

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -MAY 16, 2023- -5:15 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:15 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

Expressed support for designating the negotiators: Allen Michaan, Auctions By the Bay.

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.]

(\*23-291) Recommendation to Approve Jennifer Ott, City Manager, Lisa Maxwell, Community Development Director, Len Aslanian, Assistant City Attorney, and Pat O’Keeffe, Baker Tilly Consultant, as Real Property Negotiators for Building 525, Located at 2751 Todd Street, Alameda, CA [Auctions by the Bay]. Accepted.

Public Comment on Closed Session Items

Outlined his request for rent credit; stated that he would like to keep the main gallery:  
Allen Michaan, Auctions By the Bay.

The meeting was adjourned to Closed Session to consider

(23-292) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Building 525, Located at 2751 Todd Street, Alameda Point, Alameda, CA; City Negotiators: City Manager Jennifer Ott, Community Development Director Lisa Maxwell, Assistant City Attorney Len Aslanian, and Baker Tilly Consultant Pat O’Keeffe; Negotiating Parties: City of Alameda and Auctions by the Bay, Inc.; Under Negotiations:: Price and Terms of Lease

(23-293) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiators: Jessica Romeo, Human Resources Director and Nico Procos, General Manager Alameda Municipal Power; Employee Organizations: International Brotherhood of Electric Workers (IBEW); Under Negotiations: Salaries, Employee Benefits and Terms of Employment

(23-294) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiators: Jessica Romeo, Human Resources Director; Employee Organizations: Alameda Police Officers Association (APOA); Under Negotiations: Salaries, Employee Benefits and Terms of Employment

(23-295) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Position Evaluated: City Manager - Jennifer Ott

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Real Property, staff provided information and Council provided direction by the following voice vote: Ayes: Councilmembers, Jensen, Vella and Mayor Ezzy Ashcraft – 3; Noes: Councilmembers Daysog and Herrera Spencer – 2; regarding IBEW, staff provided information and Council provided direction by the following voice vote: Ayes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft – 3; Noes: Councilmembers Daysog and Herrera Spencer – 2; regarding APOA, 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; and the Mayor announced that regarding the Performance Evaluation, staff provided information and Council provided direction with no vote taken.

#### Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:17 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 16, 2023- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:28 p.m.  
Councilmember/Commissioner Herrera Spencer 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

Councilmember/Commissioner Vella moved approval of the Consent Calendar.

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

(\*23-296 CC/23-09 SACIC) Recommendation to Accept the Investment Transactions  
Report for the Period Ending March 31, 2023. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at  
7:30 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 16, 2023- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:30 p.m.

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

Absent: None.

AGENDA CHANGES

(23-297) The City Clerk announced the ordinance regarding the Building 92 lease [paragraph no. 23-314] was withdrawn and would not be heard.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(23-298) Proclamation Declaring May 2023 as Asian American, Native Hawaiian and Pacific Islander Heritage Month.

Mayor Ezzy Ashcraft read the Proclamation.

Councilmember Vella and Vice Mayor Daysog made brief comments.

(23-299) Proclamation Declaring May 2023 as Older Americans Month.

ORAL COMMUNICATIONS, NON-AGENDA

(23-300) Felicia Reid, Bay Street Landscaping and Lighting District, expressed support for Council's engagement; discussed matters upcoming in June and correspondence submitted related to Bay Street.

(23-301) Julie Conner, Bay Street Landscaping and Lighting District, discussed upcoming Bay Street Landscape and Lighting District matters; stated a notice of protest has been filed.

(23-302) Zac Bowling, Alameda Democratic Club (ADC), announced an upcoming in-person mixer on June 7<sup>th</sup>; noted the event is for ADC members.

(23-303) Jason Purdy discussed extending cell service to within the Posey and Webster Tubes.

(23-304) Tod Hickman discussed the City Manager contract; expressed support for the City Manager and for requiring four Council votes to terminate; discussed West Tower Avenue opening and Council recusals.

CONSENT CALENDAR

Discussed the Consent Calendar; stated the current Consent Calendar appears to be true; expressed support pulled Consent Calendar items being treated as Regular Agenda items: Tod Hickman.

Councilmember Jensen moved approval of the Consent Calendar.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer recorded a no vote on the amendment to the CDM Smith agreement [paragraph no. 23-307].

On the call for the question, the motion carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*23-305) Minutes of the Special and Regular City Council Meetings Held on April 18, 2023. Approved.

(\*23-306) Ratified bills in the amount of \$10,630,035.46.

(23-307) Recommendation to Authorize the City Manager to Execute a Fourth Amendment to the Agreement with CDM Smith to Increase Compensation by \$420,000, Including Contingencies, for a Total Aggregate Compensation Not-to-Exceed \$3,578,930, to Complete the Plans and to Provide Construction Support for the Central Avenue Safety Improvement Project.

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

(\*23-308) Recommendation to Authorize the City Manager to Execute a Second Amendment, Substantially in the Form of the Attached Amendment, to the Short-Term Maintenance Agreement with East Bay Municipal Utility District for Alameda Point Water System Services. Accepted.

(\*23- ) Recommendation to Approve the Purchase of Virtual Machine Host Servers in the Amount of \$297,523 from Keep It Simple to Replace the Existing Virtual Machine Host Servers that Have Reached End of Life and to Redesign the City's Virtual Infrastructure for Increased Resiliency and Redundancy. Accepted.

(\*23-309) Recommendation to Accept \$80,000 Grant #2022-0043; Cal OES ID #001-00000 from the California's Governor's Office of Emergency Services (Cal OES) 2022 Homeland Security Grant Program for a Diving Surface Supplied Air System. Accepted; and

(\*23-309A) Resolution No. 16047, "Amending the Fiscal Year 2022-23 Fire Grants Fund Revenue and Expenditures Budget by \$80,000 to Accept and appropriate the Cal OES 2022 Homeland Security Grant." Adopted.

(\*23-310) Resolution No. 16048, "Amending the Salary Schedule for Part-Time Classifications Effective June 4, 2023 to Reflect Changes to the City of Alameda Minimum Wage, Maintain Adequate Differentials between Part-Time Job Categories and Reflect Market Conditions." Adopted.

(\*23-311) Resolution No. 16049, “Approving a Final Map and Authorizing the City Manager, or Designee, to Execute Subdivision Improvement Agreements (Substantially in the Form of the Attached Agreement) for Tract 8561, North Housing Site - Phase 1.” Adopted.

#### CONTINUED AGENDA ITEMS

None.

#### REGULAR AGENDA ITEMS

(23-312) Presentation: Link21 on the New Regional Rail/Transbay Rail Crossing Project.

Camille Tsao, Capitol Corridor, gave a Power Point presentation.

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(23-313) Mayor Ezzy Ashcraft inquired how much additional time is needed to complete the presentation, to which Ms. Thao responded 5 minutes.

Councilmember Herrera Spencer moved approval of allowing an additional 5 minutes.

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

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Ms. Tsao completed the presentation.

Expressed support for the opportunity to bring Bay Area Rapid Transit (BART) through Alameda; discussed transit development projects benefitting from BART access in Alameda:  
Zac Bowling, East Bay Yes in My Back Yard.

Mayor Ezzy Ashcraft stated the City of Alameda has sent a letter to the federal Railroad Administration in support of the application and has received a response of consideration; expressed support for Sacramento’s Capital Corridor from Jack London in Oakland; stated that she would like to have BART in Alameda; a Bay Area Council a report about BART includes attracting riders back to BART; all cities rely on public transportation, which has fallen off; the report highlighted safety of passengers and train cleanliness; there has been a bit of a decline lately, but the decline can be addressed; expressed concern over the fiscal cliff being faced by transit agencies; stated BART and other systems need to be kept operational; outlined an incident earlier in the morning related to a truck crashing onto BART train tracks; stated BART needs to address issues outlined in the report.

Vice Mayor Daysog stated many Alamedans have been excited for the prospect of BART coming to the City for decades; Alameda residents pay taxes into BART and a return on payment is desired; expressed concern over BART not being in Alameda; stated that he would like to do everything possible to encourage BART to run through the City of Alameda; expressed support for any railway being underground; expressed concern over railways dividing communities and for excess noise and vibrations; stated that he is glad to see BART coming to the City and will fight for the project.

Councilmember Jensen stated the project has two options which are independent from each other; inquired whether one project option will be chosen over the other.

Ms. Tsao responded in the affirmative; stated staff has considered implementing both options as well as one option; the current forecast indicates only one option will be sufficient; staff is not precluding that both options are not possible, however, the immediate future's initial project will only have one option: regional rail or BART technology.

Councilmember Jensen stated that she has lived on the east coast, which has a robust metro system; she appreciates the comments provided related to distance to be traveled in metro areas; inquired whether the regional rail option would connect to other systems, such as the ACE train or Sacramento's Capital Corridor.

Ms. Tsao responded not directly to the ACE train; stated the idea is that trains from Sacramento could come down and cross the bay into San Francisco to connect with trains that travel down the Peninsula; trains on the Peninsula could go up to San Francisco and cross to terminate at points within the East Bay; the tracks would have stronger Peninsula to East Bay connections.

Councilmember Jensen stated the proposed option is opposed to BART, which would only consist of BART tracks.

Ms. Tsao stated there are pros and cons to both options; the trade-offs are slightly different, but the idea is to look at how to serve those traveling from farther out and those taking shorter trips.

Councilmember Vella stated the State has been trying to figure out how to work regionally and acquire funding while implementing transit technology that has been working in other places; discussed Spain's transit and similar terrain; stated there are many possibilities; now is the time to continue investing in the work; expressed support for the project and finding ways to ensure transit redundancies to and from San Francisco.

Councilmember Herrera Spencer stated that she does not have a preference between rail or BART; expressed support for the most economical approach; stated that she currently takes BART regularly from Fruitvale to Macarthur; there have been multiple incidents of crime on BART; BART provides monthly reports of crime incidents; ridership must be increased; many people are not taking BART due to safety concerns; she likely would not take BART if she had access to alternatives; expressed support for police presence at the option selected; discussed police presence during a recent BART trip; stated having police presence makes a difference; bus transit has an app to indicate bus locations; expressed support for using technology; discussed car thefts at BART parking lots; stated that she likes the idea of a reliable bus system being used to catch BART; expressed concern over proposed hours of operation; stated that she is familiar with transit systems accessibility in other regions; public transportation to Jack London Square does not operate late enough to ensure a trip home is possible or reliable; expressed support for public outreach and for ways to get people back on-board; stated current systems are operating at a loss.

Vice Mayor Daysog expressed support for undergrounding and for not placing a train yard at Alameda Point; stated that he would like to see trains flow in and out.

Councilmember Herrera Spencer stated the bus to the Seaplane Lagoon Ferry was recently been cut; it is important to rebuild to ensure people are able to use transit.

(23-314) Recommendation to Direct Staff to Terminate the Lease for Building 92 at Alameda Point between the City of Alameda and Alameda Point Collaborative Prior to Expiration of the Lease Term in Exchange for Payment to Alameda Point Collaborative of a Lease Termination Payment of \$831,470; and Commence a Solicitation Process to Sell Building 92 for Commercial Use. Not heard.

(23-315) Recommendation to Authorize the City Manager to Negotiate with Axon Enterprise, Inc. ("Axon") to Execute a Purchase Agreement for the Acquisition, Support, and Maintenance of 23 In-Car Dash Cameras with Fully Integrated Automated License Plate Recognition Systems for a Not-to-Exceed Amount of \$331,183.35 for Five Years.

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

Councilmember Herrera Spencer inquired what happens when a license plate is not present and whether the reader can identify paper license plates.

The Police Captain responded the current system and the one proposed both look at the rear license plates; stated Flock is amazing and can identify a car make and model based on shape and color; the program can pick up car damage or bumper stickers and can be searched for without the license plate.

Councilmember Herrera Spencer inquired whether there is an alert when a Police car passes a car with or without a fake license plate.

The Police Captain responded the technology would not supply an alert based on no license plate; stated there would be an alert if the license plate has been reported as stolen.

Stated that he previously supported Automatic License Plate Readers (ALPRs) due to privacy aspects being considered; expressed concern over the technology and data collection and storage; expressed support for mobile ALPR solutions and Axon: Zac Bowling, Alameda.

Expressed support for the purchase of the equipment; stated that he is surprised over what the technology can do; the system puts Officers under watch and is a necessary high standard; people will be stopped based on system alerts: Michael Robles-Wong, Alameda.

Expressed support for the installation of in-car cameras with license plate readers; stated the technology will increase Officer safety and accountability and aid investigations: Madlen Saddik, Chamber of Commerce.

Expressed support for the proposed use of technology to assist in investigative leads and Officer performance, accountability and safety; stated that she appreciates the data-driven approach: Kathy Weber, Downtown Alameda Business Association.

Expressed support; urged Council to consider approval: Abhishek Jain.

Expressed support for the matter coming to Council; stated fixed ALPRs have shown efficacy; Officers will be watched closely; urged Council approval: Tod Hickman.

Councilmember Jensen stated the presentation included good information; expressed support



for the current level of ALPR use; inquired whether information will be retained in Alameda and for how long.

The Police Captain responded Flock Safety is web-based; stated Alameda does not house the data; the data is stored for 30 days; the ALPR policy developed with Council direction and the 30-day period is strict; audits occur every 30 days.

Councilmember Jensen inquired whether the dash camera data has the same retention period, to which the Police Captain responded dash camera video is separate from ALPR data.

Councilmember Jensen inquired whether the City currently has dash camera data, to which the Police Captain responded in the negative.

Councilmember Jensen inquired whether the dash camera will have ALPR technology, to which the Police Captain responded in the affirmative.

Councilmember Jensen inquired whether the data will be collected as separate streams, to which the Police Captain responded in the affirmative.

Councilmember Jensen inquired whether the dash cameras will have a separate policy.

The Police Captain responded the camera system encased in the front and rear would be subject to the same retention policies as body-worn cameras; noted there is a separate policy and retention schedule for body-worn cameras.

Councilmember Jensen stated the use of ALPRs and crime has been discussed; she has seen the technology used as a resource for Amber Alerts; inquired whether the technology could be used for misdemeanors such as unpaid parking tickets or for identifying gang members.

The Police Chief responded the system will be set up to work similar to the fixed LPR system which detects and alerts on stolen vehicles, vehicles which appear on Amber Alerts, or missing persons.

Councilmember Jensen inquired whether ALPRs can be prospectively programmed by the City to perform specifically or whether the program is a retrospective view of the conditions mentioned.

The Police Captain responded staff can enter its own alert; stated the policy is restricted to a Police Commander approving the alert; the only people currently allowed to search within the system are Police Sergeants with the explicit permission of the Police Lieutenant; the process is currently captured in multiple ways and is audited every 30 days.

Councilmember Jensen expressed support for the response; expressed concern over Officers programming any license plate for alert; stated that she is concerned about privacy issues.

The Police Captain stated staff has strict policies on what members can and cannot search; the searches are protected within the policies mentioned by the Police Chief.

Councilmember Jensen stated that she has concerns about privacy as well as added scrutiny and reduced privacy of Officers; Alameda has faced challenges recruiting Police Officers;

inquired the potential for the technology to discourage applicants.

The Police Chief responded the technology is not only relegated to Alameda; stated several agencies in the region possess the technology; the Alameda Police Department (APD) has received 150 applications since the incentive program recently launched; body-worn cameras are an industry standard; new Officer hires support transparency and technology; the technology helps Officers document and collect evidence.

Councilmember Jensen concurred with the Police Chief; stated that she supports transparency and resources for Officers; expressed support for the staff recommendation.

Vice Mayor Daysog expressed support for the detailed report, exhibits and outreach performed; stated that the responses helped shape the data retention; expressed support for the due diligence performed in relation to privacy; stated tools to enhance and improve professionalism for Officers is appreciated; he joins Councilmembers in supporting the matter.

Councilmember Vella expressed support for the time spent on addressing policy concerns related to privacy; stated implementation has been a multi-year process; the process captures Council's desire of ensuring privacy; expressed support for the work being done to take contracts through the policy process; stated recordings always walk the line of privacy concerns; the matter creates opportunities for accountability; the ALPR matter is different from fixed LPRs; expressed support for a continuation of keeping up-to-date with any Axon data retention policy changes or updates.

Councilmember Herrera Spencer stated the Police Chief and Captain previously presented a chart on crimes for 2022 compared to the five-year average; the chart showed an increase of 17.4% in overall crimes and some numbers were as high as having a 42% increase, including thefts over \$400; inquired the anticipated impact of having the cameras on crime statistics.

The Police Chief responded the tools are needed in the approach to fight crime; stated technology and tools help efficiency; the exiting LPR system has helped develop several leads; outlined a current case that would not have been created without the use of LPR technology; stated the case includes 18 violent acts, of which 13 occurred in Alameda; staff is working on closing the case; the closing would not have happened as quickly without the use of the fixed LPR system; other cases have similarly benefitted; as soon as a stolen vehicle enters the City, an alert is provided; the technology is promising and the results suggest an impact; the cameras are one tool among several that are necessary to impact crime; theft is the driver of crime in Alameda; an average of 96 to 97% of crimes in the City are associated with theft; when overlayed with all crime in Alameda, the percentage lowers to roughly 50%; the tool will help direct staff and support data-driven efforts.

Councilmember Herrera Spencer stated the presentation showed a 10% increase in robberies, theft by force or use of fear, a 42.6% increase in theft of items valued greater than \$400, a 21.5% increase in home burglaries, and a 21% increase in auto thefts; inquired how the cameras will help impact home burglaries.

The Police Chief responded if a burglar comes to the City and is operating out of a vehicle, the technology will alert Police Officers; stated if someone commits a burglary, the vehicle drives off, and a description or partial license plate number is provided, the system can be queried to see which vehicle has been used; the vehicle does not need to be stolen to cause an alert; the

leads can help expedite investigative efforts.

Councilmember Herrera Spencer stated witnesses calling in to provide details can aid efforts; people can partner with APD.

The Police Chief concurred with Councilmember Herrera Spencer; stated APD does not want community members to place themselves at risk; descriptions of vehicles can help identify additional details for high level crimes; the technology provides an investigative lead, but is not enough for probable cause.

In response to Councilmember Herrera Spencer's inquiry related to catalytic converters, the Police Chief stated the tool is a force multiplier to help identify anyone who is in a stolen vehicle whether they are committing catalytic converter thefts, burglaries, crimes or simply driving a stolen vehicle.

Councilmember Herrera Spencer expressed support for APD and for the recommended tools; stated that she previously supported fixed LPRs and proceeding with cameras on vehicles; discussed a related Council Referral; stated time is of the essence due to the extended timeline of acquiring the cameras; it is critical to move forward as quickly as possible.

Councilmember Herrera Spencer moved approval of the staff recommendation.

Mayor Ezzy Ashcraft stated the cameras are another important tool to help APD continue the data driven policing being undertaken; expressed support for APD staff; stated that policing is a profession that stands apart; she would not be interested in Officers coming to APD that object to having in-car cameras; she feels similarly about body worn cameras; cameras are not only a protection to the public, but also to the Officers; she applauds the use of technology to analyze body worn camera data, which adds to making a better, more transparent Department; the tools are force multipliers; expressed support for the response to the APD signing bonus; stated the response allows APD to select the best candidates possible in order to continue making the Department outstanding; expressed concern over a City of Antioch incident; stated the correspondence and comments received have all been in support; the public is looking for safety; safety solutions are needed.

Councilmember Vella stated in anticipation of the vote, there have been questions related to data points and how the technology is used; a myriad of different things often come together to contribute to preventing or solving crimes; expressed support for data points being included as part of regular updates to Council any time the cameras were used to prevent or solve crimes; the technology is often combined with training.

Mayor Ezzy Ashcraft stated the City Attorney has recently hired a Police Analyst/Auditor; inquired about the possible intersection between the matter and the new position.

The City Attorney stated Council directed the City Attorney's Office to open a Police Auditor position late last year in response to recommendations made by the City Manager appointed committee and subcommittees on Police reform; Council adopted most of the recommendations, including a Police Auditor position; expressed support for the partnership with APD; stated the position will have the opportunity to be able to have the cameras as an extra tool to help the Department enhance and increase accountability; the step forward is positive.

Mayor Ezzy Ashcraft inquired whether the position is under the City Attorney's Office, to which the City Attorney responded in the affirmative; stated the committees recommended the position be separate from APD.

Councilmember Herrera Spencer stated that she is happy to include Councilmember Vella's comments as a friendly amendment to the motion.

Mayor Ezzy Ashcraft inquired whether the motion is to approve the staff recommendation, to which the City Clerk responded in the affirmative.

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

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Mayor Ezzy Ashcraft called a recess at 9:10 p.m. and reconvened the meeting at 9:23 p.m.

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#### CITY MANAGER COMMUNICATIONS

(23-316) The City Manager provided an update on the strategic planning process; made an announcement about opening Dignity Village, the City's debt rating being increased to AAA and a library program called Overflowing with Hope: The Hidden History of the Japanese in Alameda and upcoming tube closures.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(23-317) 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)

Councilmember Herrera Spencer gave a brief presentation.

The City Manager stated the City Manager authority will be exceeded in the coming contract amendment; staff will need to come to Council for approval in the fall; Council can provide direction during the discussion.

Councilmember Jensen stated that she is not familiar with Truleo; expressed support for learning more about the company; stated that she would like to hear whether the technology is successful and effective; she does not have an opinion on when the matter should return to Council; she is interested in understanding the urgency.

Councilmember Vella expressed concern over any contractor using the City's name; stated the concern can be addressed with the contract; it is important for Council to provide direction and

authority; expressed concern over vendors engaging in separate matters from their contract; stated it would be helpful to have the City Attorney's Office work with the City Manager to look into what has occurred and what rights the City has; expressed support for allowing staff enough time to perform the work; stated there has been direction to staff; staff can work on the matter based on existing policies.

Mayor Ezzy Ashcraft stated that she would be content to wait for the contract to return in the fall; she would like to address the matter objectively; outlined the Council Referral language; concurred with Councilmember Vella's comments related to knowing what contractors are doing with the City's data; stated the data analysis for body-worn camera footage is being used as a tool for education and direction for Officers; the information should be considered during the contract renewal.

Vice Mayor Daysog discussed a video news article related to Alameda's successful use of Truleo; stated the article was favorable to the City of Alameda; Truleo is a tool used by APD that should be continued; he will support the Council Referral out of courtesy as it falls within the bounds of public discussion; expressed support for Truleo.

Councilmember Herrera Spencer expressed support for the matter returning to Council in the fall; stated that she would like to look at the contract; expressed concern over the City's name being used to sell products; stated the product has not been independently verified; it is important to proceed with caution; releases being put out by Truleo to sell their product look to Alameda case studies; questioned the data being used; stated Truleo has not been forthcoming with information; it is critical for Council to look into the matter; it is important for Alameda to protect its name.

Councilmember Herrera Spencer moved approval of the matter returning to Council in the fall for Council to have the opportunity to ask questions.

In response to Mayor Ezzy Ashcraft's inquiry related to the motion, the City Manager stated staff will anticipate as many questions as possible; the matter will not be placed on the Consent Calendar.

Mayor Ezzy Ashcraft inquired whether a motion is needed to have the matter return.

The City Attorney responded Council may provide a motion or defer to the City Manager's commitment.

Councilmember Herrera Spencer stated that she has made a motion to have the matter return in the fall and would prefer to have the motion considered.

Councilmember Jensen seconded the motion.

Under discussion, Vice Mayor Daysog stated the term "termination" is not framing the matter; questioned whether the term is included as part of the motion.

Councilmember Herrera Spencer stated that she would like to have options for Council to consider.

Vice Mayor Daysog expressed support for having options.

Councilmember Herrera Spencer stated Council recently had an issue related to a lack of options; the Referral is broad and not limiting.

Mayor Ezzy Ashcraft stated that she will not support the motion as-stated due to not being respectful of the City Manager's future actions; the City Manager will bring the matter to Council with options; expressed concern over the wording of the Council Referral.

In response to Councilmember Jensen's inquiry, Councilmember Herrera Spencer stated the matter will leave Council's options on how to proceed with the contract.

The City Manager stated the program is great; staff's recommendation would be to approve an extension; the staff report will include an alternatives section with other options, including termination or non-renewal of the contract; staff will present the options; unless Council is clear in its direction to terminate, staff will be recommending that the program continue.

Councilmember Herrera Spencer and Councilmember Jensen expressed support for the City Manager's approach.

Councilmember Jensen expressed concern over the possibility of litigation; stated that she does not know enough about the company or contract to make a judgement; expressed support for the upcoming report in the fall.

Vice Mayor Daysog proposed the motion be stated as approving the City Manager returning with a full review and recommendation regarding the matter.

Councilmember Vella stated there are a couple of issues including the use of the City's name in marketing materials; separate direction to staff could be included in the motion to create a process for addressing incidents as they occur; expressed support for having a process laid out moving forward; inquired whether the Truleo contract is already expired.

The City Manager responded the contract is up January 1, 2024; stated staff will come to Council in the fall recommending renewal; staff can preemptively answer questions about the use of the City's name and data and provide alternatives.

Councilmember Vella made a friendly amendment to the motion to approve directing staff to provide options, including the ability for the City to go out to bid, as well as staff providing Council with the information requested in the Council Referral.

Councilmember Vella expressed concern over the matter being duplicative; expressed support for combining the related issues in the report back for Council to provide options moving forward.

Mayor Ezzy Ashcraft expressed support for the friendly amendment to the motion.

Councilmember Herrera Spencer and Councilmember Jensen accepted the friendly amendment to the motion.

On the call for the question, the motion carried by unanimous voice vote – 5.

(23-318) Adoption of Resolution Expressing Support for Actions to Further Strengthen Local Democracy, Authority, and Control as Related to Local Zoning and Housing Issues. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Stated the legislature is able to pass laws due to the current housing crisis; many municipalities have skirted housing responsibilities; those who push for local control include those who do not wish to contribute to housing obligations; he is not in favor of resolutions that indicate the City will not help: Zac Bowling, East Bay YIMBY.

Expressed support for the resolution; discussed affordable housing; expressed concern over the State holding the City hostage: Tod Hickman.

Mayor Ezzy Ashcraft stated the matter has come to the League of California Cities and there has not been support; every city in California is unique and has a responsibility to address and help solve the housing crisis; the crisis cannot be left to cities doing the right thing, such as Alameda; expressed support for all cities to doing their part; expressed concern over different cities being able to determine whether or not to abide by State law on land use; stated there is a reason housing policy is a government policy and should be protected; she will not be supporting the Council Referral; the group is called Our Neighborhood Voices and has made attempts over the last two years to gather signatures for a ballot measures and campaigns.

Vice Mayor Daysog stated Councilmember Herrera Spencer has concluded the matter is one that the public should sink its teeth into; he will support the Council Referral out of courtesy for public discussion.

Councilmember Vella stated that she will not be supporting the Referral; there have been a number of different actions and items on the Statewide ballot relative to the matter; housing continues to be a top priority for Californians; polling shows that access to affordable housing remains top priority; she will wait to see any changes during elections.

Councilmember Herrera Spencer stated that she is not sure whether the matter needs to return to Council in order to move approval of adopting the related resolution.

Vice Mayor Daysog stated that he supports allowing the public provide comments on the matter.

Councilmember Herrera Spencer moved approval of the matter returning to Council with the proposed resolution for public discussion and potential adoption.

Mayor Ezzy Ashcraft noted the matter will be on the ballot in November 2024.

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

(23-319) Consider Providing Direction on a Future Amendment to the Council Meeting Rules of Order to Change Speaking Times for the Public and Councilmembers on Items that are Pulled/Removed from the Consent Calendar. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Mayor Ezzy Ashcraft requested clarification about matters placed on the Consent Calendar; stated a Council subcommittee was convened to look at ways to provide better Council meeting efficiency; the changes have been positive; there is support for the public providing input; outlined the Brown Act being related to the public's right to witness City government in action; Council actions and votes are not taken behind closed doors; the Brown Act does not require a public forum with unlimited speaking time; stated there are various ways to contact Councilmembers; she is satisfied Council is meeting objectives.

The City Manager stated the Consent Calendar is an art, not a science; typically, routine items which staff anticipate will not be controversial are placed on Consent; items which anticipate many speakers or receive numerous correspondence are on the Regular Agenda; policy issues or plan reviews are not placed on Consent; staff does not always make the correct decision; some items placed on the Consent Calendar end up controversial and are pulled for discussion.

The City Clerk stated other items placed on the Consent Calendar are matters which return to Council; Council will provide direction during a meeting and returning items will be placed on Consent; final passage of ordinances and annual hearings are also placed on Consent; Police policies have returned to Council on Consent due to constant updating; items previously placed on Consent are used as guidance, as well as staff making judgement calls.

Councilmember Vella stated Council has tried different ways to address the Consent Calendar and standard City business; other groups and agencies conduct their Consent Calendar similarly, but with less time for public comment; other groups have one comment period or place the Consent Calendar at the end of the agenda; Council and the public have an interest in trying to address the City's day-to-day needs; there is a limited amount of time for Council to meet and conduct public business; the practice is about balance; more time can be provided for matters when necessary; inquired whether there is a possible solution due to the amount of time and how Council will get through each agenda if more time is provided; noted agendas can be very large.

The City Clerk responded the Agenda Changes section can be utilized to move items which are determined to need more discussion; the approach occurred recently and the option continues to be available.

Mayor Ezzy Ashcraft inquired whether other Councilmembers would need to vote to approve, to which the City Clerk responded in the affirmative; stated Council can also discuss and determine where to best place the item.

Mayor Ezzy Ashcraft inquired whether the change would require four affirmative votes, to which the City Clerk responded three affirmative votes would be needed.

Expressed support for Council discussing Referrals; stated the Referral explains a need for change; discussed correspondence from Alameda Citizens Task Force; expressed concerns over hidden agenda items and speaking time: Tod Hickman.

Councilmember Vella stated the City Clerk has provided options; Council has the opportunity to address items in real time during meetings; Council has been able to get through agendas without going too late.



Councilmember Jensen stated that she has been on Council for a short time; she has previously served on other private and public organizations; municipal agencies utilize the Consent Calendar as an effective tool to run meetings; expressed support for the agenda management in Alameda and for the information provided by the City Clerk related to agenda review; stated Councilmembers should take the time to review agendas for items that have been indicated as important by constituents; Councilmembers can work with the City Manager prior to meetings and provide information on matters of importance that need to be removed from the Consent Calendar.

The City Clerk stated a Council vote will typically be conducted.

Councilmember Jensen stated there might be matters which have been decided as important by constituents; Council is a majority agency; she will not support the Referral; one Councilmember should not decide to move items and expect extensive input from unprepared staff with extensive public comment without the majority support from Council.

Mayor Ezzy Ashcraft stated members of the public can speak on any item, however, the duration can change based on the item type.

Vice Mayor Daysog stated Councilmembers are stewards of the public trust; actions taken by Council are for done the public; there have been occasions where the public has wanted to speak on agenda items that were not pulled; a number of agenda items only allow a limited amount of speaking time; the public input is not served well; a happy medium should be found; there are substantive reasons why Council should discuss a matter; expressed support for the Referral.

Mayor Ezzy Ashcraft stated the City Clerk has provided solutions available to Council, such as an agenda change, with majority vote from Council.

Councilmember Herrera Spencer moved approval of the matter returning to Council on the Regular Agenda for full discussion and public comment.

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

#### COUNCIL COMMUNICATIONS

(23-320) Councilmember Herrera Spencer discussed an event at Coast Guard Island.

(23-321) Councilmember Vella discussed the Dignity Village opening; announced an event at the Alameda Free Library; discussed the bazaar at Buena Vista United Methodist Church.

(23-322) Vice Mayor Daysog discussed the Martin Luther King Jr. Oaratory competition, the Alameda Unified School District (AUSD) subcommittee meeting, the Coast Guard event honoring Zachariah Hurst and Lena Gavello, the Dignity Village opening, and the 150<sup>th</sup> anniversary of the Oak Leaf Chapter 8, Order of the Easter Star.

(23-324) Mayor Ezzy Ashcraft discussed the Dignity Village opening, the Kiwanis Club 100<sup>th</sup>

anniversary, a Cinco de Mayo celebration event at Bohol Circle Immigrant Park, the 125<sup>th</sup> anniversary at Buena Vista United Methodist Church, the Bike to School Day event at Love School, and the Alameda Chamber of Commerce Foundation scholarship awards.

(~~23-325~~) Councilmember Herrera Spencer discussed a certificate provided to Aldrich Adams, her attendance at the Golf Commission meeting and AC Transit meeting, the Walk and Roll to School event at Bay Farm Elementary, and a car seat inspection event.

#### ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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