

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 20, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:03 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 5:53 p.m. The meeting was held via Zoom.]

Absent: None.

The following Public Comment was read into the record:

(21-560) John Bignone, Alameda, urged Council to open an investigation of Alameda Municipal Power (AMP) management; expressed concern over lack of leadership and adherence to safety and compliance standards.

The meeting was adjourned to Closed Session to consider:

(22-561) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(a)); Case Name: City of Alameda v. Greenway Golf Associates Inc. and Umesh Patel; Court: Alameda County Superior Court; Case No: 22CV011964

(22-562) Public Employee Appointment/Hiring (Pursuant to Government Code Section 54957); Title/Description of Positions to be Filled: City Manager/Interim City Manager.

(22-563) Conference With Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 2440 Monarch Street (Building 43) Alameda Point, Alameda, CA; City Negotiators: Interim City Manager Nancy Bronstein, Community Development Director Lisa Maxwell, Assistant Community Development Director Nanette Mocanu, and Assistant City Attorney Len Aslanian; Negotiating Parties: City of Alameda and Steeltown Winery; Under Negotiation: Price and Terms of Lease. Not heard.

(22-564) Conference With Labor Negotiators (Government Code Section 54957.6); City Negotiators: Nancy Bronstein, Interim City Manager, Nico Procos, General Manager Alameda Municipal Power, Jessica Romeo, Human Resources Manager, and Steve Woo, Senior Human Resources Analyst; Employee Organizations: Alameda City Employees Association (ACEA), Management and Confidential Employees Association (MCEA), Electric Utility Professionals Association (EUPA), International Brotherhood of Electrical Workers (IBEW), Alameda Police Officers Non-Sworn (PANS), Alameda Municipal Power Unrepresented Employees (AMPU); Under Negotiation: Salaries, Employee Benefits and Terms of Employment.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Existing Litigation, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 4. [Absent: Vice Mayor Vella – 1], regarding Employee Appointment/Hiring, staff provided information and Council provided direction with no vote taken, and regarding Labor Negotiators, staff provided information and Council provided direction with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:38 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
SUCCESSOR AGENCY TO THE
COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -SEPTEMBER 20, 2022- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:01 p.m.
Councilmember/Commissioner Herrera Spencer led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Herrera
Spencer, Knox White and Mayor/Chair Ezzy Ashcraft
– 4. [Note: The meeting was held via Zoom.]

Absent: Vice Mayor/Commissioner Vella – 1.

CONSENT CALENDAR

Councilmember/Commissioner Knox White moved approval of the Consent Calendar.

Councilmember/Commissioner Herrera Spencer seconded the motion, which carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Knox White: Aye; Spencer: Aye; and Mayor/Chair Ezzy Ashcraft: Aye. Ayes: 4. [Absent: Vice Mayor Vella/Commissioner Vella – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*22-565 CC/22-013 SACIC) Recommendation to Accept the Investment Transactions Report and Annual Investment Report for the Fiscal Year Ending June 30, 2022. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:05 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- - SEPTEMBER 20, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:05 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 7:24 p.m. The meeting was conducted via Zoom.]

Absent: None.

AGENDA CHANGES

(22-566) Mayor Ezzy Ashcraft announced that the resolutions of appointment [paragraph no. 22-589] would be heard after the Consent Calendar.

The City Clerk announced the Memorandum of Understanding [paragraph no. 22-586] would not be heard and would return at a later date.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(22-567) Proclamation Declaring October 2 through 8, 2022 as Public Power Week.

ORAL COMMUNICATIONS, NON-AGENDA

(22-568) Tod Hickman expressed concern about Zoom meeting functions and public comment, West Tower Avenue’s street closure and traffic diversion; expressed support for a hybrid Zoom meeting process.

(22-569) Denyse Trepanier, BikeWalk Alameda, announced BikeWalk Alameda is teaming up with Community Action for a Sustainable Alameda (CASA) to host upcoming virtual candidate forums; discussed removal of pedestrian safety infrastructure.

(22-570) Brian Kennedy, Alameda, expressed concern about Sanctuary Cities.

(22-571) Josh Altieri, Alameda Housing Authority, discussed updates on affordable housing projects throughout Alameda.

CONSENT CALENDAR

Expressed concern over the contracts listed on the Consent Calendar; urged matters be slowed down until a permanent City Manager is hired: Tod Hickman.

Councilmember Herrera Spencer requested The Village of Love agreement [paragraph no. 22-574], the on-call engineering agreements [paragraph no. 22-578], the agreement with Alameda Unified School District [paragraph no. 22-580] and the agreement with Firebrand [paragraph no. 22-583] be removed from the Consent Calendar for discussion; recorded no votes for final passage of the ordinances [paragraph nos. 22-587 and 22-588].

Councilmember Knox White moved approval of the remainder of the Consent Calendar.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Councilmember Daysog raised a point of order.

The City Clerk stated final passage of the ordinances require four affirmative votes.

Councilmember Knox White requested final passage of the ordinances be removed from the Consent Calendar for discussion.

In response to Mayor Ezzy Ashcraft's inquiry, Councilmembers Knox White and Herrera Spencer agreed to amend the motion to remove the ordinances.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. [Absent: Vice Mayor Vella – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*22-572) Minutes of the Special Meetings Held on August 9, 2022. Approved.

(*22-573) Ratified bills in the amount of \$7,714,030.65.

(22-574) Recommendation to Authorize the Interim City Manager, or Designee to Execute a Contract for \$1,447,984 with The Village of Love Foundation to Provide Social Services for Residents of Emergency Supportive Housing (Located at Alameda Point) from October 1, 2022 to September 30, 2024.

The Social Services Manager gave a brief presentation.

Councilmember Herrera Spencer inquired whether three or four homes will be provided at Alameda Point, to which the Social Services Manager responded staff was directed to open three homes, with the possibility of opening a fourth home after returning to Council for consideration.

Councilmember Herrera Spencer expressed concern over The Village of Love (VOL) website information; stated the website has since been removed; the website lacked a Board of Directors and resumes; it is difficult to find information related to VOL; requested more information be provided from City staff about the organization.

The Community Development Director stated the website had not been complete, so VOL took the site down in order to provide current information and bring a higher standard; stated staff has recently provided a Curriculum Vitae (CV) for Joey Harrison; staff's experience with VOL has been excellent; VOL was selected based on the positive experience as well as the ability to provide services on behalf of the City.

Councilmember Herrera Spencer stated that she believes the assessment is subjective; she is looking for data on the employees and the organization; the contract cost is roughly \$1.5 million; concrete background should be provided on any contract the City enters into for said amount; expressed concerns over insufficient information and saturation of housing the unhoused at

Alameda Point; stated there have been concerns about residents being good neighbors to existing residents; it is unclear that existing residents have been provided assurance about concerns being heard; she will not be supporting the matter; it is unfortunate that there is not more information provided on the organization; the organization is providing social services and should have a clear indication of its Board of Directors and organization information.

Mayor Ezzy Ashcraft inquired how long VOL has been operating in the City of Alameda.

The Economic Development Manager responded VOL has been in Alameda since 2020 operating the day center and safe parking; the overnight center opened in 2021.

Councilmember Knox White moved approval of the staff recommendation.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated that he previously voiced concerns over housing formerly homeless individuals in one house; he continues to have concerns; expressed support for a home for teen mothers; stated the concerns raised by Councilmember Herrera Spencer are valid and important; since the City has worked with VOL and the funding for the program comes from American Rescue Plan Act (ARPA) dollars, he can support the project; the provider will have to work closely with City staff if the contract is extended; there are deep concerns over crime near Main Street; families in the area should work closely with VOL; the matter employs a housing first strategy; expressed concern over participants in the housing first strategy not being required to be enrolled in services while being housed; stated the larger issue is to move ahead; in order for the program to work, all should work in tandem on concerns raised by the residents of the area.

Vice Mayor Vella stated that she understands the concerns raised; the City should work to address safety issues and concerns; concerns should not be conflated with the individuals being housed; expressed concern about the record reflecting any conflation; stated it is important that the City is providing housing and doing what it can to not criminalize homelessness; expressed support for the matter.

Mayor Ezzy Ashcraft stated people cannot complain about both the problem and solution; there is a housing crisis in the State and City; the City has worked hard to find ways to alleviate the crisis and provide housing for people formerly unsheltered or close to slipping into homelessness; VOL is providing transitional housing; the Wellness Center on McKay Avenue as well as Rosefield and Dignity Villages will be additional resources; requested clarification about the background for VOL; discussed her first meeting with Joey Harrison at a previous event in the City of Oakland.

Joey Harrison, VOL, stated that he has a background of managing 13 transitional houses in Oakland and Berkeley; the housing programs focus clients on how to be good neighbors; Tom Gorham had been a mentor as well as Doctor Davita Coady; he has background as a counselor with dual diagnoses and created the Outreach Homeless Program for the Temescal District in North Oakland; he has created a de-escalation training program which is used in the City of Oakland, Berkeley, San Francisco and Alameda; he has experienced homelessness and transitioned to helping people get their life back on track.

Mayor Ezzy Ashcraft inquired whether the people in the program will have services available to

them.

Mr. Harrison responded in the affirmative; stated the program will have a Critical Case Manager, a licensed Marriage and Family Therapist, a Housing Navigator and support groups in connection to day center transportation; the program works on job placement and clients will have a lot of support; the program is focused on ensuring that people are good neighbors; the program has been developed with feedback.

Councilmember Herrera Spencer noted information provided by staff did not include formal education information.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(*22-575) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Second Amendment to Agreement with ECS Imaging, Inc. for Laserfiche RIO to Change Licensing from Laserfiche RIO Public Portal for Two Laserfiche Servers LSAP to Laserfiche RIO Public Portal for Unlimited Laserfiche Servers LSAP in an Amount Not to Exceed a Onetime Fee of \$25,000 with an Additional \$5,000 per Year Annual Maintenance Support Fee for Four Years for a Total Contract Agreement Not to Exceed \$467,473. Accepted.

(*22-576) Recommendation to Authorize the Interim City Manager, or Designee, to Renew the Annual Subscription License Fee of the Enterprise DocuSign Inc. Agreement in the Amount of \$46,250, for an Aggregate Total Not to Exceed \$110,772. Accepted.

(*22-577) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Five-Year Agreement with Clark Services for Battery and Lamp Collection within the City of Alameda for an Amount Not to Exceed \$82,800. Accepted.

(22-578) Recommendation to Authorize the Interim City Manager, or Designee, to Execute Four, Five-Year Agreements in a Total Amount Not to Exceed \$2,500,000 Each to Kimley-Horn, Kittelson & Associates, Inc., Nichols Consulting Engineers, Chtd., and TDG Engineering, Inc., for On-Call Complete Streets Engineering Services.

The City Engineer gave a brief presentation.

In response to Mayor Ezzy Ashcraft, the City Engineer stated the matter consists of four, five-year contracts to support complete streets engineering; the design projects are for street resurfacing, grant supported projects and other street safety improvements; staff has performed a Request for Proposal (RFP) process to select the four consulting teams; the firms provide civil engineering and transportation services and will help the City design streets.

Councilmember Herrera Spencer stated that she would like clarification about the total amount of the contracts; inquired whether there are four contracts being proposed at \$2.5 million each for a total of \$10 million, to which the City Engineer responded in the affirmative.

Councilmember Herrera Spencer stated that she requested information from staff; inquired whether the four firms provide broad, civil engineering and transportation services or whether the firms provide anything different or additional.

The City Engineer responded the RFP process asked each consulting team to provide information about the services provided; each firm provides a basic level of expertise, as well as having specific strengths; as staff selects firms for individual projects, each firm and consultant will be evaluated to find the best fit.

Councilmember Herrera Spencer stated that she has not supported some projects; if engineers work on certain unsupported projects, she would not continue to support the consultant or firm; she will not support the matter in its entirety; inquired whether the firms are hired to work on Citywide matters and not specific projects.

The City Engineer responded consultants would be utilized on a project-by-project basis; the general scope of work consists of transportation and resurfacing projects.

Councilmember Knox White moved approval of the staff recommendation.

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(*22-579) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a One Year Agreement with IPS Group, Inc. for Single Space Parking Meter 4G Upgrades for an Amount Not to Exceed \$182,000. Accepted.

(22-580) Recommendation to Authorize the Interim City Manager, or Designee, to Enter into a Joint Use Agreement (JUA) with Alameda Unified School District (AUSD) for the Operation and Maintenance of the District Swimming Pools, Including an Addendum Regarding Renovation of the Emma Hood Swim Center at Alameda High School, and Authorize the Interim City Manager, or Designee, to Disburse Payment of \$7,500,000 to AUSD;

(22-580A) Resolution No. 15965, "Amending the Recreation and Parks Department General Fund Operating Budget for Fiscal Year 2022-23 to Increase Operating Expenditures for Pool Maintenance." Adopted; and

(22-580B) Resolution No. 15966, "Amending the Fiscal Year 2022-23 Budget Authorizing an Appropriation of \$7,500,000 Unassigned Residual General Fund Balance to Capital Improvement Project C55800 (Emma Hood Pool Repairs) and Increasing Expenditures in Said Project by \$7,500,000 to Fund 50% of the Emma Hood Swim Center Improvements." Adopted.

The Recreation and Parks Director gave a brief presentation.

Councilmember Herrera Spencer stated that she met with staff in order to determine what the City is getting for the \$7.5 million; the JUA and staff report reference the City having the ability to use 65% of the pool schedule; the 65% does not specify hours or days of use; inquired the actual time allotted for the 65% use.

The Recreation and Parks Director responded the 65% use looks at actual time of use allocated in the current fall schedule; stated the hours are set for daytime use at Emma Hood; staff is working with the AUSD to expand use for daytime weekdays at Encinal High School; the City predominantly uses the facility in the mornings before school with limited hours held by AUSD;

City uses include community user groups, such as local youth swim and water polo teams; the use mostly occurs on weekends with some AUSD practices and swim meets on Saturday morning.

Councilmember Herrera Spencer requested clarification of the term community groups; stated the groups are not necessarily City of Alameda groups.

The Recreation and Parks Director stated under the JUA, the City is responsible for scheduling; the City schedules aquatics programs for Alameda Recreation and Parks Department (ARPD) and community groups, such as adult master swim, youth swim and water polo organizations.

Councilmember Herrera Spencer inquired whether the City is guaranteed a number of hours under the JUA.

The Recreation and Parks Director responded the JUA does not guarantee a specific numbers of hours for the City, community or AUSD; stated the JUA is worded in such a way that requires both parties, AUSD and the City, to negotiate the schedules twice per year; staff held extensive conversations with AUSD and athletic directors and determined that providing flexibility is a more appropriate way to move forward and is in the best interest of both parties; there are triggers in the JUA which allow for mediation or arbitration if the City feels that it is not getting a reasonable amount of time and AUSD does not agree.

Councilmember Herrera Spencer expressed concern over the City ending up paying \$7.5 million with no specificity related to what the City is receiving in both the short and long term; inquired what the \$7.5 million guarantees for the City to have swimming pool access.

The City Attorney responded the point raised is difficult to pin down; stated the JUA does not contain a high level of specificity; there could be complications if the City litigates over specificity; the JUA is for five years and staff is unable to definitively provide the commitments will be made by AUSD beyond the five years; the concerns being raised are valid; staff can provide more specificity if Council so desires; historical practice has shown a high degree of cooperation; there are provisions for both sides.

The Recreation and Parks Director stated the JUA is intended to take the agencies through construction; staff took action for expediency, as well as to keep the project moving and meet the County's deadline; Alameda County Health will close the facility in December 2023; staff has been trying to limit the amount of time that the swim center would be closed to the public; she has spoken with AUSD staff; there is support for working towards a longer-term agreement or lease which could occur concurrent with the design; the JUA states that the funds are not reimbursed until the first \$5 million is spent; the City will be invoiced for 50% of the cost; AUSD staff has agreed to complete the new agreement prior to the first payment of funds.

Councilmember Knox White stated there have been a number of discussions related to the matter; Council has provided majority support in moving forward with both the budget and working with AUSD in order to serve the Island.

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

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated that he supports contributing \$7.5 million towards improving the Emma Hood swimming pool for many reasons; he supports the matter due, in part, to history; stated in the 1940s, the City had a ballot measure related to funding a municipal swimming pool; the ballot measure achieved a majority vote; however, the required two-thirds were not met; the City then worked with AUSD to create Emma Hood; after the creation of Emma Hood, it was recognized that the pool was not big enough; subsequently, neighborhood pools were created; the election of June 2022 followed-up the election of the 1940s and yielded the required number of votes; Measure B has a provision that \$7.5 million will come from AUSD and the City will match the funding; the votes of June 2022 were cast with said understanding and the measure passed; the City will have the majority use of pool hours; the percentages provide an indication of the extent to which the City will utilize Emma Hood; expressed support for the matter; stated the matter is an opportunity to rectify a previous use.

The Chief Assistant City Attorney outlined amended language in Section 6 of the agreement.

In response to Mayor Ezzy Ashcraft's inquiry, Councilmember Knox White agreed to amend the motion to include the revised language; inquired whether the School District has approved the amendment.

The Recreation and Parks Director responded School District staff has approved the language and will take it to the School Board.

Councilmember Daysog agreed to second the motion with the revised language.

Councilmember Herrera Spencer requested clarification about Section 6; stated under Section 6.1, either party has the right to terminate the agreement by written notification, 30-days prior to the effective date of the termination, either party shall be required to provide just cause for termination.

The Chief Assistant City Attorney stated the proposed alternative language replaces the language in the current agreement in its entirety; the proposed language provides that either party shall have the right to terminate the agreement only for cause; cause exists only under the following circumstance: a material default, a written notification of the default and a 30-day cure period; then, and only then, is the other party entitled to issue a notification of termination which would take effect 30-days after; there is also clarification that neither party may terminate the agreement without cause.

Councilmember Herrera Spencer stated the proposed alternative makes the circumstance worse; there are no specific responsibilities by AUSD to provide any hours of performance; it is unknown how the City will indicate non-performance by AUSD due to the vagueness of the JUA.

The Chief Assistant City Attorney stated the provision will come into play under the situation where AUSD is not being a reasonable partner in negotiations; AUSD is required to sit down with the City and negotiate a schedule; If AUSD not being a reasonable participant would give some basis for considering issuance of a notice of default to force AUSD to perform as a good partner in negotiating a reasonable schedule.

Vice Mayor Vella stated that she is supportive of the matter; the City has been discussing public access with AUSD to ensure public benefit for the investment; both parties have a lot of shared

constituencies related to the use of the pool; the contribution is the right thing to do; expressed support for having further discussions in the future related to other pool locations that do not have public access.

Councilmember Herrera Spencer stated that she appreciates the effort and intent; complaints have been received routinely related to City pool access; it is critical that the City is clear on the terms for City pool use; the cost of the matter is \$7.5 million; a sound contract is needed; the property is owned by AUSD, not the City; the City should be more precise in what is being received; she strongly disagrees that the June 2022 vote spoke to the matter at-hand; noted the ballot measure question did not reference \$7.5 million being provided by the City.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(*22-581) Recommendation to Authorize the Interim City Manager, or Designee, to Negotiate and Execute an Agreement with Artworks Foundry, LLC in the Amount of \$156,335 for the Fabrication and Installation of Artwork at Fire Station 3 and the Emergency Operations Center (EOC Public Art Project PLN16-0425). Accepted; and

(22-581A) Resolution No. 15967, "Amending the Fiscal Year 2022-23 General Fund Fire Department Operating Budget to Increase Expenditures in the Amount of \$156,335." Adopted.

(*22-582) Resolution No.15968, "Authorizing the Interim City Manager, or Designee, to Execute and Record, By and Between the City of Alameda and East Bay Municipal Utility District, an Amended and Restated Partial Assignment of Non-Exclusive Easement and Grant of Non-Exclusive Easement over Department of the Navy-owned Lands; Grant of Easement over City of Alameda-owned Lands; and Any and All Ancillary Documents for the Extension of Water Service in Main Street and West Redline Avenue to Property Conveyed to the Department of Veterans Affairs at the Former Naval Air Station at Alameda Point." Adopted.

(22-583) Resolution No. 15969, "Amending the Base Reuse Fund Budget to Appropriate \$300,000 for a Business Development Loan for Firebrand Artisan Breads to Complete a Retail Café At 707 W. Tower Road." Adopted; and

(22-583A) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Business Development Loan Agreement of \$300,000 to Provide Financial Assistance to Firebrand Artisan Breads to Construct a Retail Café at 707 W. Tower Avenue (Project).

The Development Manager gave a presentation.

Councilmember Herrera Spencer stated the company has already started build-out of the café; inquired the amount of investment provided to-date in the café.

The Development Manager responded that he does not have the information on-hand; stated the Firebrand Chief Executive Officer (CEO) is available; stated a significant amount of build-out costs and utility work has been completed.

Councilmember Herrera Spencer expressed concern over the proposed interest rate of 2% being charged by the City; stated the loan term is seven years; she is unsure why the company

is not eligible for a small business loan with the current market; expressed concern over the City becoming a bank; inquired the historic use for Base Reuse Funds and how funds are acquired.

The Community Development Director responded Base Reuse Funds are generated primarily through sales of buildings at Alameda Point; the department will typically keep a portion on reserve for unexpected projects, such as the current matter or maintenance projects; the funds are also used for infrastructure.

The Economic Development Manager stated the funds also come from lease revenue.

In response to Councilmember Herrera Spencer's inquiry about use of the funds, the Economic Development Manager stated revenues are used for property management, Alameda Point building repairs, general staff costs, supporting businesses and COVID-19 grants.

Councilmember Herrera Spencer stated the collateral for the loan amounts to \$320,000; the collateral consists of kitchen equipment; inquired whether staff can confirm that the collateral price is correct for used kitchen equipment.

The Community Development Director responded in the affirmative; stated the equipment with the most significant value are ovens and large bakery equipment; staff is less reliant on smaller equipment items; there is a secondary market for the items.

Councilmember Herrera Spencer requested clarification of who performed the appraisal of equipment items.

The Development Manager stated that he worked with Firebrand staff on assessing the bigger industrial kitchen equipment; the machinery pieces are huge; there is a robust secondary market for the equipment.

Councilmember Herrera Spencer noted the value of the equipment appears to have been appraised by the person receiving the loan.

The Development Manager clarified that he investigated the machinery himself, took down information and researched pricing.

Councilmember Herrera Spencer stated the collateral list only contains used equipment.

The Development Manager stated the collateral price is a combination of new and used equipment; some of the equipment is existing and other pieces have yet to be purchased in order to build out the café; noted an espresso machine will be purchased specifically for the café.

Councilmember Herrera Spencer stated that she appreciates the information; noted some of the collateral is technically non-existent and have not yet been purchased but are still being described as collateral; collateral should not include items which do not yet exist; inquired whether there is a promissory note of personal security in regard to a personal guarantee from the company.

The Development Manager responded in the negative; stated there is not a personal guarantee for the proposed loan.

Vice Mayor Vella inquired whether items not currently in possession could be used as collateral in other instances, such as when purchasing a home, to which the Economic Development Manager responded in the affirmative.

The Community Development Director stated collateral agreements often describe the collateral as currently existing or future purchased; there could be more items than listed on the initial schedule.

The Assistant City Attorney stated the agreement includes currently existing equipment; there is room to include equipment that is purchased as part of the loan; the agreement also includes improvements that have been made and will be made to the café.

Councilmember Herrera Spencer inquired whether there are any other requests for repairs or upgrades from Alameda Point tenants; stated there have been complaints related to repairs.

The Community Development Director responded staff is currently working with residential tenants to analyze conditions with a focus on asbestos.

Councilmember Herrera Spencer stated that she understands collateral differs for home owners and commercial leases.

Mayor Ezzy Ashcraft stated that she supports the matter due to being impressed with on-site tours in part; the CEO hires people with high employment barriers, such as previously being incarcerated; discussed her prior experience as a probation officer; stated the company offers on-site classes for employees, including financial literacy and English as a second language, and has service providers on the premises to provide a supportive working environment; businesses at Alameda Point are excited for a café to open; the products made by Firebrand are excellent and are sold in local stores; the business is the exact kind that should be supported by the City.

Vice Mayor Vella stated the matter is the type of investment the City should be making and will have a number of positive returns for both the community and City; the business is doing its part to help the community.

Vice Mayor Vella moved approval of the staff recommendation [including adoption of the resolution].

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Knox White stated staff working on the matter work on many City projects; he appreciates the work; the project is consistent with the Economic Development Strategic Plan.

Councilmember Daysog stated the business appears to be successful with around 100 employees; it is not clear why the business did not go to the private sector for a loan; he will not be supporting the matter.

Councilmember Herrera Spencer stated that she appreciates the business and the work being done; expressed concern over potential ineligibility for small business loan; stated it is not

appropriate for the City to be a banker; expressed concern over the value of the collateral being severely inflated; stated the collateral appears to be insufficient; the company needs to offer a personal guarantee to ensure the City is reimbursed; the City has been tasked with providing money for upgrades to the residential areas of Alameda Point and the priority should be the housing needs of current residents.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(*22-584) Resolution No. 15970, "Authorizing the Interim City Manager, or Designee, to Provide and Execute Letters of Support to the Alameda Housing Authority for Pursuing Funding for Affordable Housing Projects Approved by the City." Adopted.

(*22-585) Resolution No. 15971, "Appropriating \$40,000 in the American Rescue Plan Act Project (C90300) for a Parklet Insurance Reimbursement Program; and Authorizing the Interim City Manager, or Designee, to Disburse Funds Consistent with Program Requirements." Adopted.

(*22-586) Adoption of Resolution Approving a Memorandum of Understanding (MOU) Between the Alameda Police Officers Association, Non-Sworn (PANS) and the City of Alameda for a Thirty-Six Month Term Commencing July 1, 2022 and Ending June 30, 2025. Not heard.

(22-587). Ordinance No. 3327, "Authorizing the Interim City Manager, or Designee, to Execute a Sixth Amendment to the Disposition and Development Agreement (DDA) and All Other Necessary Documents between the City of Alameda and Alameda Point Partners, LLC for the Site A Development at Alameda Point." Finally passed.

The DDA ordinance was heard together with final passage of the ordinance approving the first amendment to the Development Agreement [paragraph no. 22-588] below.

(22-588) Ordinance No. 3328, "Authorizing the Interim City Manager, or Designee, to Execute a First Amendment to the Development Agreement (DA) By and Between the City of Alameda and Alameda Point Partners, LLC for the Site A Development at Alameda Point." Finally passed.

Councilmember Daysog moved final passage of the ordinances [DDA and DA].

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

REGULAR AGENDA ITEM

(22-589) Resolution No. 15972, "Reappointing Ed Downing as a Member of the Golf Commission." Adopted;

(22-589A) Resolution No. 15973, "Appointing Megan Borthwick as a Member of the Historic Advisory Board." Adopted;

(22-589B) Resolution No. 15974, “Appointing Hank Hernandez as a Member of the Historic Advisory Board.” Adopted;

(22-589C) Resolution No. 15975, “Reappointing Bachir Hadid as a Member of the Housing Authority Board of Commissioners.” Adopted;

(22-589D) Resolution No. 15976, “Appointing Eric Husby as a Member of the Housing Authority Board of Commissioners.” Adopted;

(22-589E) Resolution No. 15977, “Appointing Michaela Joseph-Brown as a Member of the Housing Authority Board of Commissioners.” Adopted;

(22-589F) Resolution No. 15978, “Appointing Alexander Kaufman as a Member of the Housing Authority Board of Commissioners.” Adopted;

(22-589G) Resolution No. 15979, “Appointing Thushan Amarasiriwardena as a Member of the Library Board.” Adopted; and

(22-589H) Resolution No. 15980 “Appointing Elise Hunter as a Member of the Public Utilities Board.” Adopted.

Mayor Ezzy Ashcraft discussed statistics from this year’s Board and Commission appointees.

Addressed different agenda items: Tod Hickman.

Councilmember Knox White moved approval of the appointments [including adoption of the resolutions].

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that public comment needs to be called for the matter.

Expressed concern over public comment procedure; stated that she supports the Board and Commission nominees listed; discussed the Brown Act; urged allowing the public to speak: Carmen Reid, Alameda.

Mayor Ezzy Ashcraft requested clarification on the Brown Act and public comment.

The City Attorney stated that the City Clerk has checked the list of public commenters, which satisfies the Brown Act requirement; a presiding officers has the ability to run the meeting subject to review by a majority of the Council; the presiding officer of the meeting has run the meeting in an effort to keep the agenda moving.

The City Clerk stated after she called all speakers with raised hands during the Consent Calendar, public comment was closed; public comment had been closed for the current matter and a motion with a second had been produced; the courtesy of re-opening public comment was extended after another hand was raised; she removed the previous commenter since comments were not related to the current agenda item.

Mayor Ezzy Ashcraft noted public comment for Consent Calendar matters happens once at the beginning of the entire Consent Calendar.

Vice Mayor Vella concurred with the public comment process.

Councilmember Daysog expressed support for the newly appointed Board and Commission members.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

The City Clerk administered the Oath of Office to Mr. Downing, Ms. Borthwick, Mr. Hernandez, Mr. Husby, Mr. Kaufman and Ms. Hunter.

Mr. Hernandez, Ms. Borthwick, Mr. Husby, Mr. Kaufman, and Ms. Hunter made brief comments.

Mayor Ezzy Ashcraft called a recess at 8:57 p.m. and reconvened the meeting at 9:10 p.m.

(22-590) The Interim City Manager inquired whether Council would consider moving the CARE Update [paragraph no. 22-598] to another meeting.

Councilmember Herrera Spencer moved approval of continuing the item to the next meeting.

The City Clerk stated a motion is only need if the matter is being moved to Continued Agenda Items on the next agenda; a motion is not needed if Council wants to allow staff to determine when the matter will return.

Mayor Ezzy Ashcraft suggested staff be able to decide.

Councilmember Herrera Spencer withdrew the motion.

CONTINUED AGENDA ITEMS

(22-591) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Purchase Agreement with Flock Safety for the Acquisition, Support, and Maintenance of a Fixed Automated License Plate Reader System Not to Exceed \$518,824.38 for Five Years and to Provide an Update on Related Technologies.

The Police Captain gave a Power Point presentation.

Councilmember Herrera Spencer inquired the proposed additional amount for the advanced search option.

The Police Captain responded \$3,500 per year for a five-year total of \$17,500.

Councilmember Knox White stated the cameras have both video and audio capability; inquired whether Alameda will be utilizing the capabilities.

The Police Captain responded the audio capability is part of the Raven Package, which Alameda is not purchasing.

Councilmember Knox White inquired whether the City will be capturing video.

The Police Captain responded the system has video capabilities.

Mayor Ezzy Ashcraft requested clarification of Councilmember Knox White's inquiry.

Councilmember Knox White stated Council had a discussion last spring about License Plate Readers (LPRs) which related to a system that reads license plates; some of the reading materials for the cameras possessed are now discussing the potential for capturing video; he would like to understand that while the City is using video cameras to capture still images, 24 hour video surveillance is not being captured.

The Police Chief stated the system is not a closed-circuit television system and produces still photos; the cameras are designed to use motion to pick-up vehicles traveling before the cameras; a snapshot is taken when the license plate comes into view.

Councilmember Knox White inquired whether the images are captured and stored, to which the Police Chief responded in the affirmative.

Councilmember Knox White inquired whether optional advanced search options were part of the original RFP or whether it had been requested as an add-on.

The Police Chief responded the feature is being offered; stated staff shared the option in order to provide all the information.

Councilmember Knox White stated a City policy indicates any technology that is adopted and purchased must come to Council with a personal privacy impact report; inquired whether any of the advanced search technology was part of the report that came to Council.

The Police Chief responded the personal privacy impact evaluation report does not speak specifically to the inquiry; stated the information was included because the service is an option; the City does not have to approve the use of the option.

Councilmember Knox White stated providing the option would have to wait until the required report returns to Council.

Councilmember Herrera Spencer inquired whether Council could vote to waive the personal privacy impact report requirement.

The City Attorney responded in the affirmative; stated any Council policy can be waived by Council's subsequent action.

Expressed support for fully funding automated LPRs; stated that she would like the Police to be notified of stolen vehicles right away in order to help recover stolen property and for crime

prevention; the cost appears to be a bargain for real-time information and is a powerful tool for law enforcement: Joyce Mercado, Alameda.

Stated the contract is troublesome; expressed concern over the advanced search add-on feature; stated surveillance of the community is a reverses of guidance provided by the community subcommittees; the matter is a slippery slope; discussed a white paper about Flock Security company; urged Council not proceed with advanced search options: Savanna Cheer, Alameda.

Stated members of the community have urged Council to ensure data is kept for a short amount of time; expressed support for a 30-day or less retention period; urged Council to modify the City policy to match the community requests; stated it is reasonable for Council to stick to the original plan; the advanced features have not yet been evaluated and need further discussion: Jennifer Rakowski, Alameda.

Stated the matter is against civil liberties in the City; expressed concern over having 14 locations throughout the City instead of only at Island access points; expressed support for the 30-day retention window; stated nothing should be added to the plan; questioned the need for 35 cameras in 14 locations: Marilyn Rothman, Alameda.

Stated that she has opposed the use of automated LPRs; expressed concern over the cost, effectiveness, risk of privacy violations and potential misuse; stated the proposal from Flock significantly expands the use of the technology; there is growing concern over the rise in crime within the City; urged Council remain mindful that some constituents still worry about the idea of public surveillance and to proceed cautiously: Meredith Hoskin, Alameda.

Stated many people have been against the matter; the matter feels invasive in many ways; expressed concern over the proposed number of cameras and locations; stated that she is against the advance search features; expressed concern over the extra cost for the program: Melodye Montgomery, Alameda.

Councilmember Herrera Spencer inquired whether staff is recommending including the advance search feature and the reasons behind the recommendation.

The Police Chief responded staff is presenting the advanced feature; stated the program can start without the advanced feature; staff can see how successful the program is without the feature; if challenges are encountered, staff can return with a recommendation to use the advanced feature.

In response to Councilmember Herrera Spencer's requested for clarification of the locations, the Police Chief stated the program is not a surveillance system; there will not be a closed circuit video that an Officer or staff member can watch; accessing the system requires personal login credentials that identify each user; further access of the system requires a justification, reason and case number; staff cannot monitor an intersection via camera; the matter has been part of a long process which has yielded a lot of good; the Alameda Police Department (APD) began a CompStat approach to crime in the beginning of the year; a CompStat approach is a data-driven, intelligence-led approach to crime; staff looks at crime trends on a daily basis, three and four-day basis, as well as a two-week basis; staff develops trends that identify where crime is prevalent and what times crimes occur; staff has instituted geographic command where the City is broken into three areas; each area is overseen by a Lieutenant; the Lieutenants assess and

evaluate crimes; the cameras are ideally placed at all entry and exit points of the City; as staff gathers data, there is an indication that larceny is the driver of crime in the City; roughly 68% of Alameda crime is larceny; staff has looked for an opportunity to position the cameras in entry and exit points, as well as creating overlap in vulnerable areas where crime is prevalent; the camera placements are recommended throughout the City based on the data; the assumption that crime occurring in the City comes from outside the City limits is inaccurate; the data shows that 53% of total arrests are individuals who do not live in Alameda; 47% are individuals who do live in Alameda; the approach is a responsible way to ensure that the City is practicing equity in using technology responsibly while providing a cross-section across the City to efficiently and effectively use and leverage technology to address crime in vulnerable areas.

Councilmember Herrera Spencer inquired whether the locations proposed are the staff recommendation, to which the Police Chief responded in the affirmative.

Councilmember Herrera Spencer stated an email was sent regarding a car hijacking; inquired whether the proposed cameras could have assisted with the recovery sooner, to which the Police Chief responded it is possible.

Councilmember Herrera Spencer stated that she receives many emails related to stolen cars; inquired whether the cameras can be tools to help reduce the amount of stolen cars.

The Police Chief responded the cameras are a tool that can help staff solve crimes; stated there is an opportunity to leverage technology and help efficiently accomplish a reduction.

Councilmember Herrera Spencer stated equity has been mentioned; expressed support for clarification about proposed cameras targeting people of color.

The Police Chief stated the cameras are designed to prioritize the rear of the vehicle; the cameras do not take photos of individuals; the rear vehicle photo is to capture the license plate; it is possible that the back of someone's head could be captured; however, the image would not identify personal features; the cameras take photos of every vehicle and do not target specific drivers.

Councilmember Herrera Spencer inquired whether other cities use fixed cameras around business districts.

The Police Chief responded Piedmont and Oakland have the cameras; San Leandro has closed circuit video; Berkeley has been exploring the matter; several agencies in Alameda County are using the technology.

The Police Captain stated Newark uses the technology; he will defer to Flock staff for an extensive list of users.

Hector Soliman-Valdez, Flock Safety, stated the Vallejo, Benecia, Callistoga, Atherton, San Ramon and Danville also use the technology.

Councilmember Herrera Spencer moved approval of the staff recommendation, not including the advanced search component; inquired whether the amount included in the staff report includes the advanced search; expressed support for approving the correct amount.

The Police Captain stated the amount of the contract should be \$499,427.13.

Councilmember Herrera Spencer clarified her motion to approve the staff recommendation, without the advanced search component, in an amount not to exceed \$499,427.13.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated there have been stories of residents being victims of crimes, especially in business districts; the City needs tools that can assist APD in solving crimes; staff needs to take into consideration civil liberties and racial justice concerns; the tool is a good fit for the City; the tool will not solve everything, but will be better to have on-hand; people committing crimes are becoming more sophisticated; the tool will help APD apprehend people committing crimes; he is supportive of the motion and staff recommendation.

Mayor Ezzy Ashcraft stated that she supports the staff recommendation; the tool will help APD keep the community safe; Council is hearing about crimes on a daily basis; she is convinced that the technology, without the enhanced features, is reasonable and limits the invasion of privacy; expressed support for a data-based approach to the location of the additional cameras; APD will return to Council in one year to report and follow-up; the system is accompanied by a use and retention policy of 30-days, which is reasonable; the product is a good balance of using data to know where to place cameras for still images; the City should be providing additional resources to help people and divert away from crime.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: No; Vella: No; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

REGULAR AGENDA ITEMS

(22-592) Recommendation to Authorize Updates to the Existing Alameda Police Department Policy Manual to Conform with New Law and Best Practices and to Authorize the Chief of Police to Make Future Policy Updates Without Prior City Council Approval.

The Police Chief gave a Power Point presentation.

Councilmember Knox White requested clarification of how the current policy addresses the timely needed implementation.

The Police Chief stated APD has several review processes; noted when he arrived to the department, the pursuit policy had not been very restrictive; stated APD could previously engage in vehicle pursuits for low-level offenses; he wanted to make an immediate change, but the current process had to be followed; in order to make a change, a staff report must be written, which takes 30-days minimum; putting needed policy changes in place can be delayed due to the current process; a more restrictive pursuit policy has been put in place; however, it is difficult to hold people accountable without the ability to quickly codify policy; the intent of the recommendation is not to keep Council from providing guidance and input or reviewing policies; expressed support for the ability to make changes to policies right away, followed by a report to Council.

Councilmember Knox White stated the current Council policy allows for immediate

implementation of policy from the Police Chief in places where there are safety concerns; he is not following how the example provided does not meet the current policy; requested clarification where the instance has been a problem.

The Police Chief stated there is a need for oversight; oversight starts at the Department Head level; he needs to be able to provide clear guidance and direction to APD staff; discussed his ability to have supervisors respond to specific incidents of risk or calls where an Officer is still probationary; expressed support for the ability to implement best practices within APD.

Councilmember Knox White stated the current policy allows for implementation when legal liability or safety issues arise.

In response to Councilmember Herrera Spencer's inquiry, the Police Chief stated the recommendation is in line with best practices and industry standards; he has looked at agencies within Alameda County and contacted most; half of the agencies notify the policy body after-the-fact; policy is instituted with a notification provided to the higher body; there is a need for the Police Chief to hold people accountable by immediately implementing policy.

Councilmember Herrera Spencer requested clarification of potential liability results from the inability to immediately implement policy.

The Police Chief stated if he is made aware of a best practice or a requirement that should be instituted, he is unable to do so in a timely fashion; the unutilized knowledge puts the City at risk.

Councilmember Herrera Spencer stated that she would like to hear from the City Attorney on the potential for liability risks.

The City Attorney stated that he does not have any additional comments on the matter.

Councilmember Daysog inquired the name and position of the individual who hired the Police Chief.

The Police Chief responded Eric Levitt the former City Manager.

Councilmember Daysog inquired who the Police Chief reports to, to which the Police Chief responded Interim City Manager, Nancy Bronstein.

Councilmember Herrera Spencer inquired what the City Charter designates as the direct report for the Police Chief.

The City Attorney responded the City Charter states the Police Chief is supervised by the City Manager.

Stated this is a time for APD to be under intense scrutiny, not given additional power; Council needs to determine how to reverse course and perform innovative things around policing to make a difference; now is the time for oversight; the current matter is the only way for Council to have control and be accountable to the public; urged Council keep the oversight mechanism: Savanna Cheer, Alameda.

Stated the recommendations are not any more persuasive than previous; urged Council vote against the change; expressed support for comments provided by Councilmember Knox White related to existing policy; stated there is no reason to take the proposed additional step: Caller.

Stated the process is not functioning; the public has asked for more; discussed oversight of other City departments; the Library has an oversight Library Board; however, APD does not; the matter is intended to be one step towards further oversight; many complex policies are being proposed; discussion should be encouraged, not further limited: Jennifer Rakowski, Alameda.

Stated Council previously unanimously passed the need for a Police Oversight Committee, yet nothing has been done; urged Council keep on top of APD by having the department go through Council for changes: Marilyn Rothman, Alameda.

Stated giving this type of power to any Police Chief is the opposite of what the community voted for; the City does not need to be spending more on APD; oversight is needed; urged oversight continue to be provided by the City Council and City Manager: Melodye Montgomery, Alameda.

Expressed support for the Police Chief finding solutions for the community; stated APD staff are professionals doing their best to help protect: Carmen Reid, Alameda.

Councilmember Daysog discussed previous comments in relation to the George Floyd and Mario Gonzales tragedies; stated that he had expressed enthusiasm for the Crisis Assistance Helping Out on The Streets (CAHOOTS) program proposed by Mayor Ezzy Ashcraft; the program has subsequently been adopted as the Community Assessment Response and Engagement (CARE) Team for Alameda; expressed concern over Council interposing itself on administrative matters based on the previous Grand Jury findings of 2017; stated that he does not wish to have his support misconstrued; he did not support previous policies, but supported the CAHOOTS proposal at the time; the Police Chief is recommending that APD policies return to what is listed in the City Charter; the City Manager is the Chief Administrative Officer and provides direction, discipline and administrative oversight of Department Heads, including the Police Chief; outlined Section 7-3 of the City Charter; stated Council adopted the policies in the aftermath of tragedies with eyes wide open; the policies adopted were not consistent with the City Charter; if the policies continue, the City Charter needs to be changed; he believes the correct chain of command is for Council to work through the City Manager; Councilmembers are ordinary residents that have an opportunity to weigh in on a professionally run City; Council provides direction to the City Manager who administers the direction provided; there is importance in keeping an arms distance of separation between Council and Department Heads; expressed support for returning to the model of having the City Manager administer Council adopted policy.

Councilmember Knox White expressed support consistency in no policy oversight for any the City Departments; discussed the 4th of July parade being led by the 55 community members who represented the Police Oversight Committee; stated the Subcommittees discussed key things the City could do to provide better trust, relationships, Police reform and racial equity for the community; the number one recommendation provided by the Subcommittees was a Police Accountability Board; Council is currently the Accountability Board; it is bizarre to think that interference in staffing and approval of policy that impacts individual people who live, work and play in Alameda, is the same as the Planning and Parks Departments; noted that he has met with numerous City staff members to find nuanced changes to propose; expressed concern over APD bringing forth a request to undo a Council policy while making minor changes to the APD

policy manual; stated the City strengthened use of force rules with the policy; Council has provided input to request additional reporting on the outcomes of use of force incidents that was not proposed by staff; best practices across the nation identify problems daily; the City should help move policing forward for the better; he continues to believe that Police reform can happen; accountability matters will be returning to Council; questioned the need to recommend a policy that goes in the opposite direction of Council policy, direction and community input; the report does not mention a currently existing problem with the process; the current process has yielded incidents which are better, stronger and more legal; small nuances can be reviewed; expressed support for better clarification of safety or personnel responsiveness issues that would allow the Police Chief to implement additional rules quickly; stated an informational off-agenda report to Council with no way to impact the result is not the accountability that has been requested by Council or wanted by the community; accountability is not against the things that are desired, accountability asks those to take time and discuss matters that have had life and death results; an argument can be made that APD should have no policy oversight; if so, other departments should also not have policy oversight as well; one department should not be treated differently than another; expressed support for a delay in the matter until the future Police accountability matter is heard; expressed concern over rushing the matter.

Councilmember Daysog stated other departments bringing forth matters is an interaction between Council and the City Manager; City Council and the Police Chief are being diplomatic about the matter; Council is micromanaging in the affairs that are rightfully the Department Head's affairs; policy and planning can work when Council works through the City Manager relaying to Department Heads.

Mayor Ezzy Ashcraft stated that she is not supportive of the proposed recommendation; it is not the right time to bring the matter forth; the proposed recommendation allows the Police Chief to bring any policy changes immediately to the City Manager; discussed Council beginning the process of interviewing City Manager candidates; stated that she would like the next City Manager to be able to weigh-in on the proposal and provide input; expressed concern over the staff report not mentioning a report back to Council post policy change; stated Council will be discussing a Crime Analyst and Police Auditor position in the future; expressed support for the work of the Police oversight subcommittee; stated the recommendations provided are not encompassing of all Alameda residents; however, Council has listened to the valid and valuable recommendations provided; she would like to hear more on the matter in order to take the next step of independent oversight; the matter can be revisited; expressed support for the Police Chief and the way APD is growing; however, it is premature to be making the current decision.

Councilmember Knox White moved approval of the policy recommendations minus the future policy updates without Council approval; stated that he would like to bifurcate the two matters.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated the matter is a heated discussion; she agrees with the Mayor's comments related to how the subcommittees' views were not representative of the community; the City Manager hand-picked people to serve on the committee that selected the subcommittees; the City Manager is not elected by the people; meetings of subcommittees were not publically noticed; members of the public did not participate in the meetings and weigh in with public comment; the issues being discussed were important to the community at-large; expressed support for the recommendations made in totality; stated each recommendation is to come back to Council for discussion; meetings of

subcommittees should have been publically noticed; expressed support for the Police Chief and comments provided by Councilmember Daysog related to the City Charter and administration by the City Manager; stated Council approves contracts and budget matters, which differ from telling City staff how to perform tasks; it is not appropriate for Council to tell the Police Chief how to perform his duties; expressed concern over a blurring of jobs and responsibilities; inquired whether a determination has been made related to the death of Mario Gonzales.

The City Attorney responded the City's internal investigation did not find that APD Officers violated law or policy related to the death of Mario Gonzales.

Councilmember Herrera Spencer stated the Police Chief has a serious job to conduct; she looks forward to hearing about the matter in the future in order to continue to allow APD to perform its duties.

(22-593) Mayor Ezzy Ashcraft announced a vote is needed in order for Council to hear new matters past 11:00 p.m.; noted the next matter relates to changing the upcoming October Council meeting dates [paragraph no. 22-594] and there is a lease for Astra Space [paragraph no. 22-597].

Councilmember Knox White moved approval of hearing both matters.

Vice Mayor Vella inquired whether the meeting will end at a time certain, to which Mayor Ezzy Ashcraft responded the meeting will end at the conclusion of the Astra Space matter.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft proposed Council work to the best of their ability to be economic with comments.

Councilmember Herrera Spencer stated that she will not be supporting the motion; she is happy to proceed with Astra Space, Inc.; the other matter does not need to be heard; the decision of October meeting dates has already been determined.

On the call for the question, the motion failed by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Councilmember Knox White moved approval of Council hearing the Astra lease.

Mayor Ezzy Ashcraft inquired what will happen to the October meeting dates if the matter is not heard.

The City Clerk responded if Council does not take action tonight, the first meeting in October will occur on the 5th; the matter can return on October 5th to consider the second meeting date.

Mayor Ezzy Ashcraft expressed concern over the October meeting dates.

The City Attorney stated the City Clerk has outlined the October meeting dates; the first meeting date will remain October 5th if the matter is not heard tonight; Council will have another

opportunity to consider the second October meeting date at the October 5th meeting.

Mayor Ezzy Ashcraft expressed concern over members of Council being unavailable.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Vice Mayor Vella stated that she will be unable to attend the October 5th meeting in full.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: No; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

Vice Mayor Vella requested clarification from the City Attorney related to City Council violating the City Charter in voting on the matter; inquired whether Council voting on the matter is a violation of the Charter.

The City Attorney responded Council broadly approves policies across the City and would not be violating the City Charter in continuing the current discussion.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

Councilmember Knox White questioned whether Council can propose language that there will be an addition to the current policy to include: legal updates, imminent safety issues and significant liabilities; stated the language provides the Police Chief some flexibility in order to cover necessary issues; inquired whether the additional language is helpful to the Police Chief, to which the Police Chief responded in the affirmative.

Councilmember Knox White moved approval of amending the existing policy to add: legal updates, imminent safety issues and significant likely liability issues for matters the Police Chief could put into place and return to Council.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she is happy to make a motion to provide Councilmember's Daysog and Knox White additional speaking time.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

The City Clerk noted the meeting dates could be considered since it is not 11:00 p.m. yet.

(22-594) Resolution No. 15981, "Amending Resolution Nos. 15851 and 15923 Amending the 2022 Regular City Council Meeting Dates." Adopted.

The City Clerk gave a brief presentation.

Mayor Ezzy Ashcraft stated the matter has been raised due to scheduling issues; the original request to change the Tuesday meeting dates had been made to avoid religious holidays; the City Clerk polled Council via email; two Councilmembers responded with opposing answers; expressed concern over a major change in deciding to switch Council meeting dates when the public comes to expect meetings to occur every first and third Tuesday of each month; stated that she is willing to accept the adopted dates if the majority of Council desire to keep.

The City Clerk stated that she did poll Council; any she would have presented any dates any Councilmember objected to; the resolution adopting the Council meeting dates was heard and voted on at the second Council meeting in December, 2021; the process was rushed due to implanting a Social Services Human Relations Board (SSHRB) recommendation in a staff report turnaround of only two days' time; more time will allow a better process in the future.

Mayor Ezzy Ashcraft stated that her other concern relates to the resolution not calling out the October dates as Wednesdays; noted Vice Mayor Vella will not be available for the first meeting in October.

Councilmember Daysog expressed support for the meetings being held on the first and third Tuesdays; stated Council previously contemplated moving dates to acknowledge a religious holiday occurring on a Tuesday; he previously asserted Council's role is not to accommodate for religious holidays; the clearest action to take is to keep the meetings on the first and third Tuesdays.

Councilmember Knox White stated the next meeting has a large community-related event occurring on Tuesday; moving the meeting to Wednesday allows the event to occur without conflict; he will try to call into the meeting occasionally on October 4th; however, he has made plans for the date based on Council approved meeting dates.

Councilmember Herrera Spencer inquired when the 2022 Council meeting date calendar had been provided and voted upon, to which the City Clerk responded the second meeting in December 2021.

Councilmember Herrera Spencer stated the proposed meeting date change is for the next Council meeting; dates have been in place for almost one year; the dates have been known to the public and Councilmembers; expressed concern over changing a meeting date at the meeting prior; stated the change is not appropriate.

Mayor Ezzy Ashcraft stated the October dates were not called out as Wednesdays in the resolution; there had been understandable confusion regarding October's meeting dates.

Vice Mayor Vella stated there had been intent behind moving the dates; there have been concerns over the dates not being called out as Wednesdays in the resolution; she supports moving the dates to the first and third Tuesdays; she could also support bifurcating the dates to have October 4th and October 19th approved.

Councilmember Herrera Spencer stated the meeting has been on her calendar; Council needs to honor the approved dates; expressed support for bifurcating the meeting dates; expressed concern over changing the next meeting date with little time.

The City Clerk stated the resolution contains both meeting dates; she is unsure whether Council can bifurcate the resolution vote.

Councilmember Herrera Spencer inquired how Council can legally change the dates.

The City Attorney responded a motion can be made to amend the resolution; the motion would be for the first meeting to be on October 5th and the second on October 18th.

Vice Mayor Vella expressed support for the October meeting dates being October 4th and October 19th.

Mayor Ezzy Ashcraft expressed concern over accusations of Brown Act violations.

Councilmember Daysog restated his support for the Council meeting dates to remain on the first and third Tuesday of the month; stated there needs to be support for the clear separation of local government and any religion; he suspects many of the religious organizations will understand the necessity of a clear separation between church and State.

Councilmember Herrera Spencer stated the dates were decided back in December 2021.

Councilmember Herrera Spencer moved approval of amending the resolution to keep the October 5th meeting date and modify the second meeting date to October 18th.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Knox White stated that he cannot support a motion which leads people within the community to understand that their large community events are less important than government when clear dates have been established; noted City Hall is closed on certain religious holidays; stated there should be concerned in relaying to a percentage of the community that there is no interest in hearing from them; the discussion is about a large group of people having an event, which just happens to be religious and should be accommodated; multiple city attorneys have provided insight; it is important for Council to designate that the meeting is being moved due to a large impact on a portion of the community and who cannot participate; changes to meeting dates occur regularly.

Mayor Ezzy Ashcraft stated that she would like staff to respond to the reference to determining religious holiday closure.

The City Clerk stated the dates are established in the Memorandums of Understanding (MOU) and are agreed upon; if a Council meeting falls upon a holiday when City Hall is closed, the date is changed.

Mayor Ezzy Ashcraft inquired whether the holidays are typically Nationwide, to which the City Clerk responded in the affirmative.

On the call for the question, the motion failed by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: Aye; Knox White: Aye; Vella: No; and Mayor Ezzy Ashcraft: No. Ayes: 2. Noes: 3.

Vice Mayor Vella moved approval of both October Council meetings being held on the first and third Tuesday of the month [including adoption of the resolution].

Vice Mayor Vella stated any future changes to Council meeting dates should be flagged when not occurring on a first or third Tuesday of the month; expressed support for the day of the week being included in the resolution.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(22-595) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a Consent to Assignment and Assumption of Lease in Favor of Daniel Patrick Nichols With Respect to the Lease of Real Property Between Agnes McKinley, Successor Trustee of Mihailo Crnjanski, and the City of Alameda for the Tidelands Parcel Adjacent to the Uplands Parcel at 1620 Fernside Boulevard, Alameda, CA. Not heard.

(22-596) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a Fourth Amendment to the License with Amber Kinetics, Inc., a California Corporation, to Extend the License Term for Twelve Months for the Unimproved Lot Located at 641 West Red Line Avenue, Alameda, CA. Not heard.

(22-597) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Negotiate and Execute a Lease with Astra Space, Inc., a Delaware Corporation, Substantially in the Form of Exhibit 2 attached to the Staff Report, for Fifty-Nine Months for Building 360 Comprised of Approximately 179,070 Square Feet, Located at 1900 Skyhawk Street at Alameda Point. Introduced.

The Community Development Director gave a brief presentation.

Vice Mayor Vella inquired the status of the Project Stabilization Agreement (PSA).

The Community Development Director responded it is close; states a signed agreement is not in place; staff has spoken with labor representatives and have received assurance that material business terms have been agreed upon; the remaining term to be negotiated relate to Sarbanes Oxley control; there is reasonable confidence that both parties can work out an agreement.

Vice Mayor Vella stated there is a six-month period in the lease agreement; inquired whether there is also a labor provision.

The Community Development Director responded in the affirmative; stated staff will need to return to Council.

Vice Mayor Vella inquired how long the negotiations have been ongoing, to which the Community Development Director responded approximately six months.

The Assistant Community Development Director stated Astra and the Trades have been negotiating a PSA since November of 2021.

Councilmember Herrera Spencer inquired whether or not the lease will have any impact on Sustainable Technologies.

The Community Development Director responded Sustainable Technologies is a separate tenant occupying a nearby property; stated Astra will not impact Sustainable Technologies' license; the proposed lease for Building 360 is standalone.

Councilmember Herrera Spencer stated the testing hours would be modified from 6:00 a.m. to 7:00 a.m.; inquired whether the timing falls within the City's noise ordinance as allowable for nearby residents.

The Community Development Director responded in the affirmative; stated Astra is already required to comply with the City's noise ordinance; the voluntary measures imposed are in addition which go above and beyond; Astra is expected to comply with both requirements.

Councilmember Herrera Spencer inquired whether Astra's will test decibels at the perimeter of the premises.

The Community Development Director responded there is a plan to have a testing device purchased by Astra; stated the City will have access to the testing records.

The Assistant Community Development Director noted the device is for monitoring; stated the device is similar to those monitoring airport decibels; Astra will be installing the same monitoring devices and reports will be sent to the City.

Councilmember Herrera Spencer inquired whether vibrations will be monitored; stated that she previously Astra be required to notify the City of any vibrational testing, in addition to sound testing; inquired how vibrations will be measured.

The Assistant Community Development Director responded the same consultant providing the monitoring device for noise also provides a device which measures vibrations; no vibrations were detected during testing.

Mayor Ezzy Ashcraft outlined language defining community safety concerns and noise; stated the reports have indicated that all results at monitoring locations for testing were below the threshold of perception; Astra has committed to do all engine testing indoors.

Councilmember Herrera Spencer stated that she would like to know whether there will be any vibrational measuring occurring and whether the results will fall under City regulation; she disagrees that the vibrations will be minimal; inquired what the City requires for vibration measurements, the mechanism for vibration measurement and locations for measurement.

The Community Development Director responded the testing for vibrations occurred and did not produce any areas of concern; stated staff does not have ongoing testing planned due to the results.

The Assistant Community Development Director stated the community has raised concerns related to vibrations; staff required Astra's consultant to measure vibrations; staff also conducted a survey of businesses adjacent to Astra related to noise and vibration, which yielded nothing; staff has been unable to confirm the concerns of the residents.

Councilmember Herrera Spencer inquired whether there is a way to include vibration testing requirements in the proposed lease; stated that she would like the vibrations monitored over the course of the lease.

The Assistant Community Development Director responded in the affirmative; stated requirements for sound and vibrations can be added; the lease term is short at just under five years; annual testing might be inconsequential.

Councilmember Herrera Spencer inquired whether the City has a policy related to vibrations, to which the Community Development and Assistant Community Development Director indicated they do not know.

Councilmember Daysog read the Assignment and Sublease portion of the sublease; inquired whether Astra's ability to assign its lease could be at the sole discretion of the landlord instead of a standard of reasonableness; noted Section 13 further defines factors or standards of reasonableness; questioned whether the language should remain with a reasonableness standard.

The City Attorney responded Council directing staff to make a change would be legally viable; stated Council could retain greater control over assignment; the change could have business implications.

The Community Development Director stated it is commonplace to have the provision in the lease as-is with the reasonableness standard; expressed concern over creating leases that render the City unable to create business deals with companies due to rigidity in market terms; requested clarification on typical market terms and provisions from outside counsel.

Simon Adams, Nossaman, stated extensively negotiated provisions in the lease are common and do not need to be strengthened; the terms are sophisticated and allow the City to compete with other landlords leasing similar assets; the City would exercise a substantial amount of control if the City enters into the lease under the current terms; the transfer provisions are written over several covenants and are meant to be read and understood together; the reasonableness standard is industry practice; the City has the ability to take back the premise space without penalty; the sublease provision is only triggered when a certain threshold is met; the provision allows some flexibility of subleasing space without triggering due to the size.

Councilmember Daysog stated there appear to be safeguards in place that allow the City to recapture; he would like to focus not on sublease, but rather assignment of lease; requested clarification of the safeguards in place for the City under assignment and recapture provisions.

Mr. Adams responded assignment rights exists; stated the proposed tenant is required to come to the City for consent if it make an assignment; the provisions in the lease require the tenants proposed assignee to satisfy certain terms in order for consent to be obtained; if the City determines that the proposed assignee does not meet the terms, the City has the right to refuse consent; the current tenant is not released from the current terms of the lease if any assignment occur; the proposed lease has a guarantor; the guarantor would also not be released from terms due to assignment in order to retain the original protection of the tenant viability; there are grounds to recapture the space if the City does not approve the proposed assignee.

Councilmember Daysog stated one of the factors for the City to approve an assignee is the ability to perform financially; outlined Section 13.2 of the lease; questioned whether or not the City would be able to deny an assignment if an assignee has acceptable financial conditions and is performing within the lease; inquired whether there could be a basis for not approving an assignment if the City simply does not like the assignee.

Mr. Adams responded that he cautions any action which could be arbitrary and capricious; stated if the City does not like an assignee and the requirements for refusing consent are present, the City may have the right to refuse; if the City has early knowledge and wishes to remove an assignee from the premises, there is a mechanism to recapture and release the premises back to the market; the City is otherwise bound to the terms to act reasonably if the lease is approved.

Councilmember Daysog stated there is a section in the lease which allows a 30-day window for the City to evaluate information provided by the tenant for sublease; inquired whether the City can go beyond the 30-day review period based on the technical nature of the business.

Mr. Adams responded in the affirmative; stated the 30-day window commences at the point that the City has received information that has been requested; if the City asks for additional information, the 30-days begin when the supplemental information is received; there is a financial obligation of any transitory party to produce reports to the City; 30 days should be sufficient time for review once all requested information has been received; going beyond 30 days is outside of industry standards; expressed concern over changing the provision.

Councilmember Herrera Spencer inquired whether the definition of landlord equates to Council or City staff in approving lease assignment.

The Community Development Director responded the City Manager would be the approving party; stated staff will perform an evaluation with consultants to make findings of an acceptable tenant and present the information to the City Manager for approval and signature.

The City Attorney stated that he believes the landlord in the instance is City Council; given the importance of the consent, the approval would have to be decided by Council; the lease should be clarified that Council is the landlord in the matter.

Read a letter has submitted on the importance of Astra: Kaina Pereira, Governor's Office of Business and Economic Development.

Expressed support for keeping communities competitive after the COVID-19 pandemic; urged Council to consider making decisions that ensure the region is competitive and encourage employers to stay in the region; Astra produces considerable economic output and is a positive part of the community: Alex Torres, Bay Area Council.

Expressed support for Astra; stated Astra has worked to sustain and restore old buildings at Alameda Point; Astra is hiring technical roles and skilled vocational labor; Astra has shown itself to be invested in the City of Alameda while also being philanthropic to local non-profits: Laura Fies, USS Hornet.

Expressed support for Council's commitment to labor standards; stated staff's assessment of labor negotiations has been accurate; a signed agreement is close; urged Council change the lease to eliminate the waiver option: Andreas Cluver, Alameda County Building Trades Council.

Stated it is imperative to get the lease approved and provide Astra with stability; Astra is important to the success of Alameda Point; there is no shortage of other cities and states luring companies with incentives; approval is critical in keeping the success of the region: Joe Ernst, SRM Partners.

Expressed support for the Astra lease; urged Council approve the matter; stated Astra has hired hundreds of employees, with some being Alameda residents; Astra contributes in a variety of ways and has a partnership with National Aeronautics and Space Administration (NASA) and SpaceX: Karen Bey, Alameda.

Expressed support for the proposed lease; stated Astra offers a lot and should stay in the region: Madlen Saddik, Chamber of Commerce.

Stated that he lives in the area and has been directly involved in turning a building at Alameda Point from a disused empty building to a state-of-the-art factory; the transformation of the space has been incredible; many colleagues have relocated to Alameda: Kevin Walsh, Astra.

Expressed support for City staff; stated Astra has grown over the past five years; it is critical for Astra to secure a long-term lease at Alameda Point; discussed negotiations with labor trades; urged Council consider the lease language as-is: Dani Gomes, Astra.

Stated that she recently moved to Alameda largely in part due to Astra's presence; her family's quality of life has greatly improved; Astra has the potential for continuing to make a positive impact on the West End of Alameda; discussed hosted clean-up events at Alameda Point: Amanda Durk Frye, Astra.

Councilmember Knox White expressed concern about the amount of time taken to get to the matter; stated that he is excited for the project and looks forward to approval; he understands negotiations are close and all parties are working to get an approved agreement; the matter is the first lease which includes the PSA rules; expressed support for flexibility.

Vice Mayor Vella stated that she supports either delaying the vote or removing the waiver; removing the waiver is something that the Building Trades are open to in order to move the matter along; there was expectation that a PSA would be in place; however, it has not yet been approved; the parties involved are meeting regularly to negotiate; expressed support for the PSA being in place by second reading.

Mayor Ezzy Ashcraft concurred with Vice Mayor Vella and Councilmember Knox White; stated nine months is a long time to be negotiating; questioned why there would be objection to removing the waiver or requiring a lease amendment which requires four affirmative votes; expressed concern over a too easy approach allowing Astra to stall; expressed support for terms being in place by second reading; stated Council needs to take the PSA seriously; she appreciates the work that has gone into addressing safety concerns; one major rocket company is enough for Alameda; discussed fuel transport; expressed support for the work being done to address concerns.

Councilmember Herrera Spencer inquired how many votes are needed for the matter to proceed, to which the City Attorney responded four affirmative votes.

Councilmember Herrera Spencer requested clarification of what a PSA accomplishes.

The Community Development Director stated a PSA reaches an agreement between the Building Trades and tenant or developer doing work in Alameda to use Trades in connection with projects in the City when a certain threshold of costs are spent on the project.

Councilmember Herrera Spencer inquired where the waiver language came from.

The Community Development Director stated the language is included as an option in the current City policy; the language indicates that despite good faith efforts, if parties be unable to agree to a PLA, the tenant or developer would come back to City Council to request a policy waiver.

Councilmember Herrera Spencer inquired whether the policy waiver requires three affirmative votes, to which the City Attorney responded in the affirmative.

In response to Councilmember Herrera Spencer's further inquiry, the City Attorney stated PLAs are typically included in the lease; the two matters work in tandem.

Councilmember Herrera Spencer inquired whether the Council policy allows for a waiver and whether the contract is written in accordance with City Council policy.

The Community Development Director responded the intent of the lease is to comply with the City's PSA policy.

Councilmember Herrera Spencer stated a member of the public has recommended striking the waiver language; stated that she will defer to staff whether the language is consistent with policy; expressed support for the contract being clarified regarding the definition of landlord under assignment; expressed concern over the lease complying with the City's noise and vibration ordinances; stated it does not appear that the proposed changes to the matter will constitute as a first reading.

The City Attorney stated the requested changes are minor and can be made as part of the first reading if approved by Council approve.

In response to Councilmember Herrera Spencer's inquiry, the City Attorney stated changes to the PSA are not being requested; if the motion includes removing the sentence that authorizes the waiver, the change will still allow a first reading to occur.

Councilmember Herrera Spencer inquired whether Astra has consented to the change; stated the waiver language change is significant.

The Community Development Director responded if Astra does not agree, the lease would not proceed.

Vice Mayor Vella inquired whether the language is a lease term and not the inclusion of City policy, to which the City Attorney responded in the affirmative.

Vice Mayor Vella inquired whether Council has the ability to negotiate lease terms as the governing body, to which the City Attorney responded in the affirmative.

Vice Mayor Vella stated the terms can differentiate from existing policy; the policy and contemplation of the inclusion of the waiver term had been that a PSA would be executed; a PSA has not been executed; expressed support for the clarification proposed by Councilmember Herrera Spencer provided that there will be a removal of the waiver term; stated there have been expectations and staff time spent on the matter; companies are able to walk away; however, that does not appear to be Astra's intent; Astra appears to intend to execute a PSA; removal of the waiver should not be an issue.

Vice Mayor Vella moved approval of the staff recommendation [including introduction of the ordinance] with the addition of the amendments to the terms of the lease as proposed by Councilmember Herrera Spencer.

Mayor Ezzy Ashcraft stated that she imagines the Governor's office and Bay Area Council are concerned about the labor provisions of the lease; she takes Astra at its word that negotiations are close.

Councilmember Daysog stated it is vital that the City keep Astra at Alameda Point; Astra commercializing earth's outer sphere is exciting; Council should do its best to keep Astra here; expressed support for the responses to his concerns; stated the responses have been sufficient; expressed support for the hazmat report; outlined the risk of fire being low for refrigerated liquid oxygen and other materials; stated that he is ready to move forward with the staff recommendation; he is confident that staff has indicated that a PSA is close to being finalized; Council has done its due diligence in supporting an exciting company to stay in Alameda.

Councilmember Knox White stated there are multiple ways for the City to proceed.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Herrera Spencer inquired whether Councilmember Daysog is agreeable to striking the waiver provision; stated Astra would prefer keeping the language as-is; she will not be supporting striking the waiver language.

Councilmember Daysog stated that he supports the staff recommendation; noted the City Attorney has stated the staff recommendation is to approve the lease in advance of the PSA.

Vice Mayor Vella stated that she has not heard the City Attorney recommend approval of the lease in advance of the PSA.

The Interim City Manager stated staff is comfortable performing a lease amendment with a return to Council and four affirmative votes to change the PSA as opposed to a waiver.

Councilmember Daysog inquired whether Astra will respond to the staff recommendation.

The Community Development Director responded Astra has been a good partner throughout the negotiations; stated the negotiations have gone back and forth and seem optimistic; Astra will likely not be disinterested in continuing a dialogue with the Trades.

The Assistant Community Development Director stated Astra is willing to provide comment if needed.

Ms. Gomes stated Astra has internally discussed the idea of removing the waiver; Council Resolution No. 15740 has specific requirements that trigger the compliance with the PSA; the two requirements include a lease term of seven years as well as qualified shell improvements with a credit of \$5 million; the lease does not currently provide for any required scope of work or performance; Astra is also not receiving the full monetary value benefit in consideration; Astra is not requesting language that allows an exemption; Astra would be seeking a monetary credit that would be aligned with the resolution in its entirety.

Vice Mayor Vella stated a substantial amount of time has been spent and the City has put forth a proposal; her goal is to have a proposal that allows parties to continue negotiations in good faith while continuing with the lease; the information provided is a reversal of good faith bargaining; she would not be in support of the lease if Astra does so; the land is public; a PSA is consistent with the expectations of what should occur on public land; the City has spent significant staff resources trying to get something accomplished to move forward.

Mayor Ezzy Ashcraft stated what she heard is that Astra and the Building Trades are not close to an agreement.

Councilmember Herrera Spencer inquired how many votes of Council are required to waive the policy, to which the City Attorney responded three affirmative votes.

Councilmember Herrera Spencer stated the policy requires three votes; lease approval requires four affirmative votes; three Councilmembers are imposing a PSA requirement.

Mayor Ezzy Ashcraft inquired whether the motion is substantially the same as the staff recommendation; noted staff is recommending to include a lease amendment to waive the PSA, to which the Community Development Director responded in the affirmative.

Vice Mayor Vella responded in the affirmative.

Councilmember Herrera Spencer stated the proposed lease has language about a union representative; a representative from Astra has stated that Astra is not supportive of striking the language; the two approaches are not the same; expressed concern that there has not been the ability to reach an agreement with labor; expressed support for Astra and their ability to stay in Alameda.

Vice Mayor Vella stated both parties have agreed to all major terms; the outstanding term is one which had recently been added regarding a review process related to bidding; the financials do not need to be worked out; she has not heard her colleagues not be supportive of keeping Astra in Alameda; Council holds a role of ensuring City policies are upheld as well as negotiating for the benefit of the public, not representing particular companies or interests.

On the call for the question, the motion failed by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Councilmember Daysog moved approval of the lease in advance of the PSA [including introduction of ordinance].

Councilmember Herrera Spencer seconded the motion.

Under discussion, Councilmember Knox White stated the matter should not return for second reading until the PSA is signed.

Mayor Ezzy Ashcraft concurred with Councilmember Knox White; stated if a PSA is not be agreed upon by second reading, she will not vote in favor.

The City Attorney stated Council may provide direction to staff that the matter cannot return to Council for final passage without a signed PSA.

Vice Mayor Vella inquired whether the matter can be deferred until a signed PSA is in place; expressed concern about procedures for final passage.

Mayor Ezzy Ashcraft stated the matter has been heard; she is fine voting on the matter to keep it moving forward, with the caveat that it does not return for final passage without a signed PSA in place.

Vice Mayor Vella inquired whether the final passage will be agendized on the regular agenda or on the consent calendar; expressed concern over final passage being placed on consent.

The City Attorney stated the matter can be placed on consent only if it returns when a signed PSA is in place.

Vice Mayor Vella stated that her preference would be to have the matter come back as a regular agenda item to ensure that the PSA has been completed.

Mayor Ezzy Ashcraft stated there will be many agenda items coming before Council through the end of the year; discussed the merits of having the matter return on consent versus regular agenda; expressed support for either approach.

Councilmember Daysog expressed support for the final passage being placed on the regular agenda.

Councilmember Daysog amended his motion to approve the lease in advance of the PSA, including minor issues regarding the City constituting the landlord as the City Council, and honoring the City's policies regarding noise and vibrations.

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

Vice Mayor Vella moved approval of directing staff not to bring the matter back to Council for final passage until the PSA is signed and placing it on the regular council agenda.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she would like clarification; a waiver of the PSA was approved, which is not being honored by the motion.

The City Attorney stated the assertion is difficult to make; the lease will not be finally approved until the final passage; Council is taking the position that the lease will not be approved until the PSA is signed.

Councilmember Herrera Spencer stated that she understands a waiver procedure was included; the motion as-stated denies said opportunity.

The City Attorney reiterated Council exercises separate authority with respect to waiving PSAs and approving leases; stated the two work together well in some ways and at other times the two work together in ways which are different.

Councilmember Daysog discussed potential negotiations procedures; noted the resulting PSA will be discussed and included as part of the final passage.

Councilmember Knox White stated Council could currently vote to waive the PSA; the policy has a way to waive the language if it is desired; there is not policy that states all City leases have an option to waive a PSA with three affirmative votes; the policy is being confused due to being included with the lease; the idea that the City is not following policy is inaccurate; members can feel free to bring forth a waiver to the PSA.

On the call for the questions, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(22-598) Recommendation to Receive a Six-Month Update on the Alameda Community Assessment Response and Engagement (CARE) Team Pilot Program. Not heard.

CITY MANAGER COMMUNICATIONS

(22-599) The Interim City Manager announced an upcoming Zoom meeting about work beginning on Buena Vista Avenue; stated information is on the City's website.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(22-600) Consider Directing Staff to Reform the Fee Towing Companies Require Alameda Residents to Pay to Retrieve Towed Vehicles. (Councilmember Daysog) Not heard.

(22-601) Consider Directing Staff to Address Massive Corporations Purchasing Housing. (Councilmember Herrera Spencer) Not heard.

(22-602) Consider Directing Staff to Create a Requirement for Upfront Payment of Candidate Statements if a Candidate for Local Elected Office Has a Balance Due from a Prior Election. (Councilmember Knox White and Vice Mayor Vella) Not heard.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:43 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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