

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 18, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:02 p.m. Councilmember Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vela arrived at 7:14 p.m. The meeting was conducted via Zoom]

Absent: None.

AGENDA CHANGES

(22-043) Councilmember Daysog moved approval of hearing first two referrals [paragraph nos. 22-058 and 22-059] after the Consent Calendar.

Councilmember Herrera Spencer seconded the motion, which failed by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Ayes; Knox White: No; and Mayor Ezzy Ashcraft: No. Ayes: 2. Noes: 2. [Absent: Vice Mayor Vella – 1.]

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(22-044) Mayor Ezzy Ashcraft announced that the Omicron variant of COVI-19 is making its way through the community; urged residents to strictly perform all precautionary measures; stated people should wear an N-95, KN-95, triple-layer, or cloth mask over a surgical facemask whenever outside or in public spaces; urged social distancing, hand washing and vaccination; announced a vaccine booster clinic at Mastic Senior Center.

ORAL COMMUNICATIONS, NON-AGENDA

(22-045) Josh Altieri, Housing Authority, provided a monthly update on Housing Authority activities.

(22-046) Darren Byrne, Alameda, discussed the destruction and reinvigoration of Lincoln Park playground and park; urged expanding on the possible.

CONSENT CALENDAR

Councilmember Daysog requested the SEED Collaborative agreement [paragraph no. 22-049] be removed from the Consent Calendar.

Councilmember Herrera Spencer requested the RiverRock agreement [paragraph no. 22-050] and playground replacement project resolution [paragraph no. 22-051] be removed from the Consent Calendar.

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

Councilmember Herrera Spencer seconded the motion, which carried by the following roll call

vote: Councilmembers Daysog: Aye; Herrera Spencer: Ayes; 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.]

(*22-047) Minutes of the Special and Regular City Council Meetings Held on December 21, 2021. Approved.

(*22-048) Ratified bills in the amount of \$1,915,834.26.

(22-049) Recommendation to Authorize the City Manager to Execute an Agreement with SEED Collaborative, Inc., to Assist the City with the Development of a Citywide Diversity, Equity, Inclusion and Belonging Plan for an Amount Not to Exceed \$275,000 including a 10% Contingency.

The Assistant City Manager, Paul Hudson and Tara Taylor, SEED Collaborative, gave a brief presentation.

Councilmember Daysog expressed support for the efforts; stated that he pulled the matter to introduce the project and encourage SEED Collaborative to include background reports on broader demographic and health trends within the City of Alameda; he would like SEED Collaborative to provide analytic context to data; Alameda's African American population is relatively low compared to many other East Bay cities; stated if health related data is included, data about different demographics experiencing disparate kinds of health outcomes should be explained and not automatically attributed to racism; expressed support for a range of perspectives for underlying issues; stated issues related to racism and prejudice should be called out as seen; expressed concern about Alameda being considered behind the times; stated that he has seen the City grow tremendously in relation to representation and diversity on Council; discussed prior instances of offensive language being used by City staff; stated that he is looking at SEED Collaborative to provide context; discussed the demographics of the East End of Alameda versus the West End; stated that he would like to look at the data comparatively, as well as understanding the context; noted issues might be more complex.

Councilmember Herrera Spencer stated that she has concerns about spending \$275,000; inquired whether the funding comes from the General Fund, to which the Human Resources Director responded in the affirmative.

Councilmember Herrera Spencer expressed concern about the five-year fiscal forecast.

The City Manager stated the last five-year budget forecast shows issues in the future mainly due to increases in pension obligations; a positive surplus occurred in the past year; due to conservative budgeting, staff is expecting a positive surplus for this year as well; the City has funds for the project if Council wants to move forward.

Councilmember Herrera Spencer inquired whether staff will be requesting additional taxes.

Mayor Ezzy Ashcraft expressed concern about a discussion related to taxes; inquired whether the discussion is allowable at the current time.

The City Attorney responded certainly, the Council would not want to discuss tax measures; however, the inquiry from Councilmember Herrera Spencer can be answered by the City

Manager in the affirmative or negative; the matter can be left at the simple answer without further discussion.

The City Manager stated staff does not have any proposals at this time; however, polling is being conducted.

Councilmember Herrera Spencer stated a committee has provided comments and recommendations on spending funds, including daycare and possibly increasing Council pay; expressed concern about spending \$275,000 on a consultant; stated that she would rather have the subcommittee recommendations put into action.

Councilmember Knox White expressed concern about the suggesting that the City is more racist than other places; Alameda is a City of its time which matches other cities of the time that have significant, ongoing racial issues; he hopes that a vote on the matter does not give credence to the idea that the City will require data to prove that racism exists; 400 years of systemic issues around racism have impacts that show up in all data; expressed support for bringing forth the best proposal as possible to deal with the very large and difficult issues in order to have the desired discussion; expressed support for the matter.

Vice Mayor Vella stated the work is detailed and important; experts are needed to help lead the way; the City will have a consultant which is able to perform nuanced discussions; someone from the outside coming in will help the organization transform, meet the needs of the community and be as inclusive as possible; expressed support for the matter.

Councilmember Daysog moved approval of the staff recommendation.

Vice Mayor Vella 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.

(22-050) Recommendation to Approve Property Management Agreement with RiverRock Real Estate Group for an Additional Three (3) Years Not to Exceed \$1,209,374.19; and

(22-050A) Resolution No. 15858, "Amending the Base Reuse Budget to Increase Expenditure Appropriations by \$100,000 to Establish a Liability Reserve Account for Third-Party Claims." Adopted.

The Assistant Community Development Director gave a brief presentation.

Mayor Ezzy Ashcraft requested clarification about the added liability of the City.

The City Attorney stated staff understands it is difficult to continue to maintain the previously required level of indemnity while continuing to attract the right kind of property managers; staff has worked to set up a liability fund; the fund estimates how much liability the City is taking on; at the moment, it is difficult to tell whether or not the amount is correct; staff will have a better idea in one to two years and will return to Council with a more accurate amount and any concerns.

Councilmember Herrera Spencer stated there are no numbers attached to the report; inquired whether an attachment can be provided with numbers for the alleged expenses.

The Assistant Community Development Director responded the attached property management agreement includes two to three years of budgets as an exhibit; stated the amounts are broken down by line items.

Councilmember Herrera Spencer requested clarification about the City's liability.

The City Attorney stated the current agreement requires the property manager to assume all liability for operations; the agreement completely transfers responsibilities; if the City receives a claim currently, the City submits it to the property manager ; under the new regime, the property manager would only be liable for negligence, recklessness and intentionally wrongful acts; if matters do not fall under the new categories, the City will be on the hook instead of the property manager; staff is recommending the new account to pay for instances where the City might have to undertake additional liability.

Councilmember Herrera Spencer inquired how the City is overseeing the limit of exposure.

The Assistant Community Development Director responded the existing contract has the property manager on the hook for things that may have happened under the Navy's purview; stated claims would be tended to the property manager even if something happened from preexisting Navy conditions; property management has taken an inventory of property conditions; the City has been working on mitigating conditions and liabilities.

Councilmember Herrera Spencer stated that she does not see the budgets break down on a per-unit basis; the exhibits show dashes through certain line items.

The Assistant Community Development Director stated that she can provide detailed and specific costs related to the property management budget, if desired.

Councilmember Herrera Spencer stated janitorial costs for the 2021-22 budget do not show what was incurred for the first three years; she is trying to figure out any increases over time; inquired whether the City reimburses the property manager for expenses above the cost of the contract.

The Assistant Community Development Director responded in the negative; stated information is shown for the 2018, 2019, 2020, and 2021 budgets; discussed the summary and changes to security and life safety from 2018 and 2021; stated explanations for the variances are included.

Councilmember Herrera Spencer stated the janitorial costs are shown with dashes instead of amounts.

The Assistant Community Development Director stated the amount is under security, life safety, cleaning and janitorial.

Councilmember Herrera Spencer stated the amounts are not filled in for the prior years.

The City Manager stated the costs are in the contract; only certain costs go over and above the contract budget.

The Assistant Community Development Director stated the \$1,209,374.19 amount is the cost

that goes directly to the property manager for operations; other line items shown in the budget, such as the security, life safety, cleaning and janitorial are not included in the \$1,209,374.19 amount; the same occurs with the repairs, maintenance, and Heating, Ventilation and Air Conditioning (HVAC) costs; the total operating expenses cost \$3,700,000 and include management, landscaping, utilities, and other items; Council is currently considering costs that go directly to the property manager for operations.

Councilmember Herrera Spencer stated that she is trying to find the breakdown for the \$1,209,374.19 amount.

The Assistant Community Development Director stated the \$1,209,374.19 includes \$840,000 for administration in 2020-21; the administration cost for 2021-22 is \$850,000.

Councilmember Herrera Spencer inquired what the \$850,000 is spent on; stated that she would like a breakdown.

The Assistant Community Development Director stated the costs includes salaries and benefits, general office supplies, equipment costs, telephone, internet, janitorial supplies and services, supplies, services, shared buildings electricity, marketing, tenant support, memberships, professional associations, Alameda Chamber of Commerce, business licenses, postage, computers, and wayfinding sign maintenance; the management fee is now \$216,000; for the past five years, the management fee remained at \$165,000 with no increase; the new agreement includes 3% annual increases; the final charge to the \$1,209,374.19 is for general building services which includes the property management's estimate of cleanup costs for trash and dumping.

Councilmember Herrera Spencer stated that she would like a specific breakdown provided for the \$1,209,374.19; expressed support for receiving a breakdown of salaries and benefits per property management employee; stated that she is trying to figure out whether the program should be housed within the City under the Community Development Department as opposed to hiring property management, especially due to the increase in liability.

The Assistant Community Development Director stated that she does not have the information currently available; prior to 2000, leasing and property management was performed internally; Council decided a property manager would be faster, easier and more efficient privatizing significantly reduced costs; at the time, port management services were \$750,000 per year; privatizing reduced costs by more than half.

Councilmember Knox White moved approval of the staff recommendation [including adoption of the resolution] with direction to staff to provide information to Councilmember Herrera Spencer on detailed budget items.

Vice Mayor seconded the motion.

Under discussion, Councilmember Daysog inquired whether the contract with RiverRock is separate from the PacWest Security contract, to which the Assistant Community Development Director responded PacWest Security is a subcontractor of RiverRock; a Request for Proposals (RFP) process will likely occur soon.

Councilmember Daysog inquired how soon the RFP for security will occur.

The Assistant Community Development Director responded one service is ahead of PacWest; stated the RFPs could be simultaneous; once the property management agreement is in place, there will be RFPs for many of the subcontractors; the indemnity clause needed to be modified prior to issuing RFPs.

Councilmember Daysog inquired whether the RFP will occur within the year, to which the Assistant Community Development Director responded in the affirmative; stated the process will likely occur in the spring.

Vice Mayor Vella stated helpful information has been shared with Council relative to breaking down details; the administrative costs include 5.5 full time employees; there are a number of residents and tenants at Alameda Point; many people would like to ensure the City has responsive services; the RFPs will help address responsiveness and customer service; Council is discussing general and building services, which cost roughly \$135,000 for picking up trash and dumped items throughout the property; the management fee has been stagnant for five years; the current contract allows for a slight annual increase to deal with inflation; the bulk of the costs include administration, which is important to ensure the City has property managers that will be responsive and provide the level of customer service desired; expressed support for the contract.

Mayor Ezzy Ashcraft stated that she is also supportive of the contract; she expects RiverRock oversight of all subcontractors and inspection schedules to be met for all City properties, residential and commercial; expressed concern about deferred maintenance; stated that she understands challenging situations related to refusing admittance for inspection.

Councilmember Herrera Spencer stated that she is looking forward to staff's more specific details and dollar amounts; the report does not show dollar amounts for salaries; she would like the dollar amounts for salaries and benefits in order to see whether or not the amounts are competitive; she questions whether or not it makes sense to continue hiring outside firms when the City is taking on liability.

Councilmember Daysog stated that he would like to ensure that whoever provides security patrol services does a top notch job; concerns have been raised by citizens; he is looking forward to the RFP process for security services.

Vice Mayor Vella stated that she is concerned about holding the matter up; Council has been provided with more detailed information; the amount listed for 5.5 full time employees includes a number of general costs; stated \$850,000 can be divided by 5.5 yielding \$154,000 per person; however, the yield does not include the other general expenses; the rough estimate provides enough information; the matter should not be held up.

Mayor Ezzy Ashcraft stated the motion includes approving the property management agreement and simultaneously have staff answer any further outstanding inquiries from Councilmember Herrera Spencer; questioned whether the motion includes a delay.

Councilmember Knox White stated the motion is to approve the agreement [including adoption of related resolution] and to work with Councilmember Herrera Spencer on answers to her questions; staff does not have to come back to Council.

Councilmember Herrera Spencer stated that she would like the additional information provided to the public as well; the information can be attached to the agenda item.

Mayor Ezzy Ashcraft stated the request was not part of the original motion; staff can work on the 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.

(22-051) Resolution No. 15859, “Amending the Fiscal Year 2021 22 and Fiscal Year 2022-23 Capital Budgets for the Playground Replacement Project (C5200) by Increasing Expenditure Allocation by \$250,000 for Fiscal Year 2021-22 and Decreasing Expenditure Allocation by \$250,000 for Fiscal Year 2022-23.” Adopted.

Councilmember Knox White recused himself and left the meeting.

The Recreation and Parks Director gave a brief presentation.

Councilmember Herrera Spencer stated that she appreciates the staff report; the matter is important.

Councilmember Herrera Spencer moved adoption of the resolution.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. [Absent: Councilmember Knox White – 1.]

(*22-052) Resolution No. 15860, “Approving Application to the Land and Water Conservation Fund for Estuary Park Phase 2 Project, which Authorizes the City Manager to Submit a Grant Application to the Land and Water Conservation Fund to Construct the Final Phase of Estuary Park and for His Designee to Execute All Necessary Documents.” Adopted.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(22-053) Public Hearing to Consider the following Ordinances to Govern the Future Development of the Encinal Terminals Property:

(22-053 A) Introduction of Ordinance Approving a Disposition and Development Agreement for the Encinal Terminals Project By and Between the City of Alameda and North Waterfront Cove, LLC (“Developer”) Governing the Encinal Terminals Project for Real Property Located at 1521 Buena Vista Avenue and Approving and Authorizing the Assistant City Manager, or Designee, to Execute a Land Exchange and Title Settlement Agreement for the Encinal Terminals Project By and Among the State of California Acting By and Through the State Lands Commission, the City and Developer Substantially in the Form Attached Hereto. Introduced; and

(22-053 B) Introduction of Ordinance Approving the Amended Encinal Terminals Tidelands Exchange Master Plan and Density Bonus Application for Redevelopment of Real Property Located at 1521 Buena Vista Avenue (APN 072-0382-001, 072-0382-002, 072-0383-003 and 072-0382-009). Introduced; and

(22-053 C) Introduction of Ordinance Approving Development Agreement (Encinal Terminals Project) By and Between the City of Alameda and North Waterfront Cove, LLC Governing the Encinal Terminals Project for Real Property Located at 1521 Buena Vista Avenue. Continued to January 18, 2022. Introduced.

The City Manager recused himself and left the meeting.

(22-054) Vice Mayor Vella moved approval of allowing the Applicant to speak for 5 minutes.

Councilmember Knox White seconded the 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.

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

Mike O'Hara, Applicant, gave a Power Point presentation.

Councilmember Herrera Spencer inquired the breakdown for the 589 units.

The Planning, Building and Transportation Director responded the Master Plan requires that 50% of the units be mapped for sale; stated the units will be individually available for sale.

Councilmember Herrera Spencer inquired whether any of the 80 affordable units will be for sale.

The Planning, Building and Transportation Director responded the affordable housing agreement is not done yet; stated most similar projects in Alameda have the very low and low units for rent; the moderate units are sprinkled throughout as part of the for sale units; how the final 80 affordable units will be distributed between rental and for sale has not yet been finalized; the 10 workforce units will be for sale.

Councilmember Herrera Spencer inquired the proposal breakdown for the remaining 500 units.

The Planning, Building and Transportation Director responded 50% of the 589 units will be for sale; stated it will be safe to assume that the 50 very low and low income units will be for rent; staff cannot assume more than the current breakdown provided.

Councilmember Herrera Spencer requested clarification on the townhomes.

The Planning, Building and Transportation Director stated townhomes will likely be for sale; stated townhomes are capped at 200 units.

Councilmember Herrera Spencer inquired whether any of the rentals will not have rent control.

The Planning, Building and Transportation Director responded in the affirmative; stated that is true for all new units.

Mayor Ezzy Ashcraft inquired whether the rent control requirement falls under Costa Hawkins, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Knox White stated if the project is not approved, 589 units will be distributed throughout residential areas; inquired whether the 589 units will go across the City; questioned how the process plays out.

The Planning, Building and Transportation Director responded if the entitlements are not approved, staff will need to increase the number of units which are going to be built in neighborhoods by 589; current projection is roughly 450 units; adding 589 units will change it to over 1,000 units; the challenge for staff is to have unit distribution equity across the City; these 589 units would be in central Alameda; approximately 200 more units would be in each of: east Alameda, Park Street and central Alameda; the unit distribution is needed for the Housing Element State certification; staff will not be able to place the 589 units in west Alameda, the units must be distributed in central and east Alameda.

Mayor Ezzy Ashcraft noted the current project requires for affirmative votes; inquired how many votes are needed for the alternative of placing the 589 units elsewhere.

The Planning, Building and Transportation Director responded the alternative consists of zoning requirements, which only need three affirmative Council votes.

Councilmember Herrera Spencer inquired whether there is a Project Labor Agreement (PLA) for the project.

The Planning, Building and Transportation Director responded in the affirmative; stated Council policy requires any City controlled lands to have a PLA; the executed PLA is required before any construction occurs.

Councilmember Herrera Spencer inquired whether an executed PLA is currently in place, to which the Planning, Building and Transportation Director responded in the negative.

Councilmember Daysog inquired whether the 589 units being placed in other areas of Alameda through zoning amendments is currently up for Council discussion; questioned whether the topic lends to a Brown Act issue.

The Planning, Building and Transportation Director responded the staff report discusses the implications of not approving the project; stated Council should not be discussing how to up-zone neighborhoods if the project is not approved; the implication and consequence of not approving the project is the distribution of 598 units through other residential areas of Alameda.

Councilmember Daysog expressed concern about being speculative; stated the final vote is not known.

Mayor Ezzy Ashcraft stated there is reference to the units in the staff report related to the City's Regional Housing Needs Assessment (RHNA) number and how the units help satisfy the obligation.

The Planning, Building and Transportation Director stated the implication is not speculative; staff is in regular communications with the Department of Housing and Community Development (HCD) that must approve the City's Housing Element; staff has held discussions with the State about what would happen in certain situations; staff feels confident about the consequences.

Councilmember Herrera Spencer inquired whether there have been appraisals for the project parcels.

The Planning, Building and Transportation Director responded there is an appraisal for the overall site once developed; the appraisals are done for the State Lands Commission (SLC); the SLC is looking for the value of the entire development, once developed; the SLC requires the value of the land being received be equal in value to what is being traded; in the current instance, there is equal value per acre; the State is receiving 7.2 acres; the land is not City-owned, the land is State land; the SLC feels the State is receiving more than it is giving from a value perspective; an appraisal has not been conducted for the value of the 6.4 acres versus the value of the Tim Lewis Communities property.

Bill White, Shute, Mihaly, Weinberger LLP, stated an appraisal has been done for the entire site; the purpose of the appraisal is to calculate the value of the lands that are coming into the Trust and lands coming out of the Trust; due to the project being a Master Plan development project, the only real way to perform an appraisal is to value the entire site as a whole; the appraisal gets the highest and best use to figure out the maximum economic value of the property.

Councilmember Herrera Spencer inquired whether there is an assumption that each acre holds the same value.

Mr. White responded in the affirmative; stated the assumption is made for Master Plan development projects; there have been a number of large Trust exchanges with Master Plan projects; there is no other viable way to perform the appraisal; if the process is not followed, there is risk of drastically under-valuing the lands coming to the City; it is difficult to value open space by itself; the value of the open space is the value that it contributes to the Master Plan project; the Master Plan project would not be possible without the open space amenity; the value is considered unitary.

In response to Councilmember Herrera Spencer's inquiry, the Planning, Building and Transportation Director stated the way the deal is structured, the costs to maintain the parklands, or State-owned lands, developed by the developer, will be covered through an annual assessment district; the property owners will pay into the assessment district; there would be no cost to the City to pay for maintenance; the practice is standard and was previously done for the Marina Shores Park.

Stated that she is disappointed that the water park elements of the original plan have been eliminated; expressed support for the Tidelands Exchange; stated the area has been land-locked for years and development will allow public access to the water: Karen Miller, Alameda.

Expressed support for the Encinal Terminal project; urged Council approve the project; stated the number one concern for local businesses is local, affordable housing for employees; many aspiring Alameda businesses question whether there is local affordable housing for staff; discussed the site's public access and housing; stated the project will reduce the need to up-

zone residential areas: Madlen Saddik, Alameda Chamber of Commerce.

Stated that she is in favor of the Encinal Terminal project; stated only two of her 14 employees live in Alameda due to the lack of affordable housing; the project offers much needed affordable and middle housing and will help meet RHNA numbers; expressed support for the public access to the waterfront; urged Council to move forward with the project: Kelly Lux, Alameda Chamber of Commerce.

Expressed support for the Encinal Terminals project; stated that she supports public access to the waterfront; the current conditions are dangerous and the project is a wonderful use of the space: Michelle Morgan, Alameda.

Expressed support for the land exchange and development of the Encinal Terminals site; stated the site is key for residential development, which will further Alameda's ability to meet the RHNA obligation; the City will receive a useful waterfront; the site is ideal for waterfront residential development and a public shoreline; expressed support for a water shuttle landing; urged the project showcase waterfront design; urged Council to approve the land exchange and development proposal: Betsy Mathieson, Alameda.

Expressed support for the project; urged Council approve the Tidelands exchange; discussed the consequences of not approving the project; stated the City is coming out ahead in the exchange; he supports the kayak launch and public trust idea; he would like to see the developer increase the density by replacing the townhomes with mid-rise buildings; expressed concern about parking: Zac Bowling, Alameda.

Questioned whether the planning for the project has taken into account other potential units being built in Marina Village of it the project is being considered in a vacuum; stated the project has the potential to transform the area; the project gives the City a good chance at meeting the RHNA obligation; expressed support for the project; urged Council approval: Bill Pai, Community of Harbor Bay Isle.

Expressed support for the project; stated that he applauds the emphasis on the RHNA obligation, Housing Element and ramifications of non-approval; discussed his experience with the RHNA obligation process; stated HCD has changed its stance on non-compliance with RHNA; HCD has already taken action against cities for non-compliance and will likely impose fees; urged Council take the project and run with it: Matt Regan, Bay Area Council.

Expressed support for the project; stated there is no real reason to reject the project; discussed the shape and value of the project site; expressed concern about not supporting the project; stated the vote for the project should be unanimous; the City is not losing anything of value; the project provides benefits to many; he supports a water taxi for the site: Josh Geyer, Alameda.

Stated the project offers workers career pathways, apprenticeship opportunities and healthcare benefits; an agreement has been made; he supports the partnership; the project is well thought-out and will play a vital role in the City; it is important to support the land exchange and title settlement agreement; the project will directly improve the lives of hundreds: Vince Sugrue, Sheet Metal Workers Local Union 104.

Stated approval of the project is important to Alameda historic preservation; the project will provide 589 housing units which can be applied towards RHNA; if the project is not approved,

other sites will need to absorb the 589 units; expressed concern about promoting architecturally intrusive new development in historic areas; stated significant issues still need to be worked out; urged Council to approve the project; stated the remaining issues can be addressed through subsequent actions with public hearings; expressed support for traditional waterfront design: Christopher Buckley, Alameda Architectural Preservation Society.

Urged Council to vote in favor of the project; stated finding appropriate housing in Alameda can be difficult; expressed support for introducing new housing to Alameda: Blithe Rocher, Alameda.

Expressed support for the Master Plan as recommended by the Planning Board; stated that she was disappointed in 2017 when the project was not approved; she hopes the outcome will be different; the project is close to land and water transportation and has a park; the design does not impinge; the 589 units will attempt to temper the exorbitant prices for the area and will help satisfy the RHNA obligation; the intent is to stabilize the cost of housing: Laura Thomas, - Renewed Hope Housing Advocates.

Urged Council vote to move forward with the project; stated the project is a key component in ensuring a compliant Housing Element for the City; discussed walking along the Oakland side of the estuary being an enjoyable experience; stated that he hopes a similar experience will occur for the Alameda side of the water: Drew Dara-Abrams, Alameda.

Expressed support for speakers being in favor of housing in Alameda; stated there is still a lot of work to do; discussed the City's progress on policies for more housing in the City; stated he is not taking a position on the Encinal Terminals project; the City must have greater investment in affordable housing and develop a regional plan to address rising groundwater; new financing methods are needed to finance affordable housing and reduce speculative fevers that drive up housing prices; affordable housing must also be built elsewhere: William Smith, Alameda.

Stated the developer will address sea level rise protections; the site is prime real estate and has been languishing; the possibility of the site being vibrant and accessible is exciting; urged Council to support any new, affordable housing that can be built on the Island; stated the developer has shown commitment to the community of Alameda: Tina Blaine, Alameda.

Mayor Ezzy Ashcraft called a recess at 9:16 p.m. and reconvened the meeting at 9:34 p.m.

Councilmember Knox White moved approval of the staff recommendation [including introduction of the ordinances].

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated Councilmember Herrera Spencer posed questions regarding homeownership numbers for first time home buyers; inquired whether numbers have been discussed.

The Planning, Building and Transportation Director responded in the affirmative; stated staff has had months of discussion with the developer around various Council priorities; the Master Plan has a 50% requirement for homeownership; staff also included workforce housing and recently discussed different ways of organizing homeownership; the developer feels 50% across the

board is the best approach; the developer is concerned about maintaining the financial viability of the project and has resisted getting more specific about fine tuning for the project's product types; the developer does not want to promise a project that is not viable.

Councilmember Herrera Spencer stated that she has been negotiating in good faith with the developer and is saddened that the responsiveness is not at the desired level; she is not able to support the project at the current time; inquired whether the 50% units mapped would be for sale.

The City Attorney responded the developer has committed to creating subdivided units; stated the units will be sellable; he has not been part of negotiations and cannot say whether the units will be for sale on day one.

Mayor Ezzy Ashcraft stated that she is confused about a Councilmember negotiating in good faith; requested clarification about the role of Councilmember in negotiations.

The City Attorney stated a Councilmember has made specific requests, through staff, of preferred project details; staff has then been negotiating with the developer directly.

The Planning, Building and Transportation Director concurred with the City Attorney; stated staff has been communicating with the developer to determine whether or not the preferred project details are things that the developer could do; the developer believes that the current language included in the Plan is the best commitment that can be made; questioned how the City can require homeownership versus rentals; stated the City cannot prevent someone from renting their property; mapping 50% of the units would allow units to be designed and constructed to be sold, rather than rental units; there is not a requirement that the developer must sell individual units to a separate parties; discussed condominium builds; stated many prior projects have units rented first, then sold when the market returns; the agreements do not prevent the developer from renting units first and selling later; expressed concern about units remaining vacant; staff has not recommended having vacant units.

Councilmember Daysog stated that there appears to be the possibility of a major investor buying properties; inquired whether staff is envisioning major investors buying properties.

The Planning, Building and Transportation Director responded in the negative; stated nothing prevents a buyer from renting a unit.

Councilmember Daysog stated that he is intrigued by the matters raised by Councilmember Herrera Spencer; he is glad to see that 7% of units will be dedicated to moderate income; inquired what Council can do to get some number of the moderate income units to be for sale; discussed low and moderate income homeownership.

Mayor Ezzy Ashcraft stated the project must first be approved; if the project is not be approved, nothing will be built and the space will be remain blighted; if Council wishes to provide the opportunity, staff can work with the developer; no one can predict the market or economy; the goal is laudable; however, she would hate to see the goal be used as a way to kill a project; there are opportunities for homeownership and affordable housing; it is extremely important that the project move forward; the City has seen an immense turnout of public comment and all are in favor of the project; the project can use some fine tuning.

Councilmember Daysog expressed support for delaying the project for one month to flesh out details; stated that he does not believe the total number of affordable units is being changed; however, some part of the total needs to be looked at once more; a reasonable number can be struck for the moderate income units.

Councilmember Knox White inquired whether the Applicant is agreeable to a one month delay; stated it appears as though the discussion has already been occurring and the Applicant is not agreeable to a delay; delaying one month would only be for the sake of delay.

Mayor Ezzy Ashcraft stated the question can be asked; she is willing to support Councilmember Herrera Spencer's request for more time to explore possibilities with the developer if Council would be able to get four affirmative votes to move the project forward; expressed concern about Councilmembers requesting many things to be added yet still vote against it; stated the project will not address the blight, create public waterfront space, water transit opportunities or 589 units toward the RHNA allocation if it does not move forward; if Council secures the four affirmative votes to move the project along, further discussion can occur; requested Councilmember Knox White's inquiry be restated.

Councilmember Knox White stated there have been questions related to timing and the City's ability to reach agreement on changing the mix of units; his understanding of the matter is that discussions have been occurring for weeks and feasibility has already been determined; inquired whether two to four more weeks of delay would be feasible.

Mr. O'Hara responded that he has been discussing numerous ways to address concerns; stated that he has always expressed a willingness to discuss matters; threading the financial feasibility needle is a challenge for the project; modifying the number of units does not allow the project to react to the market; the project is long-term and will have many units over a long period of time; noted markets change and what works for one component may not work in six months' time; the aspect of the Master Plan allows the developer to react to the market and provide the types of units which are needed; the discussions have been occurring and he urges any additional discussion to occur in short order; he does not see the benefit of a delay for either party; he is supportive, if the delay is a means by which the project discussion will continue; he would entertain further discussions; however, the matter must remain within the lens of financial viability and the ability to properly react to the market.

Councilmember Herrera Spencer inquired the meaning of proposing to map the property; stated the last counter-proposal from the developer included mapping at least 50% of the market rate, non-townhome units through the subdivision process to allow for homeownership as opposed to apartment buildings; she is looking at the dispersion of the 50% of units; she is unsure how close the matter is to a resolution.

Mr. O'Hara responded the proposal had been on the table; stated if the proposal allows the project issue to be resolved, the developer is agreeable to an increase in the number of non-townhome products and allow an increase in the number of units mapped for sale.

Vice Mayor Vella stated that she is concerned about the item being previously agendaized and withdrawn; there has been a lot of back and forth with an opportunity to ask the desired questions; the matter has been on the agenda for the second time and a lot of work has been put in; if there is not support for the project to move forward, Council should know so that other decisions can be made; urged Council to provide direction to staff to come back with an update

on where Council can place the 589 units if the matter does not pass with four affirmative votes; stated that she is willing to have staff and the developer spend time looking over concerns only if there be four affirmative votes for the project to move forward; she is happy to amend or second an amended motion if there is need.

Councilmember Knox White stated that he is happy to amend the motion; however, he is unsure that he understands the concept; questioned whether Council is conditionally approving the project.

Vice Mayor Vella stated that she supports amending the motion; one Councilmember has stated that he will not support the project and another Councilmember has expressed a willingness to support the Tidelands swap; she has heard the developer state that they are willing to explore the different possibilities; some of the concerns raised have been matters which will be worked out in the Master Plan; the question is whether or not Council can work out the Tidelands swap at the current meeting with four affirmative votes and then work out the remaining details as part of the Master Plan development further down the road.

Mayor Ezzy Ashcraft stated that it would be nice to approve the matter in its entirety; Council needs to approve the Tidelands exchange and the Disposition and Development Agreement (DDA).

Councilmember Herrera Spencer stated the Tidelands swap requires four affirmative votes and the other matters do not; it is important to have the agreement ensure that four affirmative votes are needed for the proposed changes moving forward; her proposed changes ensure the mapping at different levels actually includes that the units are for sale and at least 50% of the market rate non-townhome units shall be mapped throughout the subdivision.

The Planning, Building and Transportation Director stated staff can add the terms “mapped for sale;” the developer did make a proposal to move the needle closer to 50% of the non-townhomes; 50% of the apartment buildings would be mapped for sale as condominiums; the developer is willing to accept the proposed change at the current meeting if Council will approve the project.

Councilmember Knox White inquired whether the compromise is being met; stated that he does not understand the delay.

Councilmember Herrera Spencer stated that she would like to go over the proposed changes to find whether there is agreement for Council; stated the issue is whether or not the map will actually include units for sale or just the term “mapping;” it appears as though the language will include the term “for sale” which is important; expressed concern about housing for the middle usually landing as rentals, as opposed to opportunities for purchase; stated the ability to purchase is important; expressed concern about whether the main road going into the development allows sufficient space to be able to go around delivery trucks or bicycles; stated Clement Avenue has a four foot buffer between each direction to allow people to pass on either side; she would like something similar for the main road of the development; inquired whether staff and the developer agree about the proposed changes.

Mayor Ezzy Ashcraft stated that she is having a difficult time considering taking a vote on something that is not part of the record; questioned whether the list of concerns will be much longer; stated that she understood the concern to be relative to people’s ability to purchase

units.

Councilmember Herrera Spencer stated there are eight points of concern; Council has discussed two; some points are clarification; the proposed change for the main road is a safety concern; she does not know whether the developer and staff are agreeable to having the main road be a similar design to Clement Avenue.

The Planning, Building and Transportation Director responded in the affirmative; stated the right of way for the central road is 62 feet; the right of way for Clement Avenue is 60 feet; there is plenty of room in the right of way to stripe the road such that cars and trucks can get around bicyclists and delivery trucks without going into the other lane.

Councilmember Herrera Spencer stated the next proposed change is to have the windows be operable to open; the proposed language would read: "...shall be designed with operable windows to the extent allowed under the [Building] Code."

The Planning, Building and Transportation Director stated the language is not a problem; there is agreement that operable windows are a good idea; the Plan encourages operable windows; the proposed language can certainly be adopted and is not a substantive change.

Mr. O'Hara concurred with the Planning, Building and Transportation Director.

Councilmember Herrera Spencer stated the next point is regarding the block design subsection having language that does not require cross streets that provide for automobile access; she understands the language is an error and that the intention is to have vehicle access and ability to get to parking structures; the language would be a clarification.

The Planning, Building and Transportation Director concurred; stated the language is a clarification; noted the Master Plan states that the east to west streets can be designed primarily for bicyclists and pedestrians due to being designed around a central corridor; staff will also need to provide access to parking garages on the east to west streets; staff has come up with clarifying language which indicates the streets be designed as Slow Streets to allow for vehicle access in addition to bicycle and pedestrian.

Councilmember Herrera Spencer stated that she would like to see all on-street parking spaces be a minimum of eight feet wide; noted the developer has agreed to the width.

The Planning, Building and Transportation Director stated the width is consistent with Council's recent policy related to street widths.

Councilmember Herrera Spencer stated that she is agreeable to the requirement of 20,000 to 50,000 square feet of commercial development; it would be appropriate to allow the developer to modify the requirement if desired to strengthen the project; the commercial development may or may not be the best use of the space and could allow for an increase in the number of housing units.

Mayor Ezzy Ashcraft inquired whether the items have been discussed and agreed upon.

The Planning, Building and Transportation Director responded in the affirmative; stated the points are all clarifications to the Plan; the major issue of discussion relates to complications

around homeownership; the North Waterfront Cove has made a proposal to change the denominator on homeownership; the last communication was understood as not good enough and yielded back to the 50% requirement.

Councilmember Knox White amended his motion to approve including the mapping and windows clarification language; stated that he has heard all other proposed changes are consistent with City policy and will be required in the Plan; Council should not be getting into extreme detail direction that is already consistent with City policy.

Vice Mayor Vella seconded the amended motion.

Under further discussion, Councilmember Daysog requested clarification about the language related to mapping.

The Planning, Building and Transportation Director stated the language will be clarified; currently the language in the Master Plan states: "50% of all units will be mapped."

Mayor Ezzy Ashcraft inquired the meaning of the term "mapped."

The Planning, Building and Transportation Director responded it means mapped for sale; stated the term means a unit cannot be sold unless the unit is legally separate; rental projects include the entire building as one piece of property and units cannot be sold; a condominium project must be mapped as a condominium project; maps come before Council and there is a process to ensure the properties are mapped for sale; when projects are built, the units must meet certain physical, construction requirements; the proposal for the project includes 50% of the total number of the 589 units; noted Councilmember Herrera Spencer's desire is to have more units within the apartment complexes be considered as condominiums to allow for purchase; stated the developer counter offered and proposed a mapping of 50% of the non-townhome units; there is assumption that all townhomes will be for sale; there are 200 townhome units; the remaining 389 units are distributed through multi-story buildings and will be committed to having 50% mapped for sale; roughly 190 additional units will be mapped for sale; the distribution of different product types mapped for sale is now larger.

Councilmember Herrera Spencer inquired whether the language must state: "mapped for sale" as opposed to simply: "mapped," to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Herrera Spencer stated the term "mapped for sale" was missing and will clarify the intent; reducing the commercial space requirement allows more housing units within the commercial area; stated it makes sense to provide more housing by reducing the commercial space.

Mr. O'Hara stated that he would like to clarify the language related to mapping in order to be precise; the proposal indicated that "at least 50% of the non-townhome, market-rate units shall be mapped through the subdivision process to allow for homeownership;" expressed support for the language as-described.

Councilmember Herrera Spencer inquired whether the language is sufficient or whether the language must include "mapped for sale."

The City Attorney responded the term “mapped for sale” has no legal significance; stated the developer is agreeing to map the units to ensure sale; the developer is not committing the units will be sold on day one, which is needed for flexibility.

Councilmember Herrera Spencer stated that she believes the developers’ intent is to make the units for sale; inquired whether her assessment is correct.

Mr. O’Hara responded the idea behind the proposal is to allow flexibility; stated flexibility is desired to ensure the project can meet the market conditions; creating a condominium map allows units to be sold; the units can be rental apartments for part of the time and also converted to ownership units; homeownership opportunity is created without mandating that the units be for sale and never rented or vice versa; the onus is placed on the developer to map the units so that they may one day be allowed for sale; the effective increase is significant in terms of units mapped; the increase can vary based on the actual configuration and number of townhomes; there is an increase of 50 to 100 more units which can be mapped for sale and allow homeownership.

The Assistant City Manager stated a section of the Development Agreement (DA) speaks to the subsequent approvals which will be required as part of the project; affordable housing, design, right of way permits and other details will come at a later time; staff is recommending approval of the framework within which all of the details will be worked out in the future.

Councilmember Herrera Spencer expressed concern about the project producing a similar overlay to Site A, which yielded all apartments; stated that she is hopeful the proposed language will not cause a repeat of Site A and will end up with housing for the middle to purchase; it is important for the middle to have the ability to purchase and not be long term tenants.

Councilmember Daysog stated that he still has problems with the project; discussed the unit breakdown; stated if Council goes with the proposed framework, 190 units will be for sale and the other 190 units will be for rent; at least 10 units will be dedicated to workforce housing and 80 units will be for rent; there will be 180 units for sale and 110 units for rent; expressed concern about the 10 dedicated, for sale, workforce housing units.

Mayor Ezzy Ashcraft requested clarification from the City Attorney on the current, proposed motion.

The City Attorney stated it is important to clarify one point; the maker of the motion has made several proposed changes; he would like clarification about which document the changes modify; inquired whether the changes will apply to the Master Plan or the DDA; noted different documents require different votes; if the proposed changes are being made in the Master Plan, three affirmative votes are needed; if the changes are being made to the DDA, four affirmative votes are required.

Councilmember Knox White stated that he would argue the changes belong in the DDA which requires four affirmative votes.

The City Attorney stated that he would like accompanying changes to the DDA to be read into the record, which effectuates the motion on the floor.

The Assistant City Attorney outlined proposed language moving the Master Plan into the DDA.

Councilmember Knox White stated that his motion did not intend to move the entire Master Plan into the DDA; the motion addresses mapping to allow for future sale; expressed concern about moving the Master Plan into the DDA and raising the Master Plan to require four affirmative votes; stated changes are made to Master Plans often; inquired whether there is another way to address the issues.

The Assistant City Attorney responded Council could amend the Master Plan on its own or Council could attach the Master Plan to the DDA.

The Planning, Building and Transportation Director stated Counsel is providing two options; there is also an in between option: the specific issues could be added as a term in the DDA, rather than including the entire Master Plan; obligations in the DDA are above and beyond the Master Plan; the 50% mapping is in the Master Plan and could also be a requirement of the DDA; if the particular provision ever needs to be changed in the future, the change would require four affirmative votes; a minor amendment to the Master Plan at a future date would only require three affirmative votes.

Councilmember Knox White inquired whether the proposed option is viable; expressed support for the in between option proposed by the Planning, Building and Transportation Director; stated that he cannot support moving the entire Master Plan into the DDA.

The Assistant City Attorney responded the proposed option provided by the Planning, Building and Transportation Director does work; stated if key terms which are more important can be carried into the DDA, rather than including the entire Master Plan.

Councilmember Knox White clarifies the motion is to include the option provided by the Planning, Building and Transportation Director; stated that he is unprepared to support moving the Master Plan into the DDA.

Mayor Ezzy Ashcraft requested clarification of the motion.

The City Clerk stated the motion include the mapping and windows; the rest of the proposed changes were consistent with City policy and therefore have been captured.

Mayor Ezzy Ashcraft inquired whether the two items, the mapping and windows, would be the two matters included in the DDA, to which Councilmember Knox White responded in the affirmative.

Councilmember Herrera Spencer inquired whether Council wants to include trading commercial space for more residential units as part of the agreement.

Mayor Ezzy Ashcraft stated that she would not support the trade; she thinks it is important to for any residential development to have supporting retail space; the area has public waterfront, which holds various opportunities; there will be further opportunities down the line for the developer to return to Council if there is a need.

Mr. O'Hara stated discussions had to do with not wanting to have empty commercial space on the project site; the developer is in agreement and also agrees with having commercial space

support the residential areas; the developer also supports a situation if the commercial space is not being supported and environmental findings can properly be made, additional housing units could be accommodated if the market conditions allow for the option; the developer can return to the Planning Board and request a modification of the 50,000 commercial square foot space for additional residential units.

Mayor Ezzy Ashcraft inquired whether the matter can be brought before the Planning Board without having the change included as part of the motion.

The Planning, Building and Transportation Director responded in the affirmative; stated the developer can always return to amend the Master Plan; the change must go to the Planning Board, then, City Council must ultimately approve the amendment; the proposed language would authorize the Planning Board to perform the commercial and residential swap at a later date pending certain findings and would not require a Master Plan amendment.

Councilmember Knox White stated that he does not support adding the language to the motion; the commercial space has been a key component during community discussions; changes to the Plan can be made in the future; a broader community discussion would be desired for the change.

Councilmember Daysog stated the discussion has been an improvement over the current proposal due to the for sale unit breakdown; discussed the 200 townhome units and 50% of the non-townhome units being for sale; stated those interested in for sale units are seeing a substantial improvement; the issue for him relates to the workforce housing units; the workforce housing units are not low or moderate income and are slightly above moderate income; stated the City can do better than 10 units out of 589 for workforce housing; noted 80 units are deed restricted for very low to low income; Council is trying to get more first time homebuyers in the workforce housing units; the project is worth a delay to flesh out the details regarding workforce housing.

Mayor Ezzy Ashcraft stated some of the products for sale are now going to be stacked flats; the units will be affordable by design and are smaller units than a townhome; some income earners might not qualify for moderate affordability and will be able to get into the smaller products; the units will only be available if the project is approved and built; the opportunities are ample and changes have been made to provide opportunities; the vote will be momentous and will either move the project forward or allow the land to sit blighted.

Vice Mayor Vella stated if housing is not built, there will be no workforce housing; workforce housing is every for sale housing unit included in the project; affordable by design exists; data shows that building housing allows for other units to become affordable and allows people to save up and become first time homeowners; expressed support for the City desiring to have a discussion about investing in first time homeowner opportunities or finding other ways to subsidize the purchase of units; stated the discussion can occur in addition to seeing the project through; Councilmembers will have explaining to do for other parts of the City if the need for up-zoning occurs while the project parcel is left vacant due to non-approval; Council has a responsibility to ensure the RHNA obligation is met and that opportunities are being reviewed; the project is an opportunity to provide density and build in a way that creates more ownership opportunities and will not require up-zoning of areas, which will impact existing residents; expressed support for the project and building housing in a responsible way.

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.

(22-055) Councilmember Knox White moved approval of hearing the balance of the agenda with a stop time of 12:00 a.m.

Mayor Ezzy Ashcraft stated that she will not support the motion; noted one Councilmember is under the weather.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Herrera Spencer concurred with Mayor Ezzy Ashcraft and stated that she thinks it is not the best time to continue.

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: No; and Mayor Ezzy Ashcraft: No. Ayes: 1. Noes: 4.

CITY MANAGER COMMUNICATIONS

(22-056) The City Manager announced applications are being accepted for Roseville Village; discussed the Federal government supplying up to four free COVID-19 rapid tests via www.covidtest.gov; stated Community Development Department staff is working on bringing the rent moratorium matter back to Council for discussion in the future; staff is looking at possible revisions to the rent moratorium or financial assistance for small landlords.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(22-057) Consider Directing Staff to Support Removal of the US Navy Constraints Limiting Housing Development at Alameda Point. (Councilmember Herrera Spencer and Councilmember Daysog)

Mayor Ezzy Ashcraft requested clarification about the matter be provided by the City Manager.

The City Manager stated City staff has been working with the US Navy and continues to have discussions related to possible removal of the Navy Cap that limits the number of market rate homes which can be built at Alameda Point; units above the Cap cost a fee of \$100,000 per unit payable to the Navy; staff is working to modify the agreement in order to provide increased housing units at Alameda Point.

Councilmember Herrera Spencer gave a brief presentation.

Councilmember Daysog stated the referral was brought forth prior to Council discussion; events have now overtaken the time when the Referral was published; the Referral is being dealt with

for all intents and purposes.

Mayor Ezzy Ashcraft inquired whether there is no need to give direction to staff due to the work having begun, to which Councilmember Daysog responded in the affirmative.

In response to Mayor Ezzy Ashcraft's inquiry, Councilmember Daysog stated Council can move on without taking action.

Mayor Ezzy Ashcraft requested clarification about the Referral process.

The City Attorney stated the Council rules indicate that Council can either vote to direct staff to do work or not; if the request for work is withdrawn due to work already occurring, no action needs to be taken.

Mayor Ezzy Ashcraft inquired whether the Councilmembers are willing to withdraw the Referral.

Councilmember Herrera Spencer stated that her understanding of the matter is that Council never took a vote in public; expressed support for the matter returning with an actual Council vote to provide recorded Council support; stated staff does not currently have a vote of Council support on record.

Mayor Ezzy Ashcraft inquired whether the official vote is important even with staff working with the Navy.

Councilmember Herrera Spencer responded in the affirmative; stated it is cleaner to have a vote by Council in public, on record; it is helpful when negotiating on behalf of Council to have an official vote of support from Council.

Councilmember Herrera Spencer moved approval of having the matter return to Council for a vote on record.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated the events on the ground are working towards reducing or removing the Cap.

Vice Mayor Vella inquired whether staff needs the vote in order to successfully negotiate.

The City Manager responded staff has direction; however, Council can provide clear direction if desired.

Councilmember Knox White stated that he will not support the motion; noted the City Manager update from September 2021 announced that the Community Development Department had already begun discussions with the Navy about the Cap; stated the matter has been moving forward and the vote is not needed.

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

(22-058) Consider Directing Staff to Address Identifying New Areas at Alameda Point to Develop a Number of Housing Units Above the Originally-Agreed Upon Numbers of the 2023-2031 Regional Housing Needs Allocation (RHNA). (Councilmember Daysog) Not heard.

(22-059) Consider Directing Staff to Move Jean Sweeney Park Fencing. (Councilmembers Herrera Spencer and Daysog) Not heard.

(22-060) Consider Reviewing and Updating the Previous City Council's Priorities at a Regular City Council Meeting. (Councilmember Herrera Spencer) Not heard.

(22-061) Consider Having the City Council Address the Zoning of the Harbor Bay Club. (Councilmember Herrera Spencer) Not heard.

(22-062) Consider Having the City Council Review Recreation and Parks Department Community Events. (Councilmember Herrera Spencer) Not heard.

COUNCIL COMMUNICATIONS

(22-063) Councilmember Herrera Spencer discussed a meeting regarding a proposal to widen the estuary to allow for a larger turning basin.

(22-064) Councilmember Daysog announced an upcoming joint liaison meeting of the City Council and Alameda Unified School District with Councilmember Knox White.

(22-065) Mayor Ezzy Ashcraft discussed a recent hostage situation in Dallas, Texas; expressed support for the Police Chief reaching out to support to local synagogues.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:06 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 18, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:02 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 5:34 p.m. The meeting was held via Zoom.]

Absent: None.

Consent Calendar:

(22-037) Recommendation to approve Eric Levitt, City Manager, Nico Procos, Alameda Municipal Power General Manager, Erin Smith, Public Works Director, Alan Cohen, Assistant City Attorney, and Alan Harbottle, Senior Energy Resources Analyst, as Designated Negotiators with NextEra Energy Resources Related to Doolittle Landfill. Not heard.

The meeting was adjourned to Closed Session to consider:

(22-038) Conference with Real Property Negotiators (Pursuant to Government Code 54956.8); Property: 11-Acre Portion of the 33.2-Acre Doolittle Landfill Site Located Northwest of the Intersection of Doolittle Drive and Harbor Bay Parkway. Not heard.

(22-039) Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9); Case Name: City of Alameda v. All Persons Interested in the Matter of the Issuance and Sale of One or More Series of Pension Obligation Bonds to Refinance Outstanding Obligations of the City of Alameda to the California Public Employees' Retirement Law, and All Proceedings Leading Thereto, Including the Adoption of a Resolution and Sale of Such Bonds, Alameda County Taxpayers' Association, Steve Slauson, and Howard Jarvis Taxpayers Association; Court: Superior Court of the State of California, County of Alameda; Case Number: 21CV001157.

(22-040) Conference with Legal Counsel – Potential Litigation, Initiation of Litigation (Pursuant to Government Code Section 54956.9, subsection (d)(4)); Number of Cases: One (As Plaintiff – City Initiating Legal Action); Potential Defendant(s): Alameda Point Partners, LLC.

(22-041) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Alameda Point, Site A, Alameda, CA; City Negotiators: Eric Levitt, City Manager, Lisa Maxwell, Community Development Director, and Louis Liss, Base Reuse Manager; Negotiating Parties: City of Alameda and Alameda Point Partners, LLC; Under Negotiation: Price and Terms.

(22-042) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiators: Eric Levitt, City Manager, Gerry Beaudin, Assistant City Manager, and Nancy Bronstein, Human Resources Director; Employee Organizations: Alameda Police Managers Association (APMA), and Alameda Fire Chief's Association (AFCA); 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: Abstain; Vella: Absent; and Mayor Ezzy Ashcraft: Aye; Ayes: 3. Abstain: 1. Absent: 1; regarding Potential Litigation and Real Property, staff provided information and Council provided direction 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; and regarding Labor, staff provided information and Council provided direction 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.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:28 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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