

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 4, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:07 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 7:10 p.m. The meeting was conducted via Zoom]

Absent: None.

AGENDA CHANGES

(22-006) The City Clerk announced that the SEEDS Collaborative agreement [paragraph no. 22-014] was withdrawn from the agenda and the Encinal Terminals hearing [paragraph no. 22-025] was continued to the January 18, 2022 regular meeting.

Councilmember Daysog moved approval of hearing the recreational vehicles referral [paragraph no. 22-028] after the Continued Agenda Items.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Councilmember Daysog stated that his motion is an effort to lessen the number of Council referrals.

Mayor Ezzy Ashcraft stated if the Council is able to move expeditiously through the agenda, there is a significant chance of getting to all Council referrals; noted the agenda has been whittled down.

On the call for the question, the motion 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

None.

ORAL COMMUNICATIONS, NON-AGENDA

(22-007) Bill Ng, Alameda, discussed rent increases in Alameda; questioned the progress being made and next steps for rent increases in Alameda.

(22-008) Brian Kennedy, Alameda, expressed support for Alameda having a National Day of Remembrance for victims of illegal alien violence.

(22-009) Margaret Hall, Alameda, discussed the Alameda School Board's decision to return to a rotation system for officer selection.

CONSENT CALENDAR

The City Clerk announced anyone wishing to comment on the Community Development Block Grant (CDBG) block grant hearing [paragraph no. 22-012] could comment now.

Expressed support for the Social Services Human Relations Board (SSHRB) work on the needs statement for the CDBG annual plan; discussed statistics related to Alameda's increases in services and reports from 2020 to 2021: Erin Scott, Family Violence Law Center.

Expressed support for the amendments related to Police updates; expressed concern about the continued use of Lexipol; urged Council to develop and define a City policy manual; stated access to City meetings is important and he would like to see permanent remote public participation: Zac Bowling, Alameda.

Discussed the CDBG annual review process and priority needs; stated the impacts of COVID-19 continue to impact and challenge many residents; outlined priority areas; urged Council to approve the needs statement: Sarah Lewis, SSHRB.

Outlined 2-1-1 calls and homelessness calls handled by Eden I&R: Alison DeJung, Eden I&R.

Mayor Ezzy Ashcraft announced that the Mosquito Abatement Board resolution [paragraph no. 22-019] was removed from the Consent Calendar.

Councilmember Herrera Spencer requested the EveryOne Counts item [paragraph no. 22-013] and teleconferencing findings items [paragraph no. 22-017] be removed from the Consent Calendar.

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

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

(*22-010) Minutes of the Continued November 16, 2021 City Council Meeting Held on November 30, 2021 and the Special and Regular City Council Meetings Held on December 7, 2021. Approved.

(*22-011) Ratified bills in the amount of \$3,339,938.15.

(*22-012) Public Hearing to Consider Approving the Housing and Community Development Needs Statement for the Community Development Block Grant (CDBG) Annual Plan for Fiscal Year 2022-23. Accepted.

(*22-013) Recommendation for City Council to Accept a Report Regarding the EveryOne Counts! 2022 Upcoming Point-In-Time Count of the Homeless Population in the City of Alameda.

The Community Services Manager gave a brief presentation.

Katie Haverly, EveryOne Home, gave a Power Point presentation.

Mayor Ezzy Ashcraft inquired whether the program is taking place Statewide.

Ms. Haverly responded in the affirmative; stated the program is required of every continuum of care to fulfil the county order and receive funding.

Councilmember Herrera Spencer inquired the contact information for those who wish to volunteer for the program.

Ms. Haverly responded two types of volunteers are needed for the count: community volunteers can email, and outreach volunteers can email the Community Services Manager at vcole@alamedaca.gov.

Councilmember Herrera Spencer moved approval of the staff recommendation.

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

(22-014) 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. Not heard.

(*22-015) Recommendation to Authorize the Chief of Police to Update Section 1030 of the Existing Alameda Police Department Policy Manual Entitled "Commendations and Awards" to Conform to Operational Changes. Accepted.

(*22-016) Recommendation to Authorize the Chief of Police to Update Section 444 - Watch Commanders and Section 814 - Computers and Digital Evidence within the Existing Alameda Police Department Policy Manual to Conform with Best Practices and Operational Changes. Accepted.

(22-017) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

In response to Councilmember Herrera Spencer, the City Clerk stated the matter relates to a State Assembly Bill with certain exemptions to the Brown Act which allows Councilmembers and members of Boards and Commissions to continue participating in meetings remotely without disclosing their location on the agenda or allowing members of the public to participate from the location; the findings must be made every 30 days in order to continue the practice; the matter is before Council for another extension.

Councilmember Herrera Spencer stated that she will not support the matter due to members of the public regularly stating that they are unable to participate in meetings; noted regulars attendees do not attend virtually; expressed support for a hybrid meeting model for people who do not have access.

Mayor Ezzy Ashcraft inquired the amount of meeting participants, to which the City Clerk responded 81 attendees are present via Zoom.

Mayor Ezzy Ashcraft stated the meeting is also being broadcast on Facebook Live.

The City Clerk stated the meeting is also broadcast on two local channels and the live stream is available on the City's website.

Councilmember Herrera Spencer inquired how many chairs are in the Chambers gallery, to which the City Clerk responded around 120 chairs.

Councilmember Herrera Spencer stated in-person meetings would typically have overflow; she believes people are being excluded; many people previously heard from are not participating.

Mayor Ezzy Ashcraft stated there is currently an Omicron variant surge of COVID-19; she also misses in-person meetings; however, in-person meetings would be inviting people to be exposed to an extremely contagious variant; people in the community have died from COVID-19.

Vice Mayor Vella stated a couple of occasions required overflow rooms; however, the need was not normal; remote meetings have had over 100 people call-in and attend via Zoom; people are watching via live stream and can call-in; it would not be the best in health and safety to have members of the public fill all the seats in the Chambers; social distancing would be needed as well as a number of other precautions, which would create barriers; expressed support for finding as many ways for meetings to be inclusive; stated finding ways of integrating technology is important; there have been increases in COVID-19 cases; now is not the time for in-person meetings; the City should take as many precautions as possible; expressed concern about staff, Council and members of the public being exposed.

Councilmember Knox White stated that he would like the matter addressed at a Council workshop.

Councilmember Knox White moved approval of findings.

Councilmember Daysog started the points made are valid; the City can begin planning for hybrid meetings; there is a blip of the Omicron surge; he will support the findings; however, the City should move look at hybrid models.

By consensus, 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.

(*22-018) Recommendation to Authorize the City Manager to Execute a Two-Year Agreement with NBS for Audit Implementation Services for Alameda's Landscape and Lighting District and Special Financing Districts, in an Amount Not to Exceed \$101,750. Accepted.

(22-019) Resolution No. 15856, "Appointing Tyler Savage as Trustee to the Alameda County Mosquito Abatement District Board." Adopted.

Mayor Ezzy Ashcraft stated that she has the privilege of nominating to the regional Board; Mr. Savage will be one of 15 members within Alameda County.

Councilmember Herrera Spencer moved adoption of the resolution.

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

The City Clerk administered the Oath of Office.

Mr. Savage made brief comments.

(*22-020) Resolution No. 15857, "Ordering Vacation of a Portion of an Existing Public Utility Easement within Parcel Map 8474, 2450 Marina Square Loop, and Recordation of a Quitclaim Deed." Adopted.

CONTINUED AGENDA ITEMS

(22-021) Recommendation to Accept an Update and Approve a Work Plan Addressing Efforts to Reimagine Police Services and Racial Equity.

The Assistant City Manager gave a brief presentation.

Mayor Ezzy Ashcraft stated that she and Councilmember Knox White have been appointed to review the matter; expressed support for working collaboratively.

Stated that she supports pursuing American Rescue Plan Act (ARPA) dollars to explore Universal Basic Income (UBI); there is vagueness around community oversight; tools without human or citizen involvement are inadequate related to body camera footage review; urged Council to take a more active approach in reviewing policies and go beyond staff recommendations; expressed concern about gaps in the Police policy manual and the term excited delirium; Jennifer Rakowski, Alameda.

Stated the matter has been around for two years; expressed concern about the amount of time taken on the matter; expressed support for a short-term Citizen Oversight Board; Melodye Montgomery, Alameda.

Stated that she does not have confidence in the use of Truleo; the resource is unproven; expressed support for taking steps towards UBI; stated there should be a continued increase in Police accountability; she supports oversight; Laura Cutrona, Alameda.

Stated the Citizen Oversight Committee must go forward; expressed concern over the use of Truleo; stated human contact is needed on Police matters; Marilyn Rothman, Alameda.

Councilmember Daysog inquired the theory in including UBI with the matter.

The Assistant City Manager responded UBI has been included based on Council discussions of the Steering Committee recommendations; noted the Steering Committee brought UBI forth as a mechanism to help support members of the community that may not have the resources needed; stated another recommendation brought forth relates to decriminalizing acts based on survival; UBI is also based on a societal value in the context of social and economic equity; UBI is a tool to level the playing field.

Councilmember Knox White stated UBI ties into policing based on the Committees also focusing on community safety and security; the number one way to decrease violence in the community is through addressing income inequality and issues; the UBI pilot is put forth as a way for Council to address crime and issues from the community.

Mayor Ezzy Ashcraft stated presentations related to UBI show it does not take a lot of money to help lift people out of housing and food insecurity; UBI allows people to find better jobs and afford child care; UBI models have been used throughout the United States as well as Canada; the opportunity is exciting; noted cities will need to apply for the State program and will have to provide matching funds; ARPA funds can be used as matching funds; expressed support for the subject being included at the priority setting workshop.

In response to Councilmember Daysog's inquiry about the business community's effort to address equity and race, the Assistant City Manager stated the matter came up in the community-led efforts; the intent is for the City to partner with the business community to create greater awareness.

Councilmember Daysog inquired whether the Chamber of Commerce, business districts or City Manager's Committees provided the recommendation.

Mayor Ezzy Ashcraft responded the Chamber of Commerce Executive Director was a member of one of the subcommittees; discussed members of the community being followed in stores while shopping; noted the matter is one way to help open a dialogue.

Councilmember Herrera Spencer expressed support for meetings with the business districts being open to the public; expressed concern about the subcommittees being represented as community-led without meeting Brown Act requirements; stated that she is comfortable with UBI coming back to Council for consideration; both individuals and businesses have been suffering through COVID-19 and prior; it is appropriate to look at ARPA funding to find matching funds; a Citizen's Oversight Committee would have to be placed on the ballot and voted on by the public; stated that her preference is to always have meetings be open to the public; she was disappointed that meetings were not publically noticed; a lot of work has been done to address the concerns raised by the subcommittees and community.

Councilmember Herrera Spencer moved approval of the staff recommendation.

Mayor Ezzy Ashcraft requested clarification on the Steering Committee and subcommittees.

The City Manager stated that he appointed four Alameda residents as Board Members to the Steering Committee in August 2020; communications were sent out about subcommittees; the Steering Committee reviewed and recommended individuals to subcommittees; he officially appointed the recommended individuals; individuals were allowed to select which subcommittee they desired; staff attempted to represent people of color and different view-points on each subcommittee; Council unanimously approved many of the recommendations put forth by the Steering Committee.

Mayor Ezzy Ashcraft stated Jolene Wright, Christine Chilcot, Al Mance, and Cheryl Taylor compiled the Steering Committee; inquired how many applications were received for serving on subcommittees, to which the City Manager responded over 100.

The Assistant City Manager stated over 70 people were on the 5 subcommittees.

Mayor Ezzy Ashcraft stated that she believes the City had over 200 applicants; noted the response was robust.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Knox White stated that he would hope the motion could be amended prior to approval; expressed support for the work completed prior to the presentation; stated matters marked as complete are not finished; expressed support for shifting traffic enforcement; traffic enforcement was not part of the original Council direction; discussed the number of prior citations; stated catalytic converter theft includes staff returning with a program to fund catalytic converter cages and stop thefts before they occur; the matter came before Council again during the budget discussion; stated the topic should not be complete until Council discusses the program; the Citizen's Oversight Committee is important; Council should provide more direction on the matter for a work plan to be completed within the year; Council approved budget appropriation for an independent Police Auditor; Council did not discuss position details; expressed support for Council providing direction to staff to come back with a proposal for the independent oversight; many cities have not figured out how to execute the program well; staff can come back with proposals; if a matter need to be placed on the ballot, the deadline is July; he could support Council placing the matter on the ballot; he would like a better understanding of the use of Truleo and research on how the Artificial Intelligence (AI) and algorithm works; expressed support for understanding how Truleo's discrimination and equity AI works in practice since many existing programs having significant built-in biases; stated Truleo is a vocal source system and does not look at video; the system provides speech analysis while identifying key words and could be a great training tool; he does not think the system meets what the Council has been asking for related to oversight and non-Police review of body camera footage; the matter is marked as complete due to being in the budget; however, implementation is not yet complete.

Mayor Ezzy Ashcraft stated that she would like an update on the concerns related to catalytic converter theft cages; requested clarification about the use of Truleo.

The Police Chief stated staff has started an educational campaign about catalytic converter thefts; the campaign focuses on things that can minimize thefts; part of the education includes devices that can prevent theft, such as cages.

Mayor Ezzy Ashcraft inquired whether staff is seeing the same high level of catalytic converter thefts in Alameda.

The Police Chief responded catalytic converter theft is not just in Alameda; the trend is National; catalytic converter theft is up 800% across the country.

The Police Captain stated the thefts are still a concern; staff is working collaboratively with other agencies; there has been significant progress with other agencies in dismantling criminal rings; information sharing has been robust and has provided many leads to help solve cases; headway is being made.

The Police Chief stated Truleo started as Greenkey and is primarily used in customer service for major banks; the system analyzes and assesses speech and is able to decipher intent and

identify specific language; the system produces a daily report and identifies at-risk encounters with staff; the system can identify whether staff are engaging or exposed to at-risk behaviors; the system is able to decipher commands associated with force and tone and is able to identify at-risk patterns of behavior; real-time identification of Officers' body worn camera footage is possible within 24 hours; encounters can be flagged for review as opportunities for re-training, holding people accountable and acknowledging unacceptable behavior and negative encounters; negative encounters are approached from a wellness perspective; discussed employee wellness; stated the Department is leveraging technology to accomplish both aspects; Truleo technology provides a real-time opportunity to address acceptable behaviors and praise behavior that goes above and beyond; policies and procedures can be adjusted to provide top-level services; expressed concern about missing little things, which can avalanche in bad behavior; unchecked, bad behavior can amount to larger issues; the technology is not a solve-all; however, it helps people make decisions in the correct direction; the technology is efficient; outlined review of body worn camera footage; stated the Department is not solely relying on the technology; the technology is to help point people in the right direction to ensure appropriate action is taken, at-risk patterns of behavior are curbed, wellness concerns are addressed and good behavior is applauded.

Councilmember Herrera Spencer stated that she understands Alameda would be the first city in the State to use the technology; inquired whether other cities are also implementing the technology.

The Police Chief responded Alameda would be the first City in the State to use the technology; stated several cities and local agencies in the Bay Area are subscribing as well; the City of Seattle is conducting reform and Truleo is being used to point people in the right direction.

Councilmember Herrera Spencer expressed support for the use of the technology; stated trying is worthwhile; the use of technology will complement the Department's efforts; she understands there has been a reduction in citations issued; inquired what has attributed to the reduction.

The Police Chief responded the City had a full traffic unit; stated currently, one Officer is assigned to the traffic unit; the Department has a staffing issue; his focus is currently on providing basic first line service in the Patrol Division; he needs to ensure the Patrol Division is adequately staffed so that Officers can respond in a timely manner while still considering Officer safety; he needs to have enough Officers on the street to serve the community at the expected levels; traffic enforcement does not only include the number of traffic citations; each month will focus on a specific Vehicle Code violation; January focus on impaired driving; February will focus on unsafe changes of course; the Department will provide information through all channels of social media to advise of monthly focuses and provide fun facts and statistics as regular reminders of related dangers; the Department will use directed patrol teams; many changes will occur in 2022, including dividing the City into 12 small beats; each beat will have Traffic, Outreach and Crime (TOC) trend points; each beat will be looked at to find out priorities associated with TOC trend spikes.

The Police Captain stated there has been a reduction in citations; COVID-19 has curbed enforcement; Officers are currently more intelligent and deliberate with enforcement; the Department is more focused on primary collision factors; there is reduced staff in the Traffic Unit; staff is visiting schools more to educate students on proper bike safety; the Department has many new items for 2022; he anticipates the numbers will increase as the number of Officers swells through deliberate growth of the organization.

Councilmember Daysog stated there are 25 items on the work plan; three categories are very important: reforming Police, revamping traffic safety and increasing sworn Officers; some items relating to reforming Police are complete related to the mental health component; Council has done incredible work in reforming Police; Council should be proud of the substantial reform; discussed revamping traffic safety; stated not everything can come from engineering; enforcement is also vital; the Vision Zero plan goes a long way in providing a more robust traffic safety plan; part of traffic safety is sworn Officers, which is in progress; the City's target is 88 sworn Officers; one Officer is dedicated to traffic safety; prior years, upwards of 6 sworn Officers were dedicated to traffic safety; there is a lot for Council to claim victory on; he is not convinced that some of the listed items are appropriate to include, such as UBI and the business community issue; businesses not working well with certain segments of the community is an SSHRB matter; he believes the City already has an Oversight Board in the City Council; Council has responded in an incredible, rapid manner; expressed concern about having a Citizen's Oversight Board; stated that he is unsure the Board will be helpful; Council is the rightful Oversight Board; the remaining 16 items begin to get in the weeds and do not rise to the level of Police reform; Automated License Plate Readers (ALPR) are controversial; however, should not be a Police reform matter; ALPRs are supplemental; he can support the motion; Council has done a lot of the heavy lifting related to reforming Police.

Mayor Ezzy Ashcraft discussed information about mental health programs, including response call length; inquired how the program is going for Alameda.

The Fire Chief responded the program launched December 16th; stated the Community Assessment Response and Engagement (CARE) team has responded to 32 calls for service; 10 of the calls for service utilized the on-call Alameda Family Services (AFS) licensed clinician; 16 calls have been referred for case management follow-up with AFS; of the 16 calls, 7 people are receiving services; the remaining clients have either not responded, declined services or are still in-process for intake; training is a part of the program; the first training has occurred; Paramedics and Emergency Medical Technicians (EMT) have developed safety plans for clients during interaction; staff has reviewed possible options and other navigation for clients; one of the biggest successes for the program has been the ability to find appropriate resources; outlined a thank you note from one of the first calls for service; stated the program is working; there have been 5 calls that staff was unable to respond to; staff looks forward to continuing to collect data in order to provide a comprehensive report on the pilot program in the future.

Mayor Ezzy Ashcraft stated that she knows one of the calls was four hours in duration; the program collaboration is multi-level; expressed support for a portion of Alameda Hospital being used for a program similar to the White Bird Clinic that supports Crisis Assistance Helping Out-On-The Streets (CAHOOTS); the matter should be included in the Council priority setting workshop.

Vice Mayor Vella stated Council has done a significant amount of work and has made significant progress; work still needs to be done; some of the items might be complete in terms of budget allocation, but are not fully complete and still need follow up or follow through; updates would be helpful; she understands concerns around the use of AI; AI is not a replacement for actual review; having a timeline about the Oversight Board item would be helpful when the item returns to Council; if the item is placed on the ballot, Council can work backward from the deadline; Council is looking for near and long-term solutions relative to oversight; reviewing hours of footage is a lot of work and would constitute a few full-time positions; she would like to better

understand long-term solutions and options; expressed support for proposed interim measures; stated that she hears support for others looking at the matter and an option for civilian review; she looks forward to seeing the options; expressed support for including UBI; stated that she is troubled to hear questioning about UBI; effectively reimagining Police includes reimagining support services to help uplift people and even the playing field; UBI is provided to help uplift and even the playing field.

Mayor Ezzy Ashcraft stated Councilmember Knox White has made some additional requests; inquired how to incorporate the items in the motion.

Councilmember Knox White made a friendly amendment to the motion to include Council providing direction to staff to come back with a plan and options for oversight; stated the idea is to have time to move the matter forward by July or to have an independent staff person in the City Manager or City Attorney's office; he would also like to change catalytic converter from complete to return with a plan.

Councilmember Herrera Spencer accepted the friendly amendments; stated that she would like to add having staff come back to Council with a timeline for the oversight.

Councilmember Knox White seconded the amended motion.

Under further discussion, Councilmember Daysog requested clarification about oversight.

Councilmember Knox White stated staff will return with a proposal for oversight on a timeline which would allow for something to go on the ballot if Council so desires.

Councilmember Herrera Spencer stated the language is broad in order to provide Council with options, which include going to the ballot; expressed support for the including a breadth of options.

Councilmember Knox White stated the language includes options.

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.

Mayor Ezzy Ashcraft called a recess at 9:06 p.m. and reconvened the meeting at 9:20 p.m.

REGULAR AGENDA ITEMS

(22-022) Public Hearing to Consider Introduction of an Ordinance Amending Alameda Municipal Code Chapter XXX to Implement Senate Bill 9 Regarding Two-Unit Housing Developments and Urban Lot Splits in Single-Family Residential Zones, as Recommended by the Planning Board; and

(22-022A) Adoption of Urgency Ordinance Amending Alameda Municipal Code Chapter XXX to Implement Senate Bill 9 Regarding Two-Unit Housing Developments and Urban Lot Splits in Single-Family Residential Zones. Not heard.

The Planning, Building and Transportation Director gave a PowerPoint presentation.

(22-023) Councilmember Herrera Spencer moved approval of allowing an additional 5 minutes for the presentation.

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.

Councilmember Knox White inquired how many properties could accommodate 10 units under the rules.

The Planning, Building and Transportation Director responded that he does not have an actual number; stated staff believes the amount to be very little; the City has allowed second units; about 9,500 homes have second units; 2021 has been the biggest year for second units in Alameda; only 21 property owners from the R1 district requested a second unit; staff does not believe there is huge demand for R1 property owners to max out and build 10 units; the standard approach or request will be for one additional unit; no one has submitted an application and staff has not received calls regarding Senate Bill (SB) 9 units; 10 additional units per year is the maximum.

In response to Councilmember Herrera Spencer's inquiry related to findings, the City Attorney stated one neighboring jurisdiction had health and safety findings due to fire safety near hillsides; staff prepared findings that are included in the emergency ordinance in the best way possible; the SB 9 regulations would lead to a faster and more prompt creation of units, which is critical to resolving the State's housing crisis.

Mayor Ezzy Ashcraft inquired whether the basis for the other cities' findings were related to fire safety; to which the City Attorney responded in the affirmative; stated the jurisdiction found that there needed to be regulations imposed to ensure hillside and fire safety risk mitigation.

Councilmember Daysog stated several cities have adopted SB 9 using the framework of a maximum of four units; he does not see why the Alameda cannot use the same maximum.

The Planning, Building and Transportation Director stated every city has been hustling to develop regulations and have been learning from each other; most cities assumed four units were possible; the City can write a provision for applicants to request a lot split and have the units limited to four; if an R1 property owner is allowed a duplex, staff cannot limit Accessory Dwelling Units (ADU); ADUs can only be limited if an applicant comes in with a lot split first; SB 9 can prevent applicants from building more than four units; staff is struggling with instances where the limitation is not allowed under SB 9; discussed examples of applicants being able to build five units under the current ADU ordinance; stated SB 9 regulations allows two units plus ADUs; SB 9 limits units with a lot split; if applicants come in and apply for units without an initial lot split, they can return in one year after building units to request a lot split to build more units on the new, vacant lot; staff does not have all the answers and no city does; staff will need to make decisions over-the-counter once the first application comes in and there will be no public hearings with Council and Planning Board; the most effective way to structure the current matter

is to let staff know whether to be as restrictive as possible with unit size and number of units or push the ordinance as far as legally possible; the Planning Board recommendation allows ADUs in addition to the SB 9 units; staff can structure the ordinance based on Council direction; the regulation is new; staff is unsure how many applications will be received; staff can provide an update in six months based on applications; Council can make adjustments in the future.

Mayor Ezzy Ashcraft stated the Housing Element is being worked on in the coming year; the City has Regional Housing Needs Allocation (RHNA) numbers to fulfil; inquired whether the potential lot splits are the only way staff can address the RHNA requirements.

The Planning, Building and Transportation Director responded depending on how strict or lenient the ordinance is, staff will project how many units will be produced within the R1 district over the next 8 years; staff needs to provide the projection for the Housing Element; an advantage of the ordinance being lenient is better ease in advocating that the R1 district will generate additional units over the next 8 years; staff wants to make a case that the City will add as many units as possible; however, if Council does not want to have additional units in the R1 district, a more restrictive ordinance is needed.

Mayor Ezzy Ashcraft stated the City will get additional units in the R1 district based on SB 9; inquired whether there are other tools for staff to meet the City's RHNA obligation.

The Planning, Building and Transportation Director responded in the affirmative; stated staff will be looking at up-zoning shopping center and Park and Webster Street districts; staff has held Planning Board and City Council hearing about the need of up-zoning residential districts; the current matter is part of the residential up-zoning; staff estimates the residential districts are generating about 60 units per year; the rate should be doubled in order for RHNA obligations to be met; the ordinance will be helpful if it allows the R1 district to generate an additional 10 units per year to meet the RHNA obligation; the City's obligation is roughly 5,353 housing units over the next 8 years, which puts the units around 600 per year; the R1 district of the City only generates 21 units per year.

Councilmember Herrera Spencer inquired whether there are any minimum requirements for setbacks and space between ADUs.

The Planning, Building and Transportation Director responded in the negative; stated applicants must meet Building Code requirements for health and safety; the SB 9 setback is four feet; staff can explore additional requirements in terms of spacing between buildings; however, SB 9 is clear that the City cannot adopt any rules which prevent at least the two units on-site; each unit must be at least 800 square feet; the only rule staff can enforce is a four foot setback from the property line.

Councilmember Herrera Spencer inquired what the Building Code requires space between units.

The Planning, Building and Transportation Director responded the requirement is typically three feet to the property line and approximately six feet between buildings.

Councilmember Herrera Spencer further inquired whether the units can be added to the front of the property, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Herrera Spencer inquired whether there are requirements to add off-street parking for the units, to which the Planning, Building and Transportation Director responded in the negative.

Councilmember Daysog stated some cities are restricting SB 9 units to a certain income categories; inquired whether anything is preventing the City from doing the same.

Mayor Ezzy Ashcraft inquired whether Councilmember Daysog is interested in a permanent deed restriction, to which Councilmember Daysog responded in the affirmative.

The City Attorney responded State law does not contain an express prohibition or authorization on income limitations for the newly created units; stated the area is grey; if Council wishes to implement a restriction, staff can look into the matter; many jurisdictions have adopted many different rules that are not specifically authorized or prohibited; restrictions have the effect of reducing the overall housing production due to cost implications.

In response to Councilmember Herrera Spencer's inquiry regarding waiving fees on ADUs, the Planning, Building and Transportation Director stated Council adopted a Citywide Development Impact Fee (DIF) update three years ago; the update clarifies that the ordinance does not apply to deed restricted, affordable units and ADUs, which helped reduce costs for affordable and small units; the only fee that is waived is the DIF.

Councilmember Herrera Spencer inquired whether it is possible to have the matter be limited to affordable units to try and encourage affordable units.

The Planning, Building and Transportation Director responded if Council wishes to create a deed restriction requirement on the SB 9 units, staff can do so.

Councilmember Herrera Spencer inquired whether the City can require the deed restriction on affordable units if unit fees are waived.

The Planning, Building and Transportation Director responded the restriction will require a change to the Citywide DIF ordinance; currently, second units or ADUs are automatically waived from Citywide DIF fees whether they are deed restricted or not; the other approach would be to amend the DIF ordinance to waive fees on ADUs if they are deed restricted; the change will be an incentive for property owners to deed restrict in order to avoid the upfront DIF costs.

Urged Council to reject the Planning Board's up-zoning to 10 units per parcel, to limit the maximum size to 800 square feet and to reject the proposal to adopt the four foot setbacks; expressed support for choosing how new housing happens: Joyce Boyd, Alameda.

Stated that she is confused about what is being accomplished; affordable housing is needed in Alameda; expressed concern about market rate homes; discussed home sale prices; stated an 800 square foot home will be affordable; the number of units should be limited to four; expressed support for an State initiative; discussed global warming: Karen Miller, Alameda.

Stated allowing two duplexes on lots will not be the only increase in the number of residential units in the City; there is no meaningful difference between unit limits; it does not make sense to add restrictions; people can infill wherever desired: Josh Geyer, Alameda.

Stated the matter is an opportunity to create small, more affordable units with minimum, negative impact; SB 9 spreads the responsibility for providing housing throughout the City; the proposed ordinance presents a custom version of SB 9; ten units is too many; discussed Alameda apartment units causes a loss of trees, stormwater run-off and loss of solar access; development with no public notice or hearing was previously illegal; urged implementing a reasonable ordinance and adopting the original staff recommendation: Betsy Mathieson, Alameda.

Urged Council to take the most restrictive, legal approach; expressed concern about going beyond the State's suggestion; stated ten units per parcel with no hearing is neither desirable nor reasonable; cheaper housing will be created; questioned the quality of life being created; stated the stress on infrastructure needs to be contemplated; there could be negative impacts to diverse and working class homeowners due to developer interest; SB 9 will make the City too dense; urged more community input: Tracy Cote, Alameda.

Urged Council to refrain from accommodating ten units per parcel in the R1 district, which can open the door to up-zone other neighborhoods; transportation infrastructure is not being considered; Alameda cannot continue to create density at such pace without public notice and off-street parking; urged Council to consider a more modest and sustainable 800 square foot size; stated 1,600 square feet seems too large; urged Council look at recommendations provided by Alameda Citizens Task Force (ACT) and Alameda Architectural Preservation Society (AAPS): Carmen Reid, Alameda.

Expressed support for the Planning Board's proposal; stated Council should eliminate the square footage requirements; he is a fan of small units and flexibility for a range of housing options; the matter is for homeowners; a misleading narrative is being spread; discussed the potential percent increase in lots: Zac Bowling, Alameda.

Urged Council to adopt the Planning Board's recommendation; stated staff has made a good faith effort to update the City's Zoning Code; discussed minimum lot size requirements in Bay Area cities; stated that he is glad to see City staff and the Planning Board not follow other cities as a template; the Zoning Code adjustments are straight forward; discussed City website resources: Drew Dara-Abrams, Alameda.

Expressed support for the ordinance; stated that she lives on a dense parcel; the measure can help facilitate her children being able to live in Alameda; SB 9 has built important provisions which preserve housing security for current tenants; the ordinance helps people not to lose housing security for current tenants as housing is being built: Jennifer Rakowski, Alameda.

Urged Council to uphold the Planning Board recommendation, which will allow flexibility and provide opportunity within the R1 district; discussed the variety of housing opportunities; stated more housing solutions are needed throughout Alameda; more density should be supported to help reduce the impacts of climate change: Ruth Abbe, Alameda.

Stated that she is against the Planning Board recommendation; the 800 square foot limit should be kept on ADUs; expressed support for the minimum allowed under SB 9; stated SB 9 is forcing the City to allow additional density and will be challenging; expressed support for using caution and enacting only what is required; stated the City can increase amounts at a later date: Devon Westerholm, Alameda.

Stated that she does not support the Planning Board recommendation; she would like to see local control; the matter will not solve the housing problem; discussed an owner-occupied triplex; urged Council vote against the recommendation: Michelle Morgan, Alameda.

Urged Council to limit units to four per split lot and 800 square feet; stated more housing should be provided for people being squeezed out; the units will provide lower cost rental units; discussed real estate websites offering services related to SB 9: Birgitt Evans, Alameda.

Stated that she is concerned about the interpretation of the intention of SB 9; the City should slow down policy implementation; expressed support for a limit of four units per lot split and 800 square feet on ADUs; stated the limits ensure green space is preserved; she would like more community input before a new policy is adopted; expressed concern about effects on schools, Police, parking and infrastructure; discussed electric car charging and the Oakland-Alameda Access Project: Therese Hall, Alameda.

Stated that he is opposed to the ordinance as proposed; the matter is concerning; central Alameda parking is congested; expressed concern about rush to approve an ordinance; stated that he shares fears that developers will take advantage of homeowners: Matt Reid, Alameda.

Stated the new law creates infrastructure problems; expressed concern about Council planning to purchase distressed and foreclosed properties to build ADUs; questioned the maximum population that can safely be evacuated from the Island; urged Council to have the City Attorney push back legislation which endangers the general population and visitors: Jim Strehlow, Alameda.

Expressed support for capping the number of units on a lot; stated the ordinance is premature; she supports capping the amount at four units and 800 square feet; expressed concern about parking; outlined her ability to put ten units on her lot; stated height restrictions have not been mentioned: Margaret Hall, Alameda.

Expressed support for the Planning Board recommendation; urged Council to move forward; stated two of the biggest problems being faced in the area are the lack of housing and climate change; increasing the density of the R1 district addresses both problems; discussed impacts: Denyse Trepanier, Alameda.

Urged Council not to be more permissive than SB 9; stated the City can loosen rules at a later time using the Housing Element process; expressed concern about a piecemeal approach to the R1 district; discussed informational notices, building setback language, waiving zoning standards, side yard setbacks and deed restrictions: Christopher Buckley, Alameda Architectural Preservation Society (AAPS).

Discussed tenants reacting to building ADUs; stated that she has not heard much about how tenants would be effected: Leslie Carter, Alameda.

Stated that she supports the proposals made by AAPS; urged Council to limit the maximum number of units on a 1,200 square foot lot to four, rather than ten; stated allowing ten units goes beyond SB 9 requirements; discussed Measure Z and limiting density; urged Council to vote no on the Planning Board recommendation: Elizabeth Greene, Alameda.

Expressed support for comments provided by Speaker Rakowski; stated that she is disheartened to think she will have to look outside of Alameda in order to purchase a home; SB 9 might create the possibility of affordable home purchasing options: Melodye Montgomery, Alameda.

Stated that he does not know how many R1 parcels are impacted; expressed support for Council requesting data; stated SB 9 is closely intermingled with SB 10, which applies to all properties; discussed urban infill and raising the number of housing units: Paul Cohen, Alameda.

(22-024) Mayor Ezzy Ashcraft inquired if there is a motion to consider new items after 11:00 p.m.

Councilmember Daysog moved approval of hearing the first three referrals.

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

Councilmember Daysog moved approval of hearing the first two referrals.

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

Vice Mayor Vella moved approval of hearing the first three referrals up until midnight.

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.

Mayor Ezzy Ashcraft stated there have been comments on how Alameda is full of small lots; inquired the average lot size.

The Planning, Building and Transportation Director responded the R1 district has a wide variety of lot sizes; stated generally lots sizes are in the 4,000 to 5,000 square foot range; some parcels can be much smaller and some unusually large lots exist.

Mayor Ezzy Ashcraft inquired whether height restrictions exist, to which the Planning, Building and Transportation Director responded in the affirmative; stated the existing height limit in the R1 district is 30 feet.

Mayor Ezzy Ashcraft inquired what occurs if Council does not pass an ordinance.

The Planning, Building and Transportation Director responded if an application come in before Council adopts an ordinance, staff will follow State Law; there will be no limit on unit size or lot splits; every property owner would have rights under SB 9.

Councilmember Daysog requested clarification about how seven units could be achieved.

The Planning, Building and Transportation Director stated State Law allows the City to stop an applicant at four units; a property could build two units without requesting a lot split; a property with two units is considered multi-family under the City's ADU ordinance and State law; multi-family properties are allowed two second units in the backyard and a junior unit is allowed within each of the two units for up to five units total; the City does not have the ability to limit ADUs since there is no lot split; if someone requests a lot split after placing five units on one side of the property, two additional units would be allowed for a total of seven units; the City can limit applicants to four units if the lot split is done first.

Councilmember Daysog inquired whether five units are eligible for a density bonus.

The Planning, Building and Transportation Director responded second units are not eligible; stated the second unit ordinance does not trigger density bonus; if the Council wishes to limit SB 9 to the minimum amount allowable, Council may direct staff to redraft the ordinance to have a maximum of four units; even with the direction to limit SB 9 to the minimum allowable units there is a loophole due to the way the law is written; an applicant can sequence the build to get to seven units total.

Councilmember Daysog stated Council can conceivably work on a parallel track where the maximum of four units at 800 square feet; the City should have the discretion and can designate all SB units must be affordable; he does not know whether or not the affordable clause would stop people from taking the loophole.

The Planning, Building and Transportation Director stated the ordinance could indicate an applicant can maximize the number of units under SB 9 and the ADU ordinance, but a lot split after the fact on the same property will only yield two, deed restricted units.

Councilmember Herrera Spencer stated that she would like further clarification of the scenario; inquired whether it is legally possible for Council to deed restrict the additional units.

The City Attorney questioned whether another scenario is the City could modify the ADU ordinance to require dispersion; stated once the five units are built, it would not be practically possible to create a split lot.

The Planning, Building and Transportation Director responded the approach is creative and doable; stated the objective development standards could be set up to have the units spread out; if an applicant returns for a lot split under SB 9, the existing, previous units cannot be torn down; the lot can be severed and two of the units can be sold.

The City Attorney stated the approach is an easier legal path to defend than to impose a deed restriction; outlined the State Law provision; stated local agencies can do three things under SB 9: 1) impose objective zoning standards, 2) objective subdivision standards and 3) objective design review standards; staff would have to argue that deed restrictions on income limitations fits within one of the three provisions; staff could possibly argue income limitations are zoning standards; however, it would be an uphill the argument; the dispersion approach is likely an easier legal direction; dispersion is a clear provision under State Law.

In response to Mayor Ezzy Ashcraft's inquiry regarding a first reading returning to Council, the

City Attorney stated staff will need to work with the Planning Department to figure out the dispersion standards, which could not be finalized at the current meeting; the dispersion standards will have to be brought back to Council.

Councilmember Daysog stated input from the Planning Board and public might be considered; expressed concern about things happening on the fly; stated Council needs to measure twice and cut once; he understands concerns about the risk of State Law; however, it is best to craft the law as best as possible with public input.

Councilmember Knox White inquired how bad it would be for Council not to pass anything tonight.

The Planning, Building and Transportation Director responded that he does not anticipate a flood of applications; stated over the last few years R1 property owners have built a second unit for college aged kids who cannot afford housing in Alameda or an in-law unit; not many property owners are maximizing what is currently allowed; an average of 20 units are built out of 9,000 properties in the R1 district; staff does not see a huge risk in the approach proposed by Councilmember Daysog.

Councilmember Knox White stated the sky is not going to fall if Council adopts the ten unit maximum; the City does not have lots large enough; the lots that are large enough will not have ten units; he is comfortable with the idea of taking time and providing direction to bring back an ordinance as a part of the Housing Element; expressed support for Council giving direction about what is desired; prior to SB 9, five units were allowed on a lot; if an applicant chooses not to split their lot, five housing units are still allowed; questioned the point of having anything return to Council with less than five units; expressed support for discussing goals and for smaller units; stated housing affordability is important; he will not vote on a fake use of affordable housing requirements to limit units; he is interested in increasing the ability for people to own homes in Alameda and for split lots; housing ownership is important; Council should think about how to limit the number of units and incentivize lot splits; he does not think limiting the number of units does anything; expressed support for a limit of five to seven units in the R1 district.

Mayor Ezzy Ashcraft expressed support for providing staff direction on Council goals; stated that she appreciates the work put into the matter and the consideration of the housing crisis; the matter is one tool in the City's toolkit which can be further refined; she is unsure whether or not the matter should go back to the Planning Board; the proposed ordinance is not ready for first reading.

Councilmember Herrera Spencer stated the matter does not need to go back to the Planning Board; it is important that the matter stays at the Council level; staff can take direction from Council and return; the matter should not drag on indefinitely and deserves to be its own agenda item, rather than as part of the Housing Element; expressed support for pursuing the recommendation related to dispersion and for the middle having opportunities to buy property; 1,600 square feet does not create the possibility of affordable units; expressed concern about 1,200 square feet; stated that her preference is 800 square feet; 1,200 square foot units are over \$1 million to purchase; questioned whether the City has an ordinance which allows 1,200 square foot units for ADUs.

The Planning, Building and Transportation Director responded in the affirmative.

Councilmember Herrera Spencer further inquired whether the square footage would remain unless changed by Council, to which the Planning, Building and Transportation Director responded in the affirmative.

In response to Councilmember Herrera Spencer's inquiry related to additional units, the Planning, Building and Transportation Director stated the City it could be part of the same ordinance; if Council desires to limit all ADUs on SB 9 projects to 800 square feet, the ordinance should be clear; he believes State law allows the City to implement the limit.

Councilmember Herrera Spencer expressed support for the 800 square foot limit on ADUs; stated the size provides more opportunity for affordable housing; the City should try to end up with as many 800 square foot units as possible; she is interested in revisiting the waiver of fees for any ADU; expressed support for the waiver being limited to units which are deed restricted to affordable housing; she is unsure why the City is waiving fees for building 1,200 to 1,600 square foot units; inquired whether rent control would not apply to any of the proposed units.

The City Attorney responded in the affirmative.

Councilmember Herrera Spencer stated the best opportunity for ending up with affordable units is to limit the size; it is important for the matter to return to Council.

Vice Mayor Vella stated the discussion is best to be had along with the Housing Element; based on questions posed and misinformation circulated, it should be part of the broader Housing Element discussion; there is unlikelihood of people maximizing the units; she does not see developers coming in and maximizing the units; affordability and other requirements will make housing infeasible; expressed support for striking a balance in order to get units and meet the intent of SB 9 and for having an Alameda ordinance; stated a cap is not necessarily needed; she appreciates the Planning Board recommendation; she would like to see something that will allow for flexibility in terms of square footage; a number of factors go into the price of a home, not just the square footage of the unit; her preference is not to cap the square footage; there could be a reason to have a 1,200 square foot ADU; she is leaning towards allowing as much flexibility as possible; the City is in the middle of a housing crisis and housing has been deemed a Council priority; Council needs to prioritize building housing.

Councilmember Daysog stated that he believes Council needs to move quickly, yet carefully; he does not think Council should wait until the Housing Element is complete; expressed support for an 800 square foot maximum, two to four units, and dispersion of units; stated the history of Alameda includes people taking advantage of the opportunity to build more and is why Measure A was created; it is incumbent upon Council to respect the history for those who are Article 26 stalwarts; soon enough, people will exploit the opportunity by building as many housing units as possible; Council needs to carefully craft the ordinance and should not wait; expressed support for Council working with City staff and allowing for public input.

Mayor Ezzy Ashcraft stated that she does not want to fold the matter in with the Housing Element process due to the need to address the housing shortage sooner rather than later; Council has provided many good suggestions for staff to return with an revised ordinance; expressed support for a cap on unit size, which provides a better chance at affordable by design units and more housing opportunities; stated a dispersion requirement makes sense; design can maximize small square footage; she would vote for a unit size limit; expressed support for

scheduling a check-in at six months after the ordinance goes into effect so staff can report how the ordinance is unfolding and how many applications have been received; stated Council can make changes when needed; she favors a phased approach; Council can keep an eye on the Housing Element and meeting RHNA goals; discussed moderate affordable units being 80% to 120% of the area median income; stated some people miss the cutoff and struggle with housing; this provides more opportunities.

Councilmember Herrera Spencer stated that she would like to know how soon the matter can return to Council with the incorporated direction.

The Planning, Building and Transportation Director responded that he is hearing strong general consensus for limiting unit sizes somewhere between 800 and 1,200 square feet in size; stated the dispersion idea is great for shutting down loopholes and guaranteeing a maximum of five units; staff will have to work through the question of whether Council will want to use the lot split as an incentive to gain homeownership; a lot split can increase the number of units to six or seven and should be considered; staff can return with a solid plan by the second meeting in February; currently, there is not a single application; if an application comes in before the matter returns, the information will be helpful; expressed support for returning to Council six months after an ordinance is passed for a report back on how the process is working.

Councilmember Daysog inquired whether there are any legal issues with posting draft ideas to the City's website for public comment.

The Planning, Building and Transportation Director responded in the negative; stated staff can place the information on the City website before the meeting materials are published; the process can stretch out a couple months depending on how much public input is desired; suggested setting a deadline.

Councilmember Know White stated the Planning Board is the process of getting public input on planning projects; the matter should be sent to the Planning Board if Council wants public input; expressed concern about a false Planning Board process to collect input using staff time; stated Council will either need to provide staff with six months or have the matter return in February.

Mayor Ezzy Ashcraft concurred with Councilmember Knox White; stated Council is making substantive changes to the ordinance which does not qualify as a first reading; Council is providing direction to staff and proposing matters which arose via public comment and correspondence; the public has had a good change to weigh in; staff can work through Council direction.

Councilmember Herrera Spencer inquired whether the matter would be returning to Council February 15th.

The Planning, Building and Transportation Director responded in the affirmative; inquired whether the matter is being continued to February 15th or whether the matter will be re-noticed.

The City Clerk responded the matter must be re-noticed.

(22-025) Public Hearing to Consider the following Ordinances to Govern the Future Development of the Encinal Terminals Property:

(22-025A) 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; and

(22-025B) 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); and

(22-025C) 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.

CITY MANAGER COMMUNICATIONS

(22-026) The City Manager announced a Webster/Posey Tubes and Atlantic Avenue road closure; discussed COVID-19 cases; urged residents to get vaccination boosters; stated staff will be returning to Council with an update on small landlord funding assistance in the first quarter of 2022.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(22-027) Considering Directing Staff to Provide an Update on License Plate Readers. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Councilmember Knox White moved approval of rejecting the referral; stated Council provided direction in March prior to the referral being placed on the agenda; there has been a hearing and direction has been provided to staff.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated that he believes the matter is being brought forth with the intention of representing constituents; the issues being raised are valid; Councilmembers would like to know when key items will be resolved; expressed support for the referral.

Councilmember Herrera Spencer stated that she was not on Council in March when the matter came forth; she has been consistent in wanting to hear from the Police Chief.

Councilmember Knox White stated that he supported Councilmember Herrera Spencer's motion

in March of 2021 to place the matter on the agenda; on the first meeting in June, Council received a staff report; the matter is returning in March of 2022; expressed concern over re-agendizing matters.

Councilmember Herrera Spencer stated that her issue continues to be the same; she would like the matter to come back to Council as soon as possible; inquired the date the matter will come before Council.

Councilmember Daysog stated Councilmember Herrera Spencer is not asking for much; Councilmember Herrera Spencer is asking for a formal update to allow a commitment to a timeline; expressed support for extending courtesy.

Mayor Ezzy Ashcraft stated Council addressed the ALPR matter at a recent meeting; Council requested additional information and clarification; staff is working on the matter and will return to Council; the referral reads to provide an update on ALPRs; an update has been received; the referral has been answered; some issues can be resolved by meeting with the City Manager; questioned the goal of the referral.

Councilmember Herrera Spencer stated a response to when the matter will return to Council has not been provided; the matter has remained open-ended, which is the reason the referral has remained on the agenda.

Councilmember Knox White stated in December, Council provided direction to staff to have the matter return as fast as possible.

The City Manager stated the intent is to return the first meeting in February; staff is working to meet Council requirements; certain requirements may cause the matter to push to the second meeting in February; however, the goal is to have staff bring for the matter at the first meeting in February.

Mayor Ezzy Ashcraft inquired whether further Council direction is needed for the ALPR matter to return to Council, to which the City Manager responded in the negative.

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: Abstain. Ayes: 2. Noes: 2. Abstention: 1.

(22-028) Consider Directing Staff to Publicly Share Information on Parking Recreational Vehicles (RV). (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Councilmember Daysog stated Council should have staff flesh out the matter and return with analysis and policy issues for Council discussion.

Councilmember Daysog moved approval of the referral.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated the matter is valid item to consider; however,

consideration should not be through the referral process; Council is close to scheduling a Council priority setting workshop; priority setting workshops provide Council the ability to prioritize matters; expressed concern about addressing matters piecemeal; stated staff is working on many projects; inquired whether a date for the workshop has been set.

The City Manager responded the date will either be February 1st, 4th, or 5th; everyone has responded to the poll.

Councilmember Daysog stated the Council referral is an example of a Councilmember responding to an issue raised by a constituent; the issue was raised in May; planning meetings are not meant to stifle how Councilmembers respond to constituents; Councilmembers must do their best; Councilmembers not in support of the referral can vote accordingly.

Mayor Ezzy Ashcraft concurred with Councilmember Daysog about responding to constituents; stated there are other ways to get information and provide a response.

Councilmember Herrera Spencer stated that she has communicated with staff multiple times on the matter; there is inconsistency in how the policy is applied; there is a question whether people can park RV in front of houses; some people receive a ticket and others do not; the referral process is about responding to the public; expressed concern about using the priority setting meeting as a way to never use the Council referral process and for squashing Councilmembers' ability to raise issues; stated there is no way for Council to know all matters of concern that might arise in future; expressed support for priority setting on high level goals; however, some matters have nuance and require the Council referral process.

Mayor Ezzy Ashcraft noted the priority setting workshop has categories of topics and does not require anticipating all future matters.

In response to Councilmember Knox White's request to clarify the motion, Councilmember Daysog stated the motion is to approve directing staff to publically share information on RV parking to clarify the policy for Council and the public.

Councilmember Knox White inquired whether Council is voting to have information return, to which Councilmember Daysog responded in the affirmative; stated Council needs staff to return for Council policy discussion.

Councilmember Knox White stated a policy exists.

Councilmember Daysog stated the policy does not exist; the point of the referral is that there are conflicts in how departments respond to RV parking; the matter will be taken to staff to resolve conflicts and return to Council with a policy discussion.

Vice Mayor Vella stated Councilmembers have the ability to ask staff questions on policy discrepancies and respond to constituents; all Councilmembers have done constituent case work; the referral seems to extrapolate an anecdotal issue into a wholesale policy change; it seems as though an inquiry was made; Councilmembers owe constituents representation as well as performing the job of an elected official; expressed concern about Councilmembers escalating referrals which may or may not be able to be answered by an email and spending limited time at Council meetings discussing a matter with a simpler solution; stated that she is unsure whether there is an issue with the policy; policies are typically written to allow a level of

discretion for situations to be addressed accordingly; she will not support having staff return.

Mayor Ezzy Ashcraft inquired whether there is a desired time frame for the matter to return to Council.

Councilmember Herrera Spencer responded that she has asked staff to figure out the matter; noted some RVs are ticketed and some are not; expressed support for staff verifying the policy for the public when convenient; stated that she would like the matter to be enforced consistently through the City.

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.

(22-029) Consider Directing Staff to Address Representation for Below Market Rate Homeowners on Homeowner Association (HOA) Boards and with Property Management. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Councilmember Knox White stated all Councilmembers received an email for the matter; he followed up with staff; the person is not an HOA member; the loophole used has been closed and the matter has been addressed; the issue of concern was not related to the HOA; the person was connected with proper City staff; the requestor originally thought the HOA maintains the green space; he will not support the referral.

Councilmember Herrera Spencer stated the matter should be looked at in the long-term to ensure people who buy affordable units are included in the HOA.

Councilmember Knox White stated the matter is in-progress.

Mayor Ezzy Ashcraft inquired whether the information satisfies Councilmember Herrera Spencer.

Councilmember Herrera Spencer responded in the negative; stated the matter should be included in City policies.

Councilmember Daysog stated the broader policy is spot-on; if there are projects where the City is implicated with a subsequent HOA, a City policy should require the HOA voting process include all residents.

Councilmember Daysog moved approval of the referral.

Councilmember Herrera Spencer seconded the motion, which 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.

(22-030) Consider Directing Staff to Support Removal of the US Navy Constraints Limiting Housing Development at Alameda Point. (Councilmember Herrera Spencer and Councilmember Daysog). Not heard.

(22-031) 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.

(22-032) Consider Directing Staff to Move Jean Sweeney Park Fencing. (Councilmembers Herrera Spencer and Daysog). Not heard.

(22-033) Consider Reviewing and Updating the Previous City Council's Priorities at a Regular City Council Meeting. (Councilmember Herrera Spencer). Not heard.

(22-034) Consider Having the City Council Address the Zoning of the Harbor Bay Club. (Councilmember Herrera Spencer). Not heard.

(22-035) Consider Having the City Council Review Recreation and Parks Department Community Events. (Councilmember Herrera Spencer). Not heard.

(22-036) Consider Directing Staff to Immediately Agendize an Urgency Hearing on Senate Bill (SB) 9. (Councilmember Herrera Spencer). Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:59 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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