

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 2, 2023- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:14 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Vella arrived at 5:43 p.m.]

Absent: None.

Consent Calendar

Councilmember Jensen moved approval of the Consent Calendar.

Vice Mayor Daysog seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Vella – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*23-249) Recommendation to Approve Jennifer Ott, City Manager, Amy Wooldridge, Assistant City Manager, Lisa Maxwell, Community Development Director, Len Aslanian, Assistant City Attorney, Lois Butler, Economic Development Division Manager, and Lisa Fitts, Community Development Manager, as Real Property Negotiators for the Property Located at 1900 Thau Way, Alameda, CA 94501 [All Good Living Foundation]. Accepted.

The meeting was adjourned to Closed Session to consider

(23-250) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: West Midway Market-Rate Development Project (Parcel bounded by Main Street, West Midway, Pan Am and West Tower) Alameda Point, Alameda, CA; City Negotiators: City Manager Jennifer Ott, Community Development Director Lisa Maxwell, Planning Building & Transportation Director Andrew Thomas, and Base Reuse Manager Scott Watson; Negotiating Parties: City of Alameda, Brookfield Development and Catellus; Under Negotiation: Terms of Disposition and Development Agreement and Related Real Property Agreements

(23-251) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: In Re: National Prescription Opiate Litigation; Court: United States District Court Northern District of Ohio Eastern Division; Case Number: MDL 2804 Case No. 1:17-md 2804

(23-252) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 1900 Thau Way, Alameda Point, Alameda, CA; City Negotiators: City Manager Jennifer Ott, Assistant City Manager Amy Wooldridge, Community Development Director Lisa Maxwell, Assistant City Attorney Len Aslanian,

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Economic Development Division Manager Lois Butler, and Community Development Manager Lisa Fitts; Negotiating Parties: City of Alameda and All Good Living Foundation; Under Negotiations: Price and Terms of Lease

(23-253) 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): All Persons Unknown, Claiming Any Legal or Equitable Right, Title, Estate, Lien, or Interest in APNs 72 382 001, 72 382 002, 72 383 003 01 and 72 382 009 (Encinal Terminals) Adverse to Plaintiffs' Title, or Any Cloud Upon Plaintiffs' Title Thereto; State of California, Acting By and Through State Lands Commission; and Does 1 through 50 Inclusive

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding West Midway Market-Rate Development Project, staff provided information and Council provided direction by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4; Noes: Councilmember Herrera Spencer – 1; regarding Existing Litigation, the case involves litigation against prescription opioid manufacturers and distributors; nationwide settlements have been reached to resolve the cases brought by States and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen, and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson; the settlements provide that in return for a release of claims against the defendants, States and local political subdivisions shall receive up to a combined total of \$26 billion; the City of Alameda is eligible to participate in the settlements although it is not a named plaintiff in the litigation; the City's share of the settlement funds could be up to \$1,062,000 over 18 years; the Council authorized the City Attorney to resolve this litigation on behalf of the City of Alameda by consenting and participating in the settlements; after electing to consent/participate in the settlements, the City may later choose to receive its share of the settlement funds to be used for designated opioid abatement purposes, or can instead allow its share of the funds to be directed to the County of Alameda; Council provided direction by unanimous voice vote – 4 [Absent: Councilmember Vella – 1]; regarding 1900 Thau Way, staff provided information and Council provided direction by the unanimous voice vote – 4 [Absent: Councilmember Vella – 1]; regarding Potential Litigation, The City Council authorized the City Attorney to file a judicial validation action to confirm the validity of the tidelands exchange agreement to facilitate the development of the Encinal Terminals project, subject to the developer's execution of a reimbursement agreement amendment; the Encinal Terminals project, located at 1521 Buena Vista Avenue, is planned to develop 589 units of housing, including 80 affordable units, which are critical for the City to meet its regional housing needs; the project requires the developer to extend the San Francisco Bay Trail to include the entire site perimeter, construct a waterfront park and other infrastructure improvements at the developer's sole cost; Council provided direction by the following voice vote: Ayes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft – 3; Noes: Councilmembers Daysog and Herrera Spencer – 2.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
SUCCESSOR AGENCY TO THE
COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -MAY 2, 2023- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:24 p.m. Vice Mayor/Commissioner Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Herrera Spencer, Jensen, Vella and Mayor/Chair Ezzy Ashcraft – 5.

Absent: None.

CONSENT CALENDAR

Commissioner Vella moved approval of the Consent Calendar.

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

(*23-07 SACIC) Minutes of the Special Joint City Council and SACIC Meeting Held on March 21, 2023. Accepted.

AGENDA ITEM

(23-254 CC/23-08 SACIC) Recommendation to Accept the Fiscal Year 2021-22 Audited Financial Statements and Compliance Reports.

Amy Meyer, Maze and Associates, and the City Auditor gave a brief presentation.

Vice Mayor/Commissioners Daysog stated the City has a healthy fund balance; inquired whether the City should be concerned about the fund balance; stated the balance is going from \$54.6 million to \$90 million; questioned whether the COVID-19 pandemic drove the current situation; expressed concern over the large increase in the fund balance relative to the standard ratio.

Ms. Meyer responded Council must look at the timing of projects; stated having reserves and funds in place is a good thing, however, the overall picture must be considered; the City could have an influx of federal funding that has not yet been spent, as well as new revenues and expenditures; accumulating fund balance is not a bad thing; discussed figures being tamped down due to negative fair value experience.

In response to Vice Mayor/Commissioner Daysog concerns, Ms. Meyer stated COVID-

19 created a dip; the City is still coming out of the dip; the balance point still needs to be discovered.

Councilmember/Commissioner Herrera Spencer expressed support for the City Auditor; stated that she hopes staff will look into the ongoing request to increase staff in the Finance Department.

Councilmember/Commissioner Herrera Spencer moved approval of the staff recommendation.

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

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - MAY 2, 2023- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:40 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella, and Mayor Ezzy Ashcraft – 5.

Absent: None.

AGENDA CHANGES

(23-255) Mayor Ezzy Ashcraft announced that Asian Pacific Heritage Month proclamation [paragraph no. 23-258] would be moved to the May 16, 2023 meeting.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(23-256) Proclamation Declaring May 2023 as East Bay Affordable Housing Month.

(23-257) Proclamation Declaring May 2023 as Jewish American Heritage Month.

Mayor Ezzy Ashcraft read the proclamation.

Sophia DeWitt, East Bay Housing Organizations (EBHO), made comments on Affordable Housing Month.

(23-258) Proclamation Declaring May 2023 as Asian Pacific Heritage Month. Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

(23-259) Diane Appelbaum, Alameda, expressed concern over South Shore tenants facing Capital Improvement Project (CIP) pass through payments; discussed a petition related to a moratorium; urged Council approve a moratorium.

(23-260) Stacey Rodrigues, Alameda, discussed renting at South Shore; expressed concerns over CIP pass through payments; urged an emergency moratorium be passed; discussed lowered quality of life.

(23-261) Ryan Alipio, Alameda, stated that he has received ambiguous and untimely communications related to CIPs as a tenant of South Shore; expressed concern over the exclusion of South Shore tenants from the moratorium.

(23-262) Toni Grimm, Alameda, questioned how a City regulation can change a law which had previously been voted on by Council; stated a regulation is supposed to implement and support an ordinance, not change the ordinance without a Council vote; outlined Resolution 15138 and Regulation 23-01; urged Council to take back its authority and stop the CIP for South Shore.

(23-263) Tamika Bowman, Alameda, stated affordable housing in Alameda is at serious risk; expressed concern over the CIP pass through for South Shore tenants; stated the potential increase is unacceptable; the current CIP will guarantee hard times for the most vulnerable;

urged Council to consider what will happen to South Shore tenants.

(23-264) Laura Woodard, Alameda, expressed concern over CIP wording changes and the two recommended moratorium exemptions; urged Council to act fairly; expressed concern over the 25-unit minimum.

In response to Mayor Ezzy Ashcraft request, the City Attorney stated staff has provided helpful information about existing CIP applications; Council will consider the CIP matter on May 11th at a Special meeting.

CONSENT CALENDAR

Discussed the Bay 37 Master Plan [paragraph no. 23-273], Council's April 18 discussion and a petition; stated Council must receive accurate information; discussed the composition of Bay 37 residents; stated residents are housing advocates; urged Council listen to residents: Chris Lloyd, Alameda.

Stated there is a misleading claim that Alameda residents did not previously raise the issue of a lack of green space at Bay 37; discussed the April 18 Council meeting; stated there has been concern over green space for years; urged everyone to view 2019 images: Marni Roosevelt, Alameda.

Stated there is video evidence of residents being concerned over the lack of greenspace at Bay 37; expressed concern about Pulte is misleading residents; stated video mock-ups for Bay 37 were shown with large, lush, green space areas; the spaces do not exist: Charles Eilhardt, Alameda.

Stated voting in favor of final passage aligns well with Affordable Housing Month; expressed support for the April 18 discussion; stated the compromise of two units provides both housing and green space; the site was originally set to be used as commercial space: Zac Bowling, Alameda.

Expressed support for the approval Community Development Block Grant/HOME Action Plan [paragraph no. 23-277]: Erin Scott, Family Violence Law Center.

Expressed concern over the two additional units height impacting views; stated litigation could occur; proposed a compromise of one, one-story unit with a flat roof: Joel Plaisance, Alameda.

Discussed the April 18 meeting; stated comments were misleading; there is very little green space; urged those misguided to change their vote: Ford Roosevelt, Alameda.

Discussed Bill Stadler's comment April 18 meeting; stated the option of swapping market rate and affordable units was discussed; Mr. Stadler did not voice opposition: Stephanie Bradshaw, Alameda.

Expressed concern over misleading and disingenuous claims made by Pulte to the Council and community; stated Pulte's proposal is not considering obligations from Bay 37 residents; there is misleading impressions that Pulte is only required to meet its obligation to the City; urged Council not to amend the Master Plan: Abby Caldwell, Alameda.

Stated divisive times can provide for politicizing non-political issues such as green space; the current debate relates to Pulte keeping its promise to residents; residents will happily settle for the proposed area being all green space: Scott Harding, Alameda.

Expressed support for Council's support of the Block Grant; discussed 2-1-1; stated the number one need when contacting 2-1-1 is housing: Gitanjali Rawat, Eden I & R.

Discussed Pulte's comments at the April 18 Council meeting related to market rate housing; expressed concern over the developer doing anything possible to achieve a desired financial outcome; stated qualifying for affordable housing at Bay 37 is difficult and there are hidden expenses: Mariana Matthews, Alameda.

Discussed the height of the proposed buildings at Bay 37; stated the difference in height is more than double the previously approved commercial building; the proposed solution has a greater impact on views and natural light; the matter is not about affordable housing; urged Council to vote to create 5,000 square feet of green space: Kelly Kistner, Alameda.

Stated the resolution Council is being asked to adopt is in disconnect with the underlying documentation for District 84-2 [paragraph no. 23-271]; the original resolution related to enhancement of maintenance, not installation; residents of the block have the ability to self-assess fees: Julie Conner, Alameda.

Expressed support for the Block Grant funding allocation; stated the support is foundational to Midway Shelter operations; the funding is counted on annually to continue to provide support for women and children: Liz Varela, Building Futures.

The City Clerk announced now is the time for Public Comment on the three hearings on the Consent Calendar: the Webster Street and Park Street Business Improvement Areas [paragraph nos. 23-275 and 23-276] and the Community Development Block Grant/HOME Action Plan [paragraph no. 23-277].

Discussed the proposed resolution for District 84-2; stated the assessment is to be used for the enhanced maintenance as agreed to by the residents; the proposed resolution is inconsistent and violates the resolution creating the assessment; the assessment funds street maintenance, not enhancements; urged the item be postponed: Felicia Reid, Alameda.

Expressed support for Block Grant funding; stated the funding allows expanded services for students and is an important component of mental health services: Katherine Schwartz, Alameda Family Services.

Vice Mayor Daysog inquired whether it is possible to request District 84-2 Zone 8 be separated from other zones.

The City Attorney responded the matter is being brought forth as a single item; stated the matter cannot be separated; individual zones cannot be parsed out; a single Council vote is done for the entire district.

Councilmember Herrera Spencer requested the RiverRock agreements [paragraph no. 23-268], the District 84-2 resolution, and Bay 37 Master Plan ordinance be withdrawn from the Consent Calendar for discussion, recorded a no vote on the Legislative Agenda [paragraph no. 23-267].

Vice Mayor Daysog stated that he would recuse himself from District 84-2 and the Webster Street Business Improvement, also requested Bay 37 be withdrawn from the Consent Calendar for discussion.

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

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

(*23-265) Minutes of the Regular City Council Meeting Held on April 4, 2023. Approved.

(*23-266) Ratified bills in the amount of \$3,276,463.19.

(23-267) Recommendation to Approve the 2023-24 Legislative Agenda for the City of Alameda.

Note: Councilmember Herrera Spencer recorded a note vote, so the matter carried by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(23-268) Recommendation to Ratify Service Provider Agreements between RiverRock Real Estate Group, as an Agent for the City of Alameda, and Patrol Solutions, LLC for Security Services for a Not to Exceed Amount of \$304,012, Gothic Landscape, Inc. for Landscape Services a Not to Exceed Amount of \$268,230, and Bay Ship & Yacht, Co. for Pier/Port Management Services for a Not to Exceed Amount of \$800,404.

In response to Councilmember Herrera Spencer's request for clarification, the Management Analyst stated staff is asking Council to ratify agreements between RiverRock and service providers performing landscaping and port management services for Alameda Point; previous policy indicated RiverRock had the authority to enter into agreements as an agent for the City; the current policy is to have agreements come before Council and follow the purchasing policy procedures.

Councilmember Herrera Spencer expressed appreciation for staff going back to find contracts that had not been approved by Council; stated performing the proposed actions is important; she requested bids be shown along with an explanation of the lowest bidder was not selected; correspondence from staff is included in the meeting record.

Councilmember Herrera Spencer moved approval of the staff recommendation to ratify service provider agreements between RiverRock and Patrol Solutions, Gothic Landscape, and Bay Ship and Yacht.

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

(*23-269) Recommendation to Authorize the City Manager to Execute an Agreement with Verde Design, Inc. for Engineering Services for Phase 2 of Estuary Park, at 201 Mosley Avenue, No. P. W. 02-23-03, for a Not-to-Exceed Amount of \$295,825, which Includes a 10 Percent Contingency. Accepted.

(*23-270) Resolution No. 16042, “Preliminarily Approving the Annual Report Declaring the City of Alameda's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 20, 2023 - Maintenance Assessment District 01-01 (Marina Cove).” Adopted.

(23-271) Resolution No. 16043, “Preliminarily Approving the Annual Report Declaring the City of Alameda's Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 20, 2023 - Island City Landscaping and Lighting District 84-2.” Adopted.

Vice Mayor Daysog recused himself and left the dais.

Councilmember Herrera Spencer stated Council has received correspondence on the matter related to Bay Street; requested clarification on Bay Street supplementing the City's work; expressed support for removing Bay Street from the District while voting for the balance; stated the City can then continue negotiations with Bay Street.

The City Attorney stated the matter is being voted on as an entire District; Council could reject the staff recommendation, but Council cannot approve a part of the District.

The Public Works Coordinator stated for the particular zone, Council could elect to reduce the recommended assessments to zero and continue with the proceedings for the District as a whole.

Councilmember Herrera Spencer expressed support for the proposed approach; inquired whether the Public Works Coordinator's recommendation is an option, to which the City Attorney responded in the affirmative.

Councilmember Herrera Spencer stated that she would like to honor the Memorandum of Understanding (MOU) agreement as explained by the residents; the City typically pays for the removal and replacement of City trees; the District had been created solely to supplement and enhance the City's work, not to take over the City's costs; discussed the City replacing a tree near her residence.

Mayor Ezzy Ashcraft stated the letter regarding the MOU has not been explored.

The City Attorney stated if Council reduces the assessment to zero or rejects the staff recommendation, there will be operational impacts.

The Public Works Coordinator stated the City contributes funds to the zone; staff is recommending the City proceed with assessments this year after years of reduced or no assessment; it is now necessary to move forward with testing and potential removal based on the results of the testing; staff would like to ensure there are additional funds in order to continue enhanced maintenance work going forward.

Mayor Ezzy Ashcraft requested clarification of the MOU from the Public Works Director.

The Public Works Director stated the Engineers Report includes a City contribution to the Landscape and Lighting District Zone 7; every year the General Fund pays \$3,000; the MOU

has been determined to be inconsistent with the Landscape and Lighting District Act, but is not currently before Council; the matter will come to Council as a separate item.

In response to the City Manager's request, the Public Works Director stated the staff recommendation is to move forward and preliminarily approve the Engineer's Report for the various zones in the Landscape and Lighting District and approve a resolution noticing the June 20 public hearing.

Councilmember Herrera Spencer inquired whether the special testing is for trees.

The Public Works Director responded in addition to the enhanced maintenance that includes certain treatments, the activities put forth in the Engineer's Report include testing of presumed failing trees and removal as needed.

Councilmember Herrera Spencer inquired who pays for the tree testing, to which the Public Works Director responded the Urban Forest Program, which comes has a variety of funding sources.

Councilmember Herrera Spencer questioned whether residents are asked to pay for the program.

The Public Works Director stated residents pay into the General Fund which makes a contribution to Zone 7.

Councilmember Herrera Spencer inquired whether Bay Street residents pay into the General Fund, to which the Public Works Director responded in the affirmative.

Councilmember Herrera Spencer stated that she does not believe it is appropriate to assess the residents this year based upon the rationale; the assessment is not consistent with the agreement; inquired whether a levy of \$0 would mean the City would pay for the tree testing and removal.

The Public Works Director responded voting no would prevent moving forward with the public hearing for the entirety of the Landscape and Lighting District, which includes the other zones.

Councilmember Herrera Spencer stated her proposed motion would be to move forward, but to assess Zone 7 at \$0.

The City Manager inquired who would cover the cost in the event of a \$0 assessment.

The Public Works Director responded if there is not a levy for the zone this year, the existing fund balance could be used.

The Public Works Coordinator stated the budget is approved as a separate action; Council approved a budget adjustment in February to appropriate fund balance for the work; the work is already budgeted for out of fund balance and is reflected in the information for the Zone in the Engineer's Report; the work and the appropriation is already reflected in the numbers shown for the coming fiscal year.

Councilmember Herrera Spencer inquired whether the matter will be voted on by Council or by the homeowners being levied.

The Public Works Coordinator responded the funding is already appropriated and she does not expect further Council action on the budget.

Councilmember Herrera Spencer inquired whether the homeowners will vote on the matter.

The City Attorney responded it is not typical to engage in additional voting after formation.

Councilmember Herrera Spencer inquired whether it is possible for her to make a motion for \$0 and have the matter looked at separately so City staff and homeowners figure out a way to work together moving forward.

Mayor Ezzy Ashcraft stated the matter regarding the MOU is coming back to Council on June 20.

Councilmember Herrera Spencer stated the MOU is not necessarily in regard to the levy; inquired whether the entire agreement can return to Council for consideration.

Councilmember Jensen stated that she agrees with Councilmember Herrera Spencer's stance on the additional levy; she also agrees that it would be ideal to break out Zone 7 from the District; inquired whether the matter can return on a future agenda to address the disagreement between the homeowners and the City; inquired whether Council can remove the assessment and include it as part of the upcoming discussion.

The City Attorney responded if Council's intends to reduce the levy, the reduction will need to occur at a future meeting; stated tonight, the Council is simply setting the future meeting, the intent to levy something or nothing will be done in the future; he recommends approving the matter even with the intent to levy an amount of \$0; the levy will be imposed when the matter returns to Council.

Councilmember Jensen inquired whether it is possible to bring back the other issue of the assessment zone at the same time.

The City Attorney responded in the affirmative; stated staff plans on bringing the assessment zone to Council; stated staff can bring the assessment zone forth at the same meeting.

The Public Works Coordinator stated staff plans to bring the MOU to Council on June 6th.

Councilmember Vella stated the staff report indicated that there had previously been a levy for several years; the levy was reduced twice; requested clarification about what funding had been spent on.

The Public Works Coordinator stated staff works with various zones to discuss the upcoming operational needs and assessments amounts; the years where the assessment had been reduced, ultimately reduced to zero in the year 2021 through conversations with the zone related to no major work occurring including testing and removal of trees; the decision had collectively been made to reduce the levy accordingly.

Councilmember Vella stated if Council approves a \$0 amount this year, knowing significant work needs to be completed in order to remediate a potential issue of trees which are failing, as well as plant new trees, the expectation is that the City will cover the entire cost.

The Public Works Coordinator stated staff will first look at fund balance reserves that have been collected; staff would need to identify an alternate funding source for the work if the fund balance is depleted.

Councilmember Vella inquired which fund balance is being identified, to which the Public Works Coordinator responded the fund balance for Zone 7 of the District.

Councilmember Vella stated historically, money was put in the fund to pay for trees to be planted and the City shared the cost.

The Public Works Coordinator stated the assessment for the Zone has always been for the enhancements of the trees, including the delta between the City's standard costs of new tree planting and the larger, more robust trees for the Zone.

Councilmember Vella inquired what would happen if the City declined to fund tree removal.

The Public Works Coordinator responded that she does not know a scenario where the City would not move forward with tree removal if testing indicates it is needed.

Councilmember Vella stated the City would move forward with the removal; inquired whether the City would also move forward with priority planting or replacement of the trees; and whether a separate vote would be required.

The Public Works Coordinator responded staff has included some budget requests in the coming fiscal year in the event trees are removed and there is a need to plant trees; staff will hold a community meeting and discuss moving forward using the available replanting budget.

Councilmember Herrera Spencer stated that she would prefer to move approval of the matter with a \$0 levy for Zone 7 with a follow-up meeting held in the future.

The City Attorney stated Council may make the motion at the next meeting, however, the current matter is approval of setting of the next meeting; Council can set the dollar amount at the next meeting.

Councilmember Herrera Spencer stated that she understood Council has the ability to approve a levy of \$0 at this time.

Mayor Ezzy Ashcraft stated Council may assess a \$0 levy, just not at this time; the City Attorney has clarified the actions Council must take; the resolution being adopted is preliminarily approving the annual report declaring the City of Alameda's intention to order the levy and collection of assessments and providing for notice of hearing on June 20, 2023.

Councilmember Herrera Spencer stated an option listed in the alternatives of the staff report indicates reducing the amount.

The Public Works Coordinator stated staff has previously considered a modification to the proposed assessment in the draft report at this time; the final report will be presented to Council at the time the public hearing is conducted with the modification reflected; she defers to the City Attorney on how best to proceed.

The City Attorney stated the agenda title is clear that Council is setting the date for the upcoming hearing and not setting assessments; proposed Council hew closely to the agenda title and set the hearing; Council can set the assessments at the hearing.

Mayor Ezzy Ashcraft expressed concern over Council actions straying from the published agenda title; noted Councilmember Herrera Spencer may make any motion she wishes to make.

Councilmember Jensen moved adoption of the resolution without levying or imposing any fees.

The City Attorney proposed the second portion of the motion be included as direction to staff.

Councilmember Jensen stated that she would like to be clear that the matter will not come back with fees; the options in the report indicate alternatives for imposing fees.

Mayor Ezzy Ashcraft stated that it is possible to give direction to staff; she understands that Council currently cannot make a motion to levy an assessment; Council is not setting an assessment, Council is simply setting a public hearing date; direction can be provided to staff to bring back reasons why the City should or should not levy assessments.

Councilmember Jensen stated that she is moving approval of the proposed language or would defer to Councilmember Herrera Spencer to make the motion; the staff report indicates alternatives to approve proceeding with assessments; she wants to be clear that her motion is not proceeding with levying assessments.

The Public Works Coordinator stated the current matter allows the City to move to the next step in the process--the June 20 public hearing and the formal levy of assessment for all Zones in the District.

Councilmember Jensen stated the alternatives are to approve levying the assessments for the coming year at the allowable maximum assessment or to approve proceeding with levying assessments for the coming year at a rate below the allowable maximum assessments; she is not making a motion to levy assessments in any amount.

The Public Works Coordinator stated staff would ensure the direction is clear in staff reports going forward.

Mayor Ezzy Ashcraft requested clarification on who is moving approval of the matter.

Councilmember Herrera Spencer stated Councilmember Jensen raised her hand and that she is happy to second the motion.

Under discussion, Mayor Ezzy Ashcraft requested further clarification on the motion.

The City Clerk stated the motion is to adopt the resolution, while providing direction to staff to not levy an assessment.

Mayor Ezzy Ashcraft inquired whether the returning staff report will have an option to not levy an assessment or whether there will be no assessment, to which the City Attorney responded there will be an option to not levy an assessment.

The City Manager added it pertains to Zone 7.

Councilmember Vella inquired whether an assessment for Zone 7 will be considered.

The City Attorney stated that he understands the motion to be adoption of the resolution, while directing staff to bring back an option of zero assessments for Council consideration.

Mayor Ezzy Ashcraft stated staff will bring back many options and a recommendation when the matter returns to Council.

The City Attorney concurred with Mayor Ezzy Ashcraft; stated staff has freedom to bring back options.

Mayor Ezzy Ashcraft noted the matter will include more information related to the MOU including background.

The City Manager requested clarification that the information and background only relates to Zone 7, to which Councilmember Herrera Spencer responded in the affirmative.

On the call for the question, the motion passed by unanimous voice vote – 4. [Absent: Vice Mayor Daysog – 1.]

(*23-272) Resolution No. 16044, “Authorizing the City Manager to Submit a Request to the Metropolitan Transportation Commission for the Allocation of \$124,451 in Fiscal Year 2023-24 for Maintenance of Shared Use Paths in Shoreline Park North of the Harbor Bay Ferry Terminal per Transportation Development Act Article 3 for Pedestrian/Bicycle Project Funding and to Execute All Necessary Documents.” Adopted.

(23-273) Ordinance No. 3340, “Amending the Alameda Landing Waterfront Master Plan PLN22-0401 to Replace a Requirement for a 5,000 Square Foot Commercial Retail Lot with Other Land Uses at the Northern Terminus of Fifth Street at Alameda Landing.” Finally passed.

Mayor Ezzy Ashcraft requested an overview of Council’s decision and the implications of the vote; stated that she would like clarification about the existing green space in the area.

The City Planner presented Power Point slides from the April 18, 2023 meeting, as well as a new presentation slide.

Mayor Ezzy Ashcraft inquired whether grass could be installed in the planted area being displayed.

The City Planner responded in the affirmative; stated staff would need to look at the water usage calculations; State law requires cities to ensure plantings reflect a drought tolerant approach to landscaping.

Mayor Ezzy Ashcraft inquired the square footage of the space.

The City Planner responded approximately 7,000 square feet; stated that he does not have the exact square footage; the planting area is City property, not part of Bay 37; stated the semi-circle might have artificial turf; the entire existing green area shown is approximately 7,000 square feet.

Mayor Ezzy Ashcraft inquired whether there is additional information Council should know; questioned the implications of a vote on the matter.

The City Planner discussed view corridors for Bay 37; stated there is a question about whether the City will require Pulte to designate some unsold units as below market-rate or affordable units; view corridors are designated on Fifth Street as well as on the western greenway; the space is called a greenway and is intended for access to the picnic area; the idea is to tie Bohol Circle Immigrant Park with the neighbor to the south and Estuary Park; the plan has several pocket parks; the proposed site is not in the line of sight for any other view corridors.

Mayor Ezzy Ashcraft requested clarification about what a pocket park entails.

The City Planner stated pocket parks are a small, green areas to be used as communal open space.

In response to Mayor Ezzy Ashcraft's inquiry about the ground covering, the City Planner stated it would landscaping and a small lawn area.

Mayor Ezzy Ashcraft inquired about the number of pocket parks, to which the City planner responded three.

Councilmember Jensen inquired the dimensions of the pocket parks.

The City Planner responded some are about 2,000 square feet and others are a bit larger.

The Assistant City Manager stated the semi-circle referenced has real grass, not synthetic turf.

The City Planner stated the wedge is roughly 7,000 square feet; the City and Pulte have a Development Agreement (DA); the DA does not get into the details of how many units are affordable, however, the City's inclusionary housing ordinance is referenced; the ordinance obligates Pulte to provide up to 15% of its units as affordable; Pulte has met the requirement; if the City were to ask the developer to go beyond the requirement, the decision would be up to Pulte; Pulte is under no obligation to provide additional affordable units; the City would need to find an alternate location within Bay 37 to allow Pulte to make up the two market rate units; there is no other site available other than the proposed space.

Mayor Ezzy Ashcraft inquired whether converting market-rate units to affordable units would cause an impact to the bottom line for the developer, to which the City Planner responded in the affirmative.

Councilmember Jensen inquired whether the developer is currently offering to provide the two units, to which the City Planner responded in the affirmative; stated Pulte is offering two more units on land that is currently available, not amongst units that have already been built or are under construction.

Councilmember Jensen stated the developer has already offered the two units; the question is whether the developer is willing to take on the economic decision of whether units in existence can be substituted; no capital investment is needed for the building two new units.

The City Planner stated the key question is whether the City is making the developer whole in maintaining the same number of market rate units; if there is a request to change two market-rate units to affordable units, questioned where would the two market rate units would be made up.

Vice Mayor Daysog inquired whether there is anything driving the City to make a decision; stated the Planning Board and Council have reviewed public input; inquired whether Council can mull matters over even further; stated there seems to be a number of questions worth reviewing, including pocket parks; other pocket parks within Bayport are sizable; the Bay 37 pocket parks are stretching the term; Council appears to need further conversations; he does not see the harm in delaying the second reading; questioned whether there is legal implications in delaying the second reading.

Mayor Ezzy Ashcraft stated time is money when referencing the housing market and construction; the economy and the cost of borrowing money will change; the difference between Bayport and the proposed development is that Bayport did not have a linear waterfront park.

The City Attorney responded staff has prepared the ordinance to ensure there is no legal conflict; stated Council could direct staff to bring the matter back for further consideration; Council cannot consider alternative matters during the current discussion; if Council does not to adopt the ordinance, the proposed space will be left as-is with commercial space or direction can be given to staff to have the matter return to Council for further consideration.

The City Manager stated the cost of development and number of building permits which can be pulled is tied to construction of the commercial development; requested staff to clarify the requirement.

The City Planner stated the request is developer-initiated; developers need certainty, need to know what to do with the site and need to plan out what to do with the property once the sales office is relocated; the City has a requirement that the developer must meet the obligation by their 330th unit, which the developer has almost reached.

The City Manager stated the requirement is to construct the commercial building; if there is too much delay, the developer will have to construct the commercial building in order to be able to continue to build and sell market-rate units.

Vice Mayor Daysog inquired whether Council could alter the agreement.

The City Manager responded that she thinks the reference relates to removing the metering requirement altogether; the developer would not have to build anything in the space and could

continue to build market-rate units; consideration would need to be given to ensure that whatever the City would like to be built on the parcel is built; the market-rate development is what is driving the revenue and profit; the City will not have as much recourse later and would leave it to fate without having clear direction about what would be built in its place; the developer must deliver the public benefit in order to receive building permits.

Councilmember Jensen stated that she understands the permits for the final phase will be pulled soon; inquired whether the permits have been pulled.

The City Planner responded the milestone established in the original development plan is the 330th unit; Pulte is currently at its 322nd unit; each building has seven to eight units; the next time Pulte pulls a permit, the requirement will be triggered, which is why the developer is making the proposed request now.

Councilmember Jensen inquired how many units that have been built remain unsold.

The City Planner responded 237 units out of 357 units have been sold.

In response to Councilmember Jensen, the City Planner stated 209 units are occupied; 28 units are pending sales; 14 units have been built and remain unsold; 70 plus units are under construction; the City has not received permits for the remaining 35 units.

Councilmember Jensen stated about 114 units are unsold, under construction, or have not had construction begin; concurred with Vice Mayor Daysog on delaying the discussion; inquired whether Pulte has a sales office at the site, to which the City Planner responded in the affirmative.

Councilmember Jensen stated Pulte is likely not going to move or disrupt the sales office until the outstanding 114 units are sold; there appears to be no urgency for Council to take action.

The City Manager stated the issue is not necessarily the demolition of the sales office; Pulte cannot construct new units due to a condition of approval that precludes the developer from continuing to pull building permits; Pulte would not be able to continue with construction without starting construction on the commercial building.

In response to Councilmember Jensen's inquiry, the City Planner stated the requirement affects construction planning and the crew; the goal for the developer is to finish the project and cause the least disruption for those who have already purchased homes.

Councilmember Jensen inquired whether staff anticipates Pulte will be pulling the permits in the next month.

The City Planner responded not so soon; stated staff anticipates Pulte will pull permits by the end of the calendar year or early 2024; 70 units are currently under various stages of construction.

Councilmember Jensen stated that it does not appear to be a burden to Pulte to delay the plan for the site while Council holds a meeting or two to gain additional details.

Mayor Ezzy Ashcraft inquired the additional details being sought.

Councilmember Jensen responded there are still questions remaining; stated that she has questions related to open space; the matter is currently on the Consent Calendar and a more robust discussion is desired; the Planning Board approved something quite different from what has been brought to Council.

Mayor Ezzy Ashcraft inquired why the matter was brought to Council on the Consent Calendar.

The City Manager stated the matter being approved on the April 18 regular Council agenda resulted in the current second reading of the ordinance, which is placed on the Consent Calendar.

Councilmember Vella inquired the process to follow if Council does not approve the final passage.

The City Planner responded if Council does not approve the second reading or directs staff to come back, staff will need to confer with the developer; stated two affordable units are important; the opportunity to house two large families is a rare and unique opportunity; timing is key due to changing interest and housing market rates; Pulte was previously willing to build a recreation center plus affordable housing last October, however, the market is changing rapidly and the option is no longer available; expressed concern over market uncertainty and returning to Pulte to discover the opportunity has been missed; urged Council to approve the final passage; stated Pulte acknowledged an alternative option would be a commercial building with housing placed above; housing above commercial is allowed by-right; staff feels as though the proposed option is good, meets the affordable housing needs and will address neighbor concerns related to open space; the option is a good compromise.

Councilmember Vella inquired whether the result would be de-facto open space; stated the planned use for the site results in less landscaping and open space.

The City Planner responded in the affirmative; stated the default plan would still be the commercial obligation of a 5,000 square foot commercial building.

Mayor Ezzy Ashcraft inquired how many stories of residential units could be above commercial.

The City Planner responded the Planning Board would need to decide; stated State enables the option of residential units above commercial buildings.

Mayor Ezzy Ashcraft inquired how many stories of residential units are allowed by State law.

The City Planner responded that he does not know off top without performing calculations; stated the building would be taller and at least two stories tall; the buildings across the proposed site are 42- to 45-feet tall.

The City Manager stated if Council does not approve the matter, the existing entitlement stands unless Pulte is willing to come back with another option; staff recommends the compromise option; the question to Pulte is whether or not they would continue to bring the matter back or withdraw their application; expressed support for Council providing direction on any future return.

Mayor Ezzy Ashcraft stated that she strongly urges Council to stay the course and approve the second reading of what was approved on April 18; there have been 11 speakers from Bay 37; there are 209 units; some of the 11 speakers are from the same household; normally neighbors do not normally get to choose their neighbors; it is affordable housing month; there are challenges for people to stay in Alameda; expressed support for the City being able to provide the opportunity for two low-income families to buy property; stated the proposed ordinance provides the opportunity for adding two units and green space; the matter also provides an opportunity to achieve an important objective.

Councilmember Herrera Spencer inquired whether Pulte is present, to which the City Planner responded in the affirmative.

Councilmember Herrera Spencer stated Pulte already has a current contract with the City to build homes with the 5,000 square foot commercial building; Pulte is coming to the City requesting agreement modification, not the City; the City is performing; Pulte is telling the City they do not wish to perform.

Mayor Ezzy Ashcraft requested clarification that there has been no misrepresentation for Pulte.

The City Attorney stated that he understands Pulte has submitted an application to modify their development from the plan which was previously approved.

Councilmember Herrera Spencer stated by definition, Pulte does not want to perform the current agreement and would like change; the City is not reaching out to Pulte for change.

The City Manager stated the request to change the entitlement is discretionary for Council.

Councilmember Herrera Spencer stated the change is at the request of the applicant and developer, Pulte; she appreciates that Pulte does not want to perform and are coming to Council to modify the current agreement; Pulte has done something else, which is affecting people who have paid premiums for their properties; inquired whether the City's preference of affordable housing is not representative of the homeowners who have already purchased property.

The City Planner responded the proposal is the staff recommendation.

Councilmember Herrera Spencer stated staff is representing the City; Pulte is asking the City to modify their contract with the City and has entered into hundreds of agreements with purchasers who have already bought property; owners have indicated they have paid up to \$200,000 under the impression that there would be a 5,000 square foot commercial building at a height of approximately 16 feet; the new proposed height would be more than twice the represented building height; the developer has entered into hundreds of contracts with buyers; inquired whether Pulte would be willing to return money to buyers who paid premiums as part of their offer to the City, to which the City Manager responded in the negative.

Councilmember Herrera Spencer expressed concern over Pulte's obligation to perform in good faith with all buyers when entering into contracts; stated it is important for the City to be careful and not interfere with the existing hundreds of contracts and people who have paid up to \$200,000 for a view which will be obstructed; the project is unique; the City has been asked to

modify DAs, however, the request usually occurs before contracts with buyers exist and premiums are paid; expressed concern over contract performance.

Councilmember Vella inquired who owns the property, to which the City Attorney responded the developer.

Councilmember Vella stated the property is not City land and is privately owned property; inquired whether the developer is required to build the 5,000 square foot commercial building by a certain date or time.

The City Attorney responded in the affirmative; stated if the developer does not perform, additional residential building permits will not be issued.

In response to Councilmember Vella's inquiry about additional residential building permits, the City Planner stated about 35 units, or five buildings, remain.

Councilmember Vella stated the worst-case scenario is that Pulte could walk away from building a 5,000 square foot commercial building as well as 35 housing units or five buildings; inquired whether the scenario would affect the City's housing plan.

The City Planner responded in the affirmative; stated the current Housing Element and housing law allow for a no net loss law; zoning is planned for a certain amount of housing; the City would have to find an alternate location for the lost 35 units.

The City Manager stated Pulte could build a 5,000 square foot commercial building with no open space to comply with the current entitlement.

Councilmember Vella stated Pulte can petition to build residential units on top of the commercial building; inquired whether the City would look at public land or open space to provide for the lost units.

The City Planner responded staff would have to find capacities somewhere else through further upzoning; the location could be public or private land; staff would have to look into the issue if it arises.

Councilmember Vella inquired whether the City would have to find a developer, find land, figure out a project, upzone, or find potential public land to build on in order to meet the units, to which the City Planner responded in the affirmative.

Councilmember Vella stated that she does not know what Pulte provided for in its agreements; inquired whether the City is a part of Pulte's agreements with the purchasers.

The City Attorney responded that he needs to confer with staff related to the issue of no net loss.

In response to Councilmember Vella's inquiry about whether the City being on the hook, the City Attorney stated that he believes the inquiry relates to the housing accountability project, which significantly constrains the City's discretion to deny or disapprove housing; he does not want to speculate the type of project that might come forward; there could be potential for the ability to deny or disapprove a project to be significantly limited.

Mayor Ezzy Ashcraft requested clarification about net loss provision.

The City Planner stated if City would denies the developer the ability to build 35 units, the City would have to proactively rezone land to make up the capacity under the no net loss law State mandate; staff has counted on 350 units at Bay 37 to meet its Regional Housing Needs Assessment (RHNA); even though State law does not mandate the City rezone land in a set amount of time, the City would still need to make up for the lost units elsewhere.

In response to Councilmember Vella's further inquiry, the City Planner stated the proposal of residential units above the commercial space has not been approved and the developer is not entitled to the units.

Vice Mayor Daysog stated the relationship has the potential for becoming adversarial with the possibility for litigation; any testimony provided should be considered as expressed in good faith; Council must believe the declaration that there is no market for 5,000 square feet of commercial space has been made in good faith with or without a housing units above; expressed support for the City and staff doing whatever it takes; stated concerns have been raised by residents, Councilmembers and staff; the matter calls for taking pause, putting a hold on the second reading and providing Council with six weeks to figure out ways to figure out the proposed project; Council can go back to its previous approval if there is not a way to figure out an alternative; he does not believe Pulte will spite the City.

Councilmember Vella moved approval of final passage of the ordinance.

Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated that she appreciates recognition of the concern for affordable housing, however, time is money and Council will jeopardize the ability to complete the project; not everyone can be pleased all the time; Council is acting for the greater good.

On the call for the question, the motion failed by the following voice vote: Ayes: Councilmember Vella and Mayor Ezzy Ashcraft – 2. Noes: Councilmembers Herrera Spencer and Daysog – 2. Abstention: Councilmember Jensen - 1.

The City Attorney stated the second reading fails, subject to a new motion.

Councilmember Vella inquired whether she can make a motion; stated that she would like staff to come back at the next meeting with two options: 1) the current proposed final passage option, and 2) an option for commercial space with residential units above.

The City Manager stated if Council does not desire to move forward with the staff recommendation, staff needs Council direction about which option to bring back; staff will need to understand whether Pulte would return to Council with the options proposed; the staff recommendation will continue to remain the same; urged direction to staff be provided.

Councilmember Jensen stated that she wanted to seek additional information prior to the motion and vote; expressed support for the proposal set forth by Vice Mayor Daysog to delay the

decision; requested clarification about the housing proposed and approved by the Planning Board.

The City Planner stated the Planning Board considered options and wanted to offer a compromise; the compromise proposed by the Planning Board was for one detached, single-family home, custom designed, and limited to 25 feet in height; the Planning Board thought that the custom house would yield enough revenue to then support two very-low income units within the unsold units at Bay 37; the proposed compromise would also fund construction of the park; Pulte studied the compromise option and found it not feasible with the changing conditions of the market.

In response to Councilmember Jensen's inquiry, the City Planner stated the units proposed by staff are two units that are deed restricted at the low-income level; the units are single-family, detached, four bedroom houses; discussed the City's housing stock; stated having detached housing large enough for families is rare; developers are generally not building detached single-family homes; the opportunity is rare and unique, will provide for two large families in Alameda and will help with overcrowding.

Councilmember Vella stated that she can make a motion; she is unclear about the additional information needed; she would like to avoid a situation where Council is effectively reconsidering a motion previously before them; she has provided direction for two different options including the hypothetical commercial building with residential over top and the other option for the staff recommendation; Council can vote not to move forward with either option and the result would remain status quo as a commercial building.

Mayor Ezzy Ashcraft stated that a motion is needed to add speaking time for Councilmembers; proposed two minutes of speaking time be added to all clocks.

The City Manager stated Pulte is not interested in bringing back the option of housing over commercial building space.

(23-274) Councilmember Jensen moved approval of adding two minutes of speaking time for all Councilmembers.

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

Councilmember Vella inquired what the motion would be; stated it feels like a motion to reconsider, which is not a motion she is willing to make; another Councilmember could make such a motion.

The City Clerk stated a motion to reconsider has to be done by a party that wants to change their mind and requires four votes.

Councilmember Jensen stated two competing priorities are at play; there is a need to make affordable housing available to all residents, including large families, especially in new carbon neutral buildings, and a desire for trees and open space for residents; expressed appreciation for residents voicing preferences; stated that she was not on the Council in 2006 when Bayport was adopted or in 2019 when the Alameda Landing Master Plan was adopted; expressed

appreciation for Vice Mayor Daysog's institutional knowledge; stated the amount of green space has continually been reduced over the last 18 years; in 2019, the Bay 37 development was approved with the inclusion of a 5,000 square foot retail building; the building is being reduced to 2,500 square feet; staff has worked very hard on a compromise to provide both housing access and open space; staff has indicated Pulte Homes will not move forward with other options and this is the last and best offer; families are in need of large homes; these are single family homes for large families; the consideration that sways her is the opportunity for two large families to be able to purchase a four bedroom single family detached home in a beautiful development like Bay 37; said consideration will reduce the size of the open, green space; the decision is hard.

Councilmember Jensen moved approval of moving the resolution forward [final passage of the ordinance].

Councilmember Vella stated Council can call for a reconsideration of the last motion.

The City Clerk inquired whether Council is discussing a motion to reconsider the action taken tonight, to which Councilmember Vella responded in the affirmative.

Mayor Ezzy Ashcraft stated Councilmember Jensen has made the motion to reconsider.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer inquired whether it takes three or four votes for the motion to pass, to which the City Attorney responded four votes.

Vice Mayor Daysog stated that he is not in favor of reconsidering; there are some practical solutions where everyone can get everything; it will just take time; allowing four more weeks to hash it out is the prudent course of action; he is trying to leave no stone unturned.

In response to Mayor Ezzy Ashcraft's inquiry how everyone will get everything they want, Vice Mayor Daysog stated Councilmembers and members of the public would like to have affordable housing in place of the 5,000 square feet of commercial; members of the public have also expressed interest in access to useable open space; the adjacent area is not useable space; it is semi-open space; making it open, useable, green space for kids to play soccer and roll around in the grass could be figured out; the height issue will also have to be dealt with; ironing out issues takes time.

The City Clerk apologized; stated the earlier motion was a failed motion; there was not a prevailing side, so Council does not need a motion to reconsider; it is only if it passed a certain way and Councilmembers want to change their mind; stated a motion to reconsider is not needed.

Mayor Ezzy Ashcraft stated Councilmember Jensen made a motion.

Councilmember Vella seconded the motion.

Mayor Ezzy Ashcraft inquired whether the maker and seconder of the motion would consider giving direction; stated that she does not want to change it so that it will not be a second reading

[of the ordinance]; inquired whether Council could add direction to staff to work with Pulte to convert the existing semi-circle into the type of space the Vice Mayor desires.

The City Attorney responded in the affirmative; suggested it just be direction to staff; stated the direction is not being approved tonight; staff would just be working with Pulte.

Mayor Ezzy Ashcraft inquired whether the direction works for Councilmember Jensen as the maker of the motion, to which Councilmember Jensen responded in the affirmative.

Mayor Ezzy Ashcraft inquired whether Councilmember Vella still seconds, to which Councilmember Vella responded in the affirmative.

On the call for the question, Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft indicated aye votes.

Councilmember Daysog expressed appreciation for the direction raised by Mayor Ezzy Ashcraft; stated that he would still vote no; stated that he hopes to the area can be made into a useable green area.

Mayor Ezzy Ashcraft stated that she feels confident it will.

The City Manager inquired whether there is any appetite to use some City funds.

Mayor Ezzy Ashcraft responded it would depend on the amount of City funds.

The City Manager further inquired just a portion, to which Mayor Ezzy Ashcraft responded it is a possibility; stated budget talks are coming up; there is something in it for everyone.

Councilmember Herrera Spencer stated that she would prefer to have the item come back; she would like to see story poles added so that people can see the height; pausing is worthwhile; today, there were no pictures showing the impact; suggested pausing to add story poles and, then, revisit the matter.

Mayor Ezzy Ashcraft stated the item is concluded.

The City Clerk indicated the vote needs to be called.

Mayor Ezzy Ashcraft stated everyone said aye.

Councilmember Vella stated noes were not called for.

The City Clerk stated that she missed the ayes.

Vice Mayor Daysog stated that he made comments.

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

Mayor Ezzy Ashcraft stated the motion passes 3 to 2; thanked the speakers who came out; stated we are going to make this work.

Mayor Ezzy Ashcraft called a recess at 10:18 p.m. and reconvened the meeting at 10:30 p.m.

(*23-275) Public Hearing to Consider Resolution No. 16045, "Confirming the Webster Street Business Improvement Area Assessment Report for Fiscal Year 2023-24 and Levying an Assessment on the Webster Street Business Improvement Area with a Consumer Price Index Adjustment of 4.9 Percent for Fiscal Year 2023-24." Adopted.

Note: Vice Mayor Daysog recused himself, so the item carried by the unanimous voice vote – 4. [Absent: Vice Mayor Daysog – 1].

(*23-276) Public Hearing to Consider Resolution No. 16046, "Confirming the Park Street Business Improvement Area Assessment Report for Fiscal Year 2023-24 and Levying an Assessment on the Park Street Business Improvement Area with a Consumer Price Index Adjustment of 4.9 Percent for Fiscal Year 2023-24." Adopted.

(*23-277) Public Hearing to Consider Adoption of the Community Development Block Grant/HOME Investment Partnerships Program Fiscal Year 2023-24 Action Plan; Authorize the City Manager to Use Permanent Local Housing Allocation Funds; and Authorize the City Manager to Negotiate and Execute Related Documents, Agreements, and Modifications at Funding Levels Approved by Congress. Accepted.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(23-278) Recommendation to Accept the Social Service Human Relations Board (SSHRB) Community Needs Assessment Report.

Scott Means and Samantha Green, SSHRB, gave a Power Point presentation.

Councilmember Jensen inquired how the information presented was gathered.

Ms. Green responded different domains used by other communities and the United Nations were reviewed and identified to see whether or not the domains were reflective of the City's community; stated the SSHRB went through the available data collected at the City level to whittle down the data to what the Board thinks is most reflective of the community needs.

Councilmember Jensen discussed the Block Grant; requested clarification about how the grant will help decision making.

Ms. Green stated drafts of the report and data are available to be reviewed when considering current proposals; grant information was not available as decisions were being made; the information will be used in future years.

Councilmember Jensen expressed support for the report; stated it looks as though there is work to be done for the community.

Vice Mayor Daysog stated that he is amazed and startled by the 36% increase in domestic violence; inquired whether the increase in isolation is driven by the pandemic.

Mr. Means responded the domestic violence report was shocking; stated there is question whether the isolation trend is due to COVID-19; the state is not permanent; there is work to do post-pandemic.

Ms. Green stated the isolation trend was seen in other communities prior to the pandemic in populations with younger and older adults; the trend has been seen for a number of years and correlates to the rates of suicide and suicide ideation being seen in young people; trends are being looked at beyond the community and pandemic; the number of unhoused people in the community growing at a fast rate surprised her; without being on the SSHRB, she likely would not have noticed the point in time count; the count information is important and shocking for the size of the community.

Councilmember Herrera Spencer stated the traffic injuries and fatalities report only includes up to 2021; there is new information that includes 2022; inquired whether it is possible to substitute the current chart with updated information, to which Mr. Means responded in the affirmative.

Councilmember Herrera Spencer stated that she appreciates the work and multiple sources used for the report; the report is robust and important to guide Council and all community partners in decision-making; community members will be a good resource.

Councilmember Herrera Spencer moved approval of the report with the change of including the 2022 traffic fatalities.

Mayor Ezzy Ashcraft noted the report has been completed; stated that she is unsure how the new information will be included.

The City Manager stated the report can be updated.

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

(23-279) Mayor Ezzy Ashcraft stated a motion is needed to consider new items after 11:00 p.m.

The City Manager stated there is a budget workshop on Thursday; proposed staff present the first workshop; inquired whether Council would like to hear the Capital Improvement Program (CIP) [paragraph no. 23-281].

Mayor Ezzy Ashcraft expressed support for Council hearing the budget overview, but not the CIP; stated Council can start fresh on Thursday.

The City Manager stated Council could finish the operating budget and CIP matter on Thursday.

Councilmember Herrera Spencer inquired why the entire budget matter cannot be heard all at once on Thursday.

The City Manager responded Council could continue both matters to Thursday; stated due to the light agenda tonight, the budget was added to potentially drop the second workshop scheduled for May 11 everything could be pushed to Thursday and try to complete the matter in one night.

Mayor Ezzy Ashcraft expressed support for staff providing the overview.

Councilmember Herrera Spencer inquired the time estimate for the matter.

Mayor Ezzy Ashcraft stated a time limit could be set; expressed support for ending the meeting at 11:30 p.m.

The City Manager responded the staff presentation is 15 minutes.

Councilmember Vella moved approval of hearing the workshop on the operating budget [paragraph no. 23-280] and concluding no later than 11:30 p.m.

Councilmember Jensen seconded the motion.

Under discussion, the City Manager inquired whether the motion includes allowing 15 minutes for the presentation, to which Councilmember Vella responded in the affirmative.

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

(23-280) Workshop to Provide Direction on Fiscal Years 2023-24 and 2024-25 Operating Budget to Be Incorporated into Budget Adoption Hearing Materials for City Council Consideration in June 2023.

The Finance Director and City Manager gave a Power Point presentation.

Stated West Alameda Business Association (WABA) is requesting \$100,000 in additional funding each year; the current \$120,000 budget amount is challenging; urged Council support: Linda Asbury, WABA.

Stated Downtown Alameda Business Association (DABA) is requesting additional funding; the business associations support approximately 650 small businesses; urged Council support for \$100,000 per year in funding; discussed events: Kathy Weber, DABA.

Expressed concern over the level of funding for staffing for the Climate Action Resiliency Plan (CARP); stated the City has not allocated sufficient funds for CARP implementation; discussed staff positions needed to implement the CARP; stated the position should report to the City Manager: Ruth Abbe, Community Action for a Sustainable Alameda.

Expressed support for WABA's request for funding; discussed the West End and Alameda Point: Tod Hickman, Alameda.

The City Manager, Finance Director, Assistant City Manager, Fire Chief and Budget Manager responded to Councilmember Herrera Spencer's inquiries about funding for vehicles, an aquatic center, business district, events, signage at Alameda Point and Webster Street trees.

Vice Mayor Daysog made comments on items he would like addressed at the workshop on Thursday.

(23-281) Workshop to Provide Direction on Fiscal Years 2023-24 and 2024-25 Capital Improvement Program (CIP) Budget. Not heard.

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

Not heard.

COUNCIL REFERRALS

(23-282) Consider Review of the Alameda Police Department's Implementation of Truleo, including Providing Direction on Termination of the Contract between City of Alameda and Truleo and the Removal of Alameda "Case Study" from Truleo's Website; and Consider Reviewing Implementation of the City's Body Worn Camera (BWC) Recordings Retention Policy, including Providing Truleo Audio Files from BWC Recordings from January 1, 2021 to Date (i.e., Files from Over One Year Ago). (Councilmember Herrera Spencer) Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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