negatively reported in the news; stated that she wonders if the technology of body-worn cameras and associated policies could have helped turn actions around; Alameda has an innovative Police Chief bringing new technologies to

the department; the technology not only helps stop behaviors that need to be addressed, but also catches behavior that needs to be highlighted and positively reinforced; the mental health implications and high rates of suicide amongst first responders can be helped by catching stressful situations and allowing for supervisor check-ins; expressed support for the agreement; stated Truleo is currently the only provider and a sole-source contract is not always going to be likely; Truleo currently offers necessary technology; the agreement can be tailored to fit the needs of the City.

Councilmember Vella stated there is a desperate need for this tool and technology which helps amplify personnel; the product is a benefit to the City and helps with recruitment of new Officers; the technology tends to improve the more it is used and gets better over time; the City should look at how many minutes the technology is processed and where issues have been found; there is value in noting different language interactions; the technology is looking at how the Officer is responding to encounters and should remain; focus should be spent on what the City can control, which includes Officer behavior.

Councilmember Vella moved approval of authorizing execution of the agreement.

Councilmember Jensen seconded the motion.

Under discussion, Councilmember Herrera Spencer requested a friendly amendment to the motion to approve sharing Alameda data with other entities to review the work.

Vice Mayor Daysog inquired the context of sharing data and whether the City will want to share data or is precluding the sharing of data.

Councilmember Herrera Spencer responded there has been a request that the matter does not provide sufficient transparency or breadth to be held up as a scholarly review and that the City should give access to researchers with expertise in artificial intelligence, ethics, policing, and health to be able to review conclusions.

Councilmember Vella expressed concern over the approach; stated the City has requested limitations be placed on how information can be shared; reviews can be performed by requesting footage and data; requests are run through the City Manager for approval; the language is already included in the contract and would be subject to limitations; some experts limit the sharing of information to studies; sharing and privacy concerns have been addressed in the new agreement.

Councilmember Herrera Spencer inquired whether a third party has reviewed the case study, to which the Police Captain responded in the negative.

Councilmember Herrera Spencer inquired how the method can be a best practice without a third-party review.

The City Manager responded the Police Department has reviewed use of force records

and have been able to corroborate trends; stated staff has looked at data outside of Truleo; there is a desire for the technology to be used as far and wide as possible; she would like to carefully look at the data due to it being sensitive in nature; staff is open to the benefits of sharing information about the City's experience.

Councilmember Vella stated there appears to be a separate request to have a third-party validated study; there is also support for having authorization to move forward with the matter; studies occur often; there is a commitment to participate in a study if and when appropriate; approving funding for a study is not on the agenda; expressed support for Council sticking to agenda materials.

Councilmember Herrera Spencer stated that she does not believe having Officers review footage is a third-party study; requested confirmation that a third-party has not reviewed data to validate conclusions about a 36% decrease in use of force and a 30% decrease in offensive language.

The Police Chief stated there was not a third-party; APD looked at the information and was able to corroborate trends.

Councilmember Herrera Spencer further inquired whether a third-party has looked at the information to validate the numbers, to which the City Manager responded in the negative.

Councilmember Herrera Spencer discussed a previous referral from April; stated that she would like to see all data supporting the reported conclusions and specific examples; the report has examples and exact information is not being confirmed; expressed concern over APD being used by a company that has been unable to validate any conclusions; stated it is not appropriate for the City's reputation to be used to sell a product that cannot be validated; her previous support for Truleo was for moving forward with body-worn cameras; the case study compares the first half of 2021 with the first half of 2022; due to the City's retention policy, the complete data would have only been from 2022; expressed concern over analyses being conducted incorrectly; stated a third-party analysis should have been performed; Truleo's description is wrong; the percentages are outrageous; expressed concern over the lack of third-party verification; stated the concerns are legitimate; many things have occurred over time which could have impacted numbers; she does not believe the City has had a 36% decrease in use of force; she continues to be disappointed in the City being involved with a product that cannot be verified; others have cancelled Truleo contracts; the process is not a best practice; results cannot be confirmed; she has attempted to receive underlying data and has been unsuccessful; expressed concern over not receiving the requested information; stated the requests are fair; the reported numbers do not appear to be accurate and indicate a previous high level of use of force to report a large reduction of 36%; the program does not distinguish when use of force is appropriate; the improvement is not being taken seriously by Truleo; the City is getting sucked into something without verification; the case study exceeded Council authority; she will not support the agreement.

Mayor Ezzy Ashcraft discussed Council's Code of Conduct; stated disbelief of the reported decrease in use of force suggests an accusation of falsifying information, which is concerning; inquired whether the City verifies results.

The City Manager responded staff does verify results through human review and assessment; stated when actions are flagged, supervisors review video footage to corroborate and verify the data and flagged audio to be able to manage performance in either a positive or constructive manner; the product would not be recommended if there were errors and mistakes in reporting; APD has performed its own analysis of use of force incidents and have found similar trends; staff has corroborated both through human assessment and its own data analysis and can confirm that the product is viable and will continue to help the City remain efficient with its resources and help improve performance management within APD.

Councilmember Vella stated collecting footage and not reviewing it is not a best practice; the product is used as a screener and is not performing the hard review of footage; the tool screens and flags incidents for human review to efficiently use staff time; there appears to be a request for not only percentages, but also raw data and numbers and a request that staff include the information in future updates; expressed support for the City authorizing the agreement.

Councilmember Jensen expressed support for the Police Chief; stated that she supports APD staff identifying the product as effective.

Vice Mayor Daysog stated there is a question of whether or not the City should have a tool which helps improve the way in which Officers interact with the public; expressed support for having such a tool; stated concerns related to validating the claims made is important; imperative analytics are weighed against the practicality of having a tool; expressed support for the City having the tool; stated it is possible to change vendors in the future.

Councilmember Herrera Spencer proposed a friendly amendment to the motion to approve having the case study removed from Truleo's website and that Alameda's name not be used to sell an unverified product.

Vice Mayor Daysog discussed a news article touting Alameda's use of this tool; stated the article referenced a reduction in numbers; the article showed Alameda as positive for making an effort to improve the way in which Officers interact with the public by leveraging technology; expressed support for the motion on the table.

Mayor Ezzy Ashcraft concurred with Vice Mayor Daysog; stated communities are better off using body-worn cameras and analyzing data with software like Truleo; expressed support for Alameda being an example, for positive Police practices, and making policing better.

Councilmember Herrera Spencer stated that she does not think the City is doing a service helping policing in the country or anywhere else by attaching Alameda's name to a study that has not been verified; she will continue to request the data and question the statements and data.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(23-580) Resolution No. 16104, "Amending Resolution Nos. 15382, 15697, 15766, 15772 and 15875 to Amend the Rules of Order Governing City Council Meetings Concerning the Consent Calendar, Speaking Times for the Public and Reviewing, Changing or Rescinding Prior Council Actions." Adopted.

The City Clerk gave a brief presentation.

Mayor Ezzy Ashcraft inquired whether the matter refers to a similar successful attempt by another city, to which the City Clerk responded in the affirmative; stated the proposed matter came from a brainstorm about a city where the Assistant City Manager previously worked.

Stated that she would prefer hearing Council questions prior to public comment; discussed the League of Women Voters opposition; stated the matter appears to impede and exclude public participation; public speakers have indicated the desire for more speaking time and transparency; expressed concern over censorship, questions, and staff duties: Shelby Sheehan, Alameda.

Expressed concern over the composition of the Consent Calendar and the public right to speak; discussed the League of Women Voters' and Alameda Citizens Task (ACT) Force opposition; stated Council appears to be thwarting public speaking: Tod Hickman.

Mayor Ezzy Ashcraft requested clarification about the comments provided by the League of Women Voters.

The City Clerk stated Councilmembers would have to announce which Consent Calendar items would be pulled first; the pulled items would allow for a full discussion and public comment; the announcement occurs to let the public know which items will be heard at a later point; the process opens up public comment for the pulled items; speakers could potentially speak on both the entire Consent Calendar and the pulled item; the proposal is providing what the League of Women Voters is requesting.

Councilmember Vella stated the City Attorney is not public counsel; the City, as an entity, is the client of the City Attorney; it would be inappropriate for the City Attorney to provide public counsel, representation, or advice; the public should secure legal counsel or seek counsel if needed; there is a limited period of time for Council deliberation; Councilmembers cannot speak to a majority and many do not speak to each other prior

to meetings; Council meetings are the people's time and involve deliberation; the current meeting has involved Council discussion, deliberation, and public comment; many jurisdictions provide less time for public comment and do not have the same posting and advance publication requirements as Alameda; Councilmembers are able to view the meeting materials once published, and ask staff clarifying questions and effectively utilize speaking time; members of the public have the ability to reach out to Councilmembers before the meeting; public questions and comments help Councilmembers formulate opinions; there are rules and qualifications for items placed on the Consent Calendar; final passage is on the Consent Calendar and the public has a minimum of two opportunities to speak; expressed support for the clarification and for the resolution.

Councilmember Jensen concurred that public commenters will benefit from the change; stated Berkeley's rules for public comment are tighter than Alameda's and require that three Councilmembers vote to pull a matter off of the Consent Calendar; expressed support for the ability to comment on a matter without having to pull it for discussion.

Councilmember Jensen moved adoption of the resolution and request that the process be trialed for six months and return to Council for reauthorization.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Vella inquired whether the six-month time frame allows for the time frame plus the time for the staff report to be drafted and agendaized, to which Councilmember Jensen responded in the affirmative; stated the process would not stop at six months; staff needs time to return with data on implementation and Council can hear from the public.

Councilmember Herrera Spencer discussed previous meeting rules where Council or the public could pull Consent Calendar items; requested clarification that Council is reverting to the previous meeting rules.

The City Clerk stated members of the public would be able to speak on the pulled Consent Calendar items; Councilmembers can pull Consent Calendar items.

Councilmember Herrera Spencer inquired how much time the public is able to speak, to which the City Clerk responded the time is being made uniform and consistent across all agenda sections.

Councilmember Herrera Spencer inquired whether the amount of time would remain at the current three minutes for up to six members of the public.

The City Clerk responded in the negative; stated there is a change to lower the number to up to five.

Councilmember Herrera Spencer inquired whether a Councilmember pulling an item

from the Consent Calendar changes the Council speaking time from five minutes to nine minutes, to which the City Clerk responded in the negative.

Councilmember Herrera Spencer inquired why a pulled Consent Calendar item would be treated differently for a member of the public than a Councilmember.

The City Clerk responded staff tried to honor the current differentiation between speaking times for Consent and Regular Agenda items; stated the proposed method is an attempt at a simpler, cleaner approach to allow Council comments and ensure public comment is uniform.

Councilmember Herrera Spencer stated Council has received comments related to the public preparing two speeches due to not knowing the speaking time ahead of time.

The City Clerk noted most members of the public are used to the two-minute speaking time and often do not take the full three-minute speaking time.

Councilmember Herrera Spencer stated ACT and the League of Women Voters have provided comments regarding speaking times.

The City Clerk stated staff is providing what is being requested by both parties with a slight difference from the ACT request.

Councilmember Herrera Spencer inquired why two-and-a-half minutes are not being provided as a speaking time.

The City Clerk responded ACT proposed the amount of time after the agenda report was published; stated the ability to speak on pulled Consent Calendar items is being proposed.

Councilmember Herrera Spencer stated that she understands pulled Consent Calendar items will be placed at the end of the Regular Agenda; inquired whether Council would need four votes to change the order, to which the City Clerk responded in the affirmative.

Councilmember Herrera Spencer inquired the reasoning behind the change, to which the City Clerk responded the goal is for Council to not spend a large amount of time on the Consent Calendar.

Councilmember Herrera Spencer stated ACT commented that oftentimes matters on the Consent Calendar are priority; inquired whether priority matters would still be placed at the end of the Regular Agenda Items, to which the City Clerk responded in the affirmative.

Councilmember Herrera Spencer inquired whether the City Manager recommends the proposed change and where the pulled items would go if four Councilmembers voted to

move the matter to another place on the agenda.

The City Manager responded Council overriding the pulled Consent Calendar item could be heard after the vote on the non-pulled Consent Calendar items; stated that she would recommend Council hear the overridden matters after the non-pulled Consent Calendar items.

Councilmember Herrera Spencer stated the current speaking time for the entire Consent Calendar is two-minutes; inquired whether speakers can comment on pulled Consent Calendar items, to which the City Clerk responded in the affirmative.

Vice Mayor Daysog expressed support for the status quo; stated Council has the option to rearrange items under Agenda Changes; the current proposal is more streamlined.

Mayor Ezzy Ashcraft stated the current process is being abused and pulled items are being pulled to record a no vote at the expense of other items with public speakers.

Councilmember Herrera Spencer inquired whether pulled Consent Calendar items cannot be placed back on the Consent Calendar by a vote of Council.

The City Clerk responded the Rules of Order allow one member of Council to pull an item; stated a vote of four Councilmembers could override the Rules of Order.

Councilmember Herrera Spencer stated that she pulls items from Consent due to having questions or hearing questions from the public; she believes the City inappropriately places many items on the Consent Calendar and items do not appear routine and customary; Council, apart from the Mayor, has no input on items being placed on the Consent Calendar.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft – 3. Noes: Councilmembers Daysog and Spencer – 2.

(23-581) Councilmember Vella moved approval hearing the ASPA lease item then adjourning.

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

(23-582) Introduction of Ordinance Authorizing the City Manager to Execute a Lease Agreement for Four Years and Eleven Months with the Alameda Swimming Pool Association for Operation and Maintenance of the Pools at Franklin Park and Lincoln Park. Introduced; and

(23-582 A) Resolution No. 16103, “Amending the Recreation and Parks Department Fiscal Years 2023-24 and 2024-25 Budgets to Appropriate \$15,000 in Each Fiscal Year for Reimbursement to the Alameda Swimming Pool Association for Lifeguard Training Certification and Financial Assistance.” Adopted.

Councilmember Vella recused herself and left the meeting.

The Assistant City Manager gave a Power Point presentation.

Councilmember Herrera Spencer requested clarification about senior citizens and disabled access..

The Assistant City Manager responded twice per week a senior swim is conducted for those aged 50 and older and those with disabilities.

Expressed support for the matter if it will increase public access; urged the discussion not be rushed: Shelby Sheehan, Alameda.

Urged Council not to approve the lease; expressed concern over the membership model; stated the model does not work for many and is not welcoming; discussed the ASPA Board; expressed support for staff negotiating a better lease: Kristan Lavietes, Alameda.

Expressed concern over the cost of pool membership, required duties, and lack of day rates; stated the price is exorbitant and exclusive for many casual swimmers; discussed costs for other public pools; suggested an audit be done: Willis Calkins, Alameda.

Stated the lease duration is too long and lacks public access; discussed timing issues for child swim lessons; expressed support for casual swimming cost options and better public access: Alex Spehr. Alameda.

Stated other swimming pool clubs are more expensive; ASPA is run by volunteers and gets by with what it has; the cost is reasonable; urged Council approve the lease: James, ASPA.

Stated pool access costs \$540 per year, which is \$45 per month and includes the key fee; key access requires lifeguard certification; volunteer requirements include two, two and a half hour shifts per year; the only membership requirement is to be a resident of Alameda; urged Council to approve the lease: Peg Magarian, ASPA.

Councilmember Jensen inquired whether the reimbursement has changed.

The Assistant City Manager responded staff took the reimbursement out of the budget due to there being a desire to bring the matter with the lease.

Councilmember Jensen moved introduction of the ordinance.

Vice Mayor Daysog expressed support for public comments; stated the information presented is cause for his continued support.

Councilmember Herrera Spencer inquired the options in Alameda for drop-in swimming.

The Assistant City Manager responded only Alameda Recreation and Parks Department (ARPD) programs offer drop-in swimming at Alameda and Encinal High Schools.

Councilmember Herrera Spencer stated there is a continuum of access to pools through the program; the two pools compliment the high school pools; discussed ARPD swimming program costs; inquired the current cost of a six-week swim class with ARPD, to which the Assistant City Manager responded that she does not have the information.

Councilmember Herrera Spencer stated that she recalls the cost being roughly \$60 to \$80 per child, per half hour lesson, which is significantly more than ASPA; the costs are affordable due to program volunteers; inquired how old the pools are, to which the Assistant City Manager responded the pools were built in 1959.

Councilmember Herrera Spencer stated maintaining older pools is difficult; the timing of child swim lessons is a valid concern; expressed support for ASPA and the lessons provided; stated volunteers have provided good options for free swim lessons and senior and disabled swim; the options compliment the programs offered by ARPD; inquired whether the \$45 cost per month needs to be paid all-at-once.

The Assistant City Manager responded ASPA does not accept monthly payments; stated there is no online registration system and payments are only received by check; payments can be received on a twice per year basis; ARPD group swim lessons cost \$40 per person for four-classes.

Councilmember Herrera Spencer inquired whether the classes are 20 or 30 minutes, to which the Assistant City Manager responded the class is 45minutes.

Councilmember Herrera Spencer stated that her children did not learn to swim in four lessons; the cost through ARPD was prohibitive; expressed support for the lease with ASPA.

Mayor Ezzy Ashcraft expressed support for the lease.

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

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

(23-583) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:28 a.m. in memory of Senator Dianne Feinstein.

Respectfully submitted,

Lara Weisiger
City Clerk

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