

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JULY 16, 2019- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:00 p.m.

Roll Call – Present: Councilmembers Daysog, Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(19-414) Conference with Legal Counsel - Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Boatworks v City of Alameda, et al.; Court: Superior Court of the State of California, County of Alameda; Case Number: RG14746654; Court: First District Court of Appeal; Case Numbers: A151063, A151919

(19-415) Conference with Legal Counsel – Liability Claims (Pursuant to Government Code § 54956.95); Claimant: James Howley; Agency Claimed Against: City of Alameda

(19-416) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiator: Nancy Bronstein, Human Resources Director; Employee Organization: International Brotherhood of Electrical Workers, Local 1245 (IBEW); Under Negotiation: Salaries and Terms of Employment

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Existing Litigation, Liability Claims and Labor, the Council received information from staff and gave direction with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 5:41 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 MEETING OF THE CITY COUNCIL
TUESDAY- -JULY 16, 2019- -5:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:43 p.m. Councilmember Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 5.

Absent: None.

AGENDA ITEMS

(19-417) Preliminary Public Hearing on Draft Climate Action and Resiliency Plan and Draft Mitigated Negative Declaration and Schedule Final Council Action for September 3, 2019.

The Public Works Director and Deputy Public Works Director gave a Power Point presentation.

Councilmember Daysog stated that he has received correspondence related to the item and the congestion pricing and tolls through the Webster and Posey tubes; he has not seen policies, strategies or actions within the material; inquired whether there are policies, strategies or actions as part of Climate Action.

The Public Works Director responded congestion pricing is not a measure required to reach the goal of a 50% cut by 2030; to reach net zero gas emissions as soon as possible, the Climate Action Resiliency Plan (CARP) would suggest congestion pricing benefits.

Councilmember Oddie inquired whether Veterans Court had been funded by the previous budget approval.

The Deputy Public Works Director responded the near term strategy has been approved as funded or partially funded; stated the current item includes funding approval of the storm capacity upgrades.

Councilmember Oddie inquired whether two of the priority items have already been started, to which the Deputy Public Works Director responded in the affirmative.

Expressed support for specific sections of the Plan: Miya Kitahara, Stopwaste.

Discussed State climate programs; thanked Alameda for leading the way: Kelly Malinowski, California State Coastal Conservancy.

Urged moving forward with programs which support biking and walking: Pat Potter, Bike Walk Alameda.

Urged Council to adopt and implement the Plan; discussed ways to reduce impacts on the environment; submitted his comments: Damian Mason, Community Action for a Sustainable Alameda (CASA) and Climate Restoration Circle (CRC).

Submitted her comments proposing a change to a supplemental action on Table 3-6: Elizabeth Greene, Alameda.

Stated the Sierra Club commends Alameda; expressed support for the Plan; suggested Alameda consider managed retreat if needed: William Smith, Sierra Club.

Stated a mode shift is needed; suggested every parking lot with 10 or more spots have electric vehicle parking: Mark Perlin, CRC.

Outlined CASA's formation and involvement with developing the Plan; urged adoption of the Plan: Ruth Abbe, CASA.

Councilmember Oddie stated the Plan should not be delayed and should be implemented as a priority; questioned the different ways the Plan will be funded; stated there are benefits from composting; the amount of vehicles need to be reduced, not just switched to electric vehicles; outlined transportation plan alternatives to driving; stated buildings are the biggest cause of greenhouse gas emissions; the City needs to think about all new construction being electric; plans focused on parking allow people to drive; people will find alternate ways to travel if plans are not built around parking; discussed projects; stated the entire infrastructure bond should be devoted to sea level rise; he would like to learn more about the climate fund proposal; expressed support for a wetlands mitigation bank, as a way to restore wetlands and generate revenue to pay for projects; the project is a priority and needs to be implemented.

Councilmember Daysog expressed support for the sections related to sea level rise and goals related to excessive heat; expressed concern for the section related to greenhouse gas emissions related to tolls and undoing Measure A; stated the tolls for Posey Tube are heavy-handed based on driving trends; that he does not support congestion pricing and the effort to undermine Measure A; the item cannot be used as an emergency to undo Measure A; expressed support for building resilience; stated there is a need for respect of the architectural history of Alameda.

Mayor Ezzy Ashcraft requested Councilmember Daysog to clarify undermining of Measure A.

Councilmember Daysog stated Chapter 3, page 32 talks about creating higher density and the need to change zoning to allow more multi-family use; the explanation should be explicit and indicate Measure A must be undone to complete doing so.

Vice Mayor Knox White stated unless there are significant changes to the document, there should be no reason not to approve the document versus provide comments to have the item return in September; his comments can be addressed after approval; noted that he would like to see the Climate Emergency Declaration added to the document; stated when the Declaration was approved, it was approved as a preamble to the Plan; the document should be more clear; the timeline for 36" of sea level rise matters and a date is not mentioned; expressed support for the importance of prioritizing mode shift over electrification; outlined related staffing costs toward electrifying City vehicles; stated the Transportation Choices Plan needs to be more aggressive in creating staffing to match the work needing to be done; expressed support for the groundwater study; stated the data related to drought and water use is helpful; he would like to see policy Council can send to encourage East Bay Municipal Utility District (EBMUD) to have pricing that incentivizes users to reduce water use; the maps are useful, in order to help mitigate upcoming sea level rise for not only new development, but existing housing as well; a policy is needed for adopting a General Plan Amendment related to land use and zoning; there are a number of places slated for rezoning; requested that the affected property values not be impacted without outreach and an opportunity for land owners to participate in discussions; stated devaluing will occur; engagement must happen sooner than later.

Councilmember Vella stated that she would like a notation added under fleet electrification, to reduce the number of fleet where possible; noted traffic signal synchronization should be part of the Plan; stated first and last mile modes of transportation are important especially for bus and ferry riders; an appendix should be added to the document every year following the mid-year budget cycle to include up to date expenditures related to the Plan; expressed support for the Plan.

Mayor Ezzy Ashcraft stated climate change is real; discussed unusually heavy rains; stated change must be made; that she understands apprehension with regard to Measure A; the item may have to go back to the voters; expressed support for the Plan; inquired the reason for waiting until September to fully approve the Plan.

The Public Works Director responded California Environmental Quality Act (CEQA) noticing is to be done between now and September 3 to enable adoption.

Vice Mayor Knox White moved approval with the addition of the comments made by Council.

Mayor Ezzy Ashcraft inquired whether the motion includes the staff recommendation, to which Vice Mayor Knox White responded in the affirmative.

Councilmember Oddie seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Daysog – 1.

(19-418) Recommendation to Authorize the City Attorney to Join as Amicus Curiae on Behalf of the City in Support of Lawsuits Concerning Topics for which the Council has Already Taken an Official Policy Position.

The City Attorney gave a brief presentation.

Expressed concern over the proposal; urged the Council keeps its authority: Former Mayor Trish Spencer, Alameda.

Councilmember Daysog stated that his understanding of the staff report is the City Attorney's office is seeking ability to join an amicus brief regarding platforms related to short-term rentals; local governments would like to regulate platforms related to AirBNB or VRBO; Council is not granting the City Attorney's office to authorize anything related to local control; expressed support.

Councilmember Oddie stated giving authority is a great idea, when Council does not have the time to agendize something; requested a copy of the brief be presented as an informational item.

Councilmember Oddie moved approval of the staff recommendation.

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

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:54 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JULY 16, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:06 p.m.

ROLL CALL - Present: Councilmembers Daysog, Knox White, Oddie, Vella,
and Mayor Ezzy Ashcraft – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(19-421) Proclamation Declaring July 15 through 19, 2019 as National Disability Voter Registration Week.

Mayor Ezzy Ashcraft read the proclamation and presented it to Susan Hauser, Karen Butter, William Smith and Ken Werner, League of Women Voters.

Mr. Werner made brief comments.

(19-422) Proclamation Declaring July 27 and 28, 2019 as Art and Wine Faire's 35th Anniversary in Alameda 2019.

Mayor Ezzy Ashcraft read the proclamation and presented it to Janet Magleby and Silvie Lukacova, Downtown Alameda Business Association.

Ms. Magleby made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(19-423) Pat Potter, Alameda, expressed support for the City's community meetings, but expressed concern about people not reading documents; suggested five copies of draft and final documents be placed on file in the library for review.

(19-424) McKenzie Taffe, Alameda, submitted information and requested Council to address rape culture.

(19-425) Simmar provided business card that allows exchange of items within the community.

CONSENT CALENDAR

The Tyler Technologies agreement [paragraph no. 19-428], Axon Enterprise agreement [paragraph no. 19-431], the final passage of ordinance improving intersections [paragraph no. 19-439], the rent ordinance [paragraph no. 19-440] and the development fee ordinances [paragraph no. 19-441] were removed from the Consent Calendar for discussion.

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

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

(*19-426) Minutes of the Special and Regular City Council Meeting Held on June 18, 2019. Approved.

(*19-427) Ratified bills in the amount of \$2,419,765.13.

(19-428) Recommendation to Authorize the City Manager, or His Designee, to Execute a Seven (7) Year Agreement with the Option of Three One-Year Extensions with Tyler Technologies, Inc., for the Acquisition, Implementation, and Ongoing Support of the Munis Financial and Human Capital Management System in an Amount Not to Exceed \$3,978,212; and

(19-428A) Recommendation to Authorize the City Manager, or His Designee, to Negotiate and Execute a Three (3) Year Agreement with Barry Dunn to Provide Project Management and Oversight Services for the Implementation of the Munis Financial and Human Capital Management System in an Amount Not to Exceed \$720,000.

Councilmember Vella inquired whether the platform will be customized or general.

The Human Resources Director responded there is not a plan for a lot of customization; stated the goal is to implement best practices.

Councilmember Vella inquired whether State mandates and updates will be built into the contract or will they be an additional cost.

The Information Technology Director responded the upgrades are part of the contract and will update automatically at no additional fee.

Councilmember Vella moved approval of the staff recommendation.

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

(*19-429) Recommendation to Award a Contract in the Amount of \$1,257,706, Including a 10% Contingency, to Valentine Corporation for Encinal Boat Launch Facility, Project

No. P.W. 04-19-19. Accepted.

(*19-430) Recommendation to Award an 18 Month Contract, with the Option of Two One-Year Extensions, in an Amount Not to Exceed \$330,000, Including Optional Tasks, to Toole Design Group to Prepare an Active Transportation Plan for the City of Alameda. Accepted.

(19-431) Recommendation to Authorize the City Manager to Negotiate and Execute a Six-Year Agreement with Axon Enterprise Inc. for the Acquisition, Support, and Maintenance of 88 Body-Worn Digital Video Cameras and a Digital Evidence Management System in an Amount Not to Exceed \$793,792.96.

Submitted a letter raising questions about data protection: Craig Erickson, Oakland Privacy.

Councilmember Vella inquired whether there is an issue with data security.

The Police Chief responded there has been no issue with data security; stated contract approval from Council from four years prior was presented as a regular agenda item; there is military grade server security in which the data is owned by the City, not the vendor; the only videos released are in compliance with Assembly Bill (AB) 1421 and AB748 or court order.

Councilmember Vella inquired whether the efficacy of the body cameras are protecting officers as well as members of the public.

The Police Chief responded use of force incidents were not a concern at the time of camera purchase; stated use of force incidents have shown to not increase or decrease since the camera purchase; there is no evidence that the upcoming decrease in use of force incidents is due to body cameras.

Councilmember Vella inquired the reason for a no-bid contract.

The Police Chief responded that the Police Department is still under contract with the vendor; stated a new contract was not requested; it is an extension of existing terms.

Vice Mayor Knox White expressed support for the contract; requested the expanded sanctuary city data and privacy referral be brought back for Council consideration; stated policy requests have been made to ensure control over data.

The Police Chief stated the existing retention policy is based on being compliant with State laws, statute of limitations and court orders.

Mayor Ezzy Ashcraft inquired whether Vice Mayor Knox White is questioning the release policy.

Vice Mayor Knox White responded in the affirmative; stated that he is interested in how the videos are released, which should be set by a Council approved policy.

Mayor Ezzy Ashcraft stated video release policy may be included as staff direction, but the policy is currently in place; inquired whether the direction is specific to Public Record Act (PRA) requests or news media, to which Vice Mayor Knox White responded with all of the above.

The Police Chief stated AB1421 and AB748 apply to release of videos; outlined the regulation for certain types of offences when video must be released.

Mayor Ezzy Ashcraft inquired whether the request is to ensure policy compliance with State law.

Vice Mayor Knox White responded the matter should be considered by the policy-making body of the City.

The City Manager stated the current policy may be brought back for discussion that is consistent with expanding policy and data collection.

Mayor Ezzy Ashcraft stated some legislation has been passed more recently and policy updates might exist.

Councilmember Daysog stated the path of least resistance is to move staff's recommendation; expressed concern for interjecting certain issues that still need more information; Vice Mayor Knox White is not suggesting a discussion related to Sanctuary City in relation to police cameras; the discussion should be separate.

Vice Mayor Knox White stated the City has a Sanctuary City policy in place; outlined a previous Council referral referencing police camera data and Sanctuary City policy; requested the referral be brought back for discussion and expanded to ensure a comprehensive approach.

Mayor Ezzy Ashcraft discussed meetings with representatives of American Civil Liberties Union (ACLU); stated there is support for body-worn cameras; equipment is only as good as the policy that governs use; the policy should be reviewed for necessary updates.

Vice Mayor Knox White moved approval of the staff recommendation, with Council direction.

Councilmember Daysog inquired the direction being provided.

The City Clerk re-stated the motion direction: bring back the expanded Sanctuary City referral along with having a general discussion about data.

Vice Mayor Knox White clarified the motion is to bring back the Sanctuary City privacy referral, expanded to provide privacy protections for all City data including a release of the camera data.

Mayor Ezzy Ashcraft questioned whether the request is looking beyond the reference to all City data.

Vice Mayor Knox White stated the matter needs to be brought to Council for discussion.

Mayor Ezzy Ashcraft expressed concern over staff direction relating only to the noticed item.

Vice Mayor Knox White stated the motion states a policy is needed to ensure data collected by cameras can be wrapped into the discussion coming in the fall.

The City Attorney stated the direction is understood; given that the direction is brief, staff will ensure as much information is brought back consistent with direction given.

Councilmember Vella seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Daysog – 1.

Under discussion, Councilmember Daysog expressed support for the equipment; expressed concern for the add-on of language.

(*19-432) Recommendation to Authorize the City Manager to Execute an Agreement with Ray's Electric Company for the Signal Installation at Harbor Bay Parkway/North and South Loop Road and Harbor Bay Parkway/Penumbra Place and South Loop Road, No. P.W. 04-19-23, in an Amount Not to Exceed \$592,800, Including Contingency. Accepted.

(*19-433) Recommendation to Authorize the City Manager to Execute Amendments to Agreements with Tetra Tech, Ninyo & Moore, BKF Engineers, and Park Engineering for the Cross Alameda Trail (Main to Constitution) Project, in a Cumulative Amount, Including Contingency, Not to Exceed \$115,770. Accepted.

(*19-434) Resolution No. 15566, "Adopting the Plan to End Homelessness: 2018 Strategic Update Developed by EveryOne Home." Adopted.

(*19-435) Recommendation to Authorize the City Manager to Execute a Two-Year Contract with the County of Alameda to Implement Alameda's Homeless Emergency Aid Program (HEAP) Plan. Accepted; and

(*19-435A) Resolution No. 15567, "Amending the General Fund Operating Budget for Fiscal Year 2019-20 by Increasing Estimated Revenue and Appropriations by \$756,524." Adopted.

(*19-436) Resolution No. 15568, “Amending the Fiscal Year 2019-20 Capital Projects Fund Budget for the Seaplane Lagoon Ferry Terminal Project by \$10,200,000 Funded by an \$8,200,000 Grant from Alameda County Transportation Commission and a \$2,000,000 Grant from the Water Emergency Transportation Authority.” Adopted.

(*19-437) Resolution No. 15569, “Authorizing the City Manager to Execute a Supplement No. 2 to Acquisition Agreement Relating to Community Facilities District No. 13-1.” Adopted.

(*19-438) Resolution No. 15570, “Approving Tentative Map No. 8500 for the Proposed Subdivision of the Alameda Marina Property Located at 1815 Clement Avenue. Applicant: Alameda Marina, LLC. The Environmental Effects of the Proposed Project Were Considered and Disclosed in the Alameda Marina Master Plan Environmental Impact Report (State Clearinghouse #2016102064). No Further Environmental Review is Required Under the California Environmental Quality Act.” Adopted.

(19-439) Ordinance No. 3245, “Amending Alameda Municipal Code Section 8-8.5 and 8-1.2 to Authorize the Public Works Director to Improve Safety and Visibility at Alameda Intersections.” Finally passed.

Expressed concern over not fully discussing allowing street furniture and bike racks: Jim Strehlow, Alameda.

Councilmember Oddie Moved final passage of the ordinance.

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

(19-440) Ordinance No. 3246, “Concerning the Establishment of an Annual General Adjustment, a Rent Registry, Banking, and a Petition Process for an Upward and Downward Adjustment of Rents.” Finally passed.

Submitted information and discussed rent increases and tenant turnover: Karen Miller, Alameda.

Stated that she is opposed to using Consumer Price Index (CPI) for rent increases: Marilyn Schumacher, Alameda.

Expressed concern over renters being displaced: Julian Critobal, Filipinos Advocates for Justice.

Stated the compromises on rent increase at the last meeting were fair; urged Council approval: Zac Bowling, Alameda.

Discussed rent control impacting development: Christopher Sparacino, Sparacino

Realty Advisors.

Urged Council to adopt the ordinance: Elaine deColigny, Everyone Home.

Questioned where rent control has worked; urged revision: Rosalinda Fortuna, Alameda.

Councilmember Daysog inquired which Consumer Price Index (CPI) being used; stated there is a variety within the Bureau of Liberal Statistics for the San Francisco Bay Area.

The Community Development Director responded the CPI being used is CPI for all Urban Consumers (CPI-U) for San Francisco Bay Area; stated the CPI number used is from April to April due to timely issuance of the annual general adjustment for fiscal year and registration fee payments.

Councilmember Daysog expressed concern that not being specific as to what CPI is being used could cause potential confusion in the future.

The Community Development Director stated the July 2nd staff report from referenced CPI-U.

Mayor Ezzy Ashcraft inquired whether the language may be added if necessary.

The City Attorney responded that the staff report is clear.

Mayor Ezzy Ashcraft inquired whether there will be educational opportunities for this item.

The Community Development Director responded in the affirmative; stated staff will provide workshops similar to the initial launch of rent stabilization.

Councilmember Daysog outlined data provided at previous meetings; stated there is no justification or supporting data for the stringent just cause language to be included; the typical Alameda renter, based on census data, pays an affordable rent; data suggests an incremental, mediation based approach similar to the previous ordinance; data matters; outlined research based on Berkeley and Santa Monica rent control; stated data also shows a significant reduction in the African-American population in South Berkeley from 1980-1990; people of color suffer from certain rent control; the type of rent control being adopted was rejected by the citizens of Alameda by defeating M1; there is no place for a heavy-handed City Hall to control a part of local economy; he is disappointed rent control is being adopted with the absence of supporting data; hard-cap rent control gentrifies areas; there is a viable opportunity in mediation based rent control.

Mayor Ezzy Ashcraft stated Costa Hawkins came into effect in 1995; discussed rent control not applying to multi-family units; stated modifications to Costa Hawkins are

being discussed.

Councilmember Vella stated there is a difference between data that shows causation and correlation; outlined data and a study from the Hass Institute for a Fair and Inclusive Society; stated results of the study are part of the reason Council is enacting changes to the existing ordinance; the housing crisis, housing affordability, and access to housing disproportionately affects seniors, low-income families, people with disabilities and communities of color; rising rents with stagnating wages continues to set renters back; many employers base wage increases on CPI and CPI-U, and not everyone receives wage increases; the ordinance is being updated and can be updated later if things change; there have been times where the CPI has been negative, but there is still a base in the range; there can be rent increases even if the CPI drops; the update is not meant to be punitive.

Vice Mayor Knox White stated half the renters in Alameda are paying more than 30% of their income on rent, which is considered unaffordable; the ordinance is written to try and help those who pay unaffordable rent; many current studies state rent control is needed to keep people in their homes; policies made affect people; outlined climate change aspects affected by housing policy; stated housing is a comprehensive problem.

Councilmember Oddie stated policy decisions need to be based on values and priorities; the community has been pitted against each other; modifications have been asked for which will return in the fall; a tremendous amount of people have been protected from displacement; people are not able to pay double digit rent increases; he has seen a 6.2% increase in rent, which is above 5% and above CPI; the data shows no benefit those most vulnerable; those who cannot afford to live here, will live elsewhere and commute contributing to greenhouse gas and global warming or will cease to work in Alameda, affecting local businesses; Council must vote on values; a time of healing is needed; fear of evictions is gone and maintenance issues can be addressed; Council has a duty to protect and defend Alameda; expressed support for discussing improvements; stated everyone belongs here and is a personal value.

Vice Mayor Knox White moved final passage of the ordinance.

Councilmember Oddie seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Daysog – 1.

(19-441) Ordinance No. 3247, “Amending Alameda Municipal Code Chapter XXVII, Section 27-3 (Citywide Development Fees) and Approving City of Alameda Development Impact Fees Update and Nexus Study, dated June 2019.” Finally passed.

Mayor Ezzy Ashcraft inquired why the Golf Course was not a part of the recent fee study.

The Interim Assistant City Manager/Recreation and Parks Director responded Corica

Park is a public park amenity and is open to the public for a fee; stated it was not included due to a significant increase in the Development Impact Fee (DIF), and being intentionally cautious and conservative; other athletic facilities should be included; Corica Park is considered a specialized amenity.

Councilmember Oddie moved final passage of the ordinance.

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

REGULAR AGENDA ITEMS

(19-442) Resolution No. 15571, “Appointing Carly Grob as a Member of the Housing Authority Board of Commissioners.” Adopted;

(19-442A) Resolution No. 15572, “Reappointing Ron Limoges as a Member of the Recreation and Park Commission.” Adopted; and

(19-442B) Resolution No. 15573, “Appointing Scott Weitze as a Member of the Transportation Commission.” Adopted.

Councilmember Oddie moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented Ms. Grob and Mr. Weitze with certificates of appointment.

(19-443) Provide Direction on Letter to the Presiding Judge of the Alameda County Superior Court in Response to the 2018-19 Alameda County Grand Jury Final Report. [

Councilmembers Oddie and Vella recused themselves and left the dais.

Mayor Ezzy Ashcraft called a recess at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

The City Attorney made brief comments regarding recusals.

Vice Mayor Knox White stated a number of letters have been received asking Council to take action and remove Councilmembers from office; requested clarification from the City Attorney related to elected officials holding office and being removed from office.

The City Attorney outlined methods elected officials, such as Councilmembers, may be removed from office; stated the City charter does not allow a Council to remove

Councilmembers; removal is not available.

Vice Mayor Knox White noted the Grand Jury did not return an accusation; requested further clarification.

The City Attorney stated the term accusation is a legal term; outlined State Law allowing for Grand Jury to forward a legal document called an accusation to the District Attorney (DA) and requesting the DA to charge the public official with removal, which did not occur in this case.

Mayor Ezzy Ashcraft stated the Grand Jury did comment on the electoral process with regard to not making an accusation.

The City Attorney stated the Grand Jury deferred to the electoral process via at the ballot box or through a recall process.

Vice Mayor Knox White inquired whether no crime has been committed; stated violating the Charter is not something the DA could prosecute; the only way the DA would be involved would be to prosecute a Grand Jury accusation.

The City Attorney responded that he cannot comment on whether a crime has been committed or not.

Vice Mayor Knox White inquired whether the Grand Jury process is being completed.

The City Attorney responded in the affirmative; stated the Council providing responses is sufficient.

Expressed concern over the way the City handled the matter and paying Councilmember legal fees; urged the tape recording be released: Russ Giantini, Alameda.

Expressed support for the Fire Chief; urged the City to move forward on important issue: Laura Thomas, Renewed Hope.

Expressed support for Councilmembers Oddie and Vella and support for clarifying regulations: Toni Grimm, Alameda.

Expressed support for Councilmembers Oddie and Vella: Bunny Duncan, S.D.C.

Urged the Council to revise the response letter to completely support the Grand Jury findings: Elizabeth Greene, Alameda.

Expressed concern over unethical behavior of two Councilmembers; urged Council to censure Councilmembers Oddie and Vella and release the tape recordings: Burny Matthews, Alameda.

Expressed concern over the Grand Jury process; urged Council to support Option 2 in response to Recommendation 19-4 and pay Council legal fees: Zac Bowling, Alameda.

Outlined her support of various findings and recommendations; urged Councilmembers to request the Councilmember resign: Pam Luo, Alameda.

Stated the proper response to the Report would be the resignation of Councilmember Oddie and Vella and not paying attorney fees: Steve Slauson, Alameda.

Expressed concern over Councilmembers fighting to hire the less than best Fire Chief: David Greene, Alameda.

Expressed support for Charter review and Councilmembers Oddie and Vella; urged moving forward with training and revising the Charter: Cheri Johansen, Alameda.

Discussed the Declaration of Independence and how it relates to current conditions; outlined an organization called Equal Justice; stated the Grand Jury report is scathing: Robert Todd, Alameda.

Noted the Grand Jury report reported the settlement vote incorrectly; outlined the Findings and Recommendation options she supports: Former Mayor Trish Spencer, Alameda.

Stated the Councilmembers are smart and would have known better than to violate the Charter; expressed concern over paying legal fees: Barbara Cone, Alameda.

Stated the public should be able to review the un-redacted report; expressed concern over Councilmembers editing the report: Rosalinda Fortuna, Alameda.

Stated the Council is not addressing removal or legal fees; noted the Grand Jury report has flaws; stated the Charter needs to be updated; addressed legal fees: Doug Biggs, Alameda.

Stated that he supports Councilmembers Oddie and Vella: Doyle Saylor, Alameda.

Expressed support for Councilmembers Oddie and Vella and expressed concern over the flawed Grand Jury Report: Robin Torello, Alameda.

Stated that she would like to hear the tape: Catherine Bierwith, Alameda.

Expressed support for the Fire Department; noted over 90% of the crowd stood up to support Councilmembers Oddie and Vella: Auturo Rodriguez.

Discussed the tape; urged it be released: Rock Harmon, Alameda.

Discussed that the City Manager's job includes addressing personnel issues; stated there was an election after the issue; the Grand Jury is not recommending proceeding with a formal accusation: Catherine Pauling, Alameda.

Expressed concern over the Councilmembers' tactics: Andrew Huntoon, Alameda.

Read from the Grand Jury summary; stated the Councilmembers violated the Charter and should be removed: Marilyn Bowe, Alameda.

Mayor Ezzy Ashcraft read a brief introduction to the item; stated people are complex and one person is many things; it has been a pleasure to work with all Councilmembers since becoming Mayor; there can be no pretending the past has not happened; a better Council can come through the other side of this; Council will address the matter and do the right thing; the purpose is not to remove colleagues, which is not an option to discuss.

(19-444) Mayor Ezzy Ashcraft suggested the 9 minute time limit be waived.

Vice Mayor Knox White moved approval.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

The City Attorney provided a brief explanation regarding the motion passing even though the rules of order requires four votes.

Councilmember Daysog stated no person is above the law and all are equal before the law; the law of the land is the Alameda City Charter; Alameda's democracy takes the form of a professionally run City Manager type of government; a similar crisis occurred in 1936-37 resulting in the Superior Court and DA being involved to remove the City Manager, Mayor and two Councilmembers at the time; the current situation facing the City is of similar magnitude; indication must be made that local government will still be professionally run; specific details will be responded to after opening statements; moving forward means not reading into the Grand Jury report findings any further.

Vice Mayor Knox White inquired whether Council does not have the ability to release the tape, to which the City Attorney responded in the affirmative.

Vice Mayor Knox White stated there was a Council decision to release the original document plus the errata sheet; inquired whether there was no other draft of the full report presented, to which the City Clerk responded in the affirmative.

Vice Mayor Knox White stated that he was not here when the incident occurred; his knowledge comes from two reports that were written with small degrees of variance yet

come to the same conclusion; both documents find that one Councilmember violated the Charter; the Grand Jury report finds that both Councilmembers were not on the same level of violation; both documents recommend not moving forward with removal; expressed support for the recommendations and to agree to all four of the findings, and to accept the recommendation of the Grand Jury; stated this is the end of the process; both reports show a City in chaos; two members of the current Council had not yet been elected when this incident occurred.

Mayor Ezzy Ashcraft stated that she would like to go through each finding; outlined Finding 19-1; stated that she has trouble completely agreeing with the finding; training is good for new members and is available in the Capitol; there is an oath sworn when office is assumed to uphold the Charter; any decisions must be made by unanimous vote; there is no benefit in returning September to finalize the item.

Councilmember Daysog stated that his approach for Finding 19-1 is to keep it simple; Council should not read beyond what is printed; his recommendation is to indicate agreement with Finding 19-1.

Mayor Ezzy Ashcraft stated returning the report to the Grand Jury with findings is most important; new Councilmembers should receive training; inquired whether Councilmember Daysog thinks it is best to agree with Finding 19-1.

Councilmember Daysog responded accepting Finding 19-1 acknowledges that Councilmembers need better training.

Vice Mayor Knox White agreed.

Vice Mayor Knox White moved approval of Finding 19-1 agree with no statement after.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Mayor Ezzy Ashcraft inquired whether any Councilmembers have a response to Finding 19-2 other than agree.

Councilmember Daysog stated Finding 19-2 needs modified language; the current language does not accurately capture the Charter review process underway; a decision has been made as a Council to bifurcate the Charter implications resulting from actions taken by Councilmembers Oddie and Vella in 2017 from the Charter review process described in the draft letter; Council will take on remedies to the Charter to deal with Section 7-3.

Mayor Ezzy Ashcraft stated the finding discusses the Charter; the Grand Jury reviewed the Charter in conjunction with their investigation; points of comment would be best applied when Council discusses the recommendations; outlined Finding 19-2.

Councilmember Daysog stated the draft letter to Judge Carvhill under Finding 19-2 currently lists two options; he would prefer not to move forward with option 2, option 1 does not tell the full story.

Vice Mayor Knox White stated the recommendation should be to respond with agree, and no explanation.

Vice Mayor Knox White moved approval of Finding 19-2 agree with no statement after.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Mayor Ezzy Ashcraft outlined Finding 19-3; stated that she disagrees with the statement; the response should be a simple agree.

Councilmember Daysog stated the substance to the findings is held within the response to the recommendations section; at a minimum, the findings should be accepted.

Councilmember Daysog moved approval of Finding 19-3 agree with no statement after

Vice Mayor Knox White seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Mayor Ezzy Ashcraft outlined Finding 19-4.

Councilmember Daysog stated that he agrees with Finding 19-4; outlined Finding 19-4; stated Council does not agree with the actions taken by other Councilmembers; responding with one word “agree” to the finding is just as powerful as 100 or 200 words; expressed support for responding to Finding 19-4 with agree.

Vice Mayor Knox White moved approval of Finding 19-4 agree with no statement after.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Vice Mayor Knox White stated the recommendations should be accepted; some language should be changed to highlight the actions currently being taken; the response for Recommendation 19-1 should be: “This recommendation will be implemented in the near future, City staff expects to return to the Council at an agendaized public meeting within the next 6-months to provide recommendations on implementation of this policy.”

Mayor Ezzy Ashcraft outlined Recommendation 19-1.

Councilmember Daysog stated that the response should read: strike line 1, “The City of Alameda will implement strategies and develop a work plan for implementation. City staff will return to Council at an agendaized public meeting for update and discussion not

more than 6-months after this meeting;”; stating “will” implies the action will be taken.

The City Attorney stated the penal code requires the first sentence to state: “The recommendation has not been implemented.”

Vice Mayor Knox White moved approval of Recommendation 19-1.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

The City Clerk read Recommendation 19-2.

The City Manager clarified the matter would come back within six months of the date of the letter.

The Council concurred with the clarification.

Councilmember Daysog stated there should be language that states: “The City of Alameda agrees with Recommendation 19-2” including language “as well as outlined in enforcement process, such as censure, City Council sponsored recall, etc.”

Vice Mayor Knox White stated that he would prefer to keep details out.

Mayor Ezzy Ashcraft stated the mandatory language plus the following should be included: “Upon being sworn into office in December 2018, Mayor Marilyn Ezzy Ashcraft noted that in Alameda the public trust has been shaken by turbulent events of this past year. We need to restore public trust and make City government more effective. One place to start is by bringing the City Charter in line with current day needs and realities. Mayor Ezzy Ashcraft established a City Charter subcommittee consisting of Vice Mayor Knox White and Councilmember Daysog to review the City Charter and return to the Council with proposed changes and amendments to provide greater guidance and clarity to City officials, staff and the public;” the subcommittee is still working and will return to Council in the fall with proposed updates

Councilmember Daysog expressed concern for the paragraph starting: “On March 16, 2019...” which only tells part of the story of the Charter review process; stated if the paragraph is to remain, there should also be a separate paragraph that says: “as part of the Charter review process, City Council as a whole agrees to separate out the situations leading up to 7-3 violations and the possible remedies to that, and that the City Council would have a conversation related to remedies.”

Vice Mayor Knox White stated the workshop was not related to this item and should not be mentioned.

Councilmember Daysog stated for purposes of the residents and giving clarity to the Grand Jury, a timeline must be provided.

Mayor Ezzy Ashcraft inquired whether Councilmember Daysog would accept her language with the addition of a timeline, to which Councilmember Daysog responded in the affirmative.

Mayor Ezzy Ashcraft inquired the placement for timeline language.

Vice Mayor Knox White stated: “to provide greater guidance and clarity to City officials, staff and the public, the next update discussion will return to the full Council in early fall 2019 for consideration and will be considered to be put forth before the voters in 2020.”

Mayor Ezzy Ashcraft stated the point of clarification is helpful; outlined the process for amending the Charter by a vote of the people; inquired whether the Charter subcommittee will be coming back with revisions in the fall.

Vice Mayor Knox White responded in the affirmative; stated there is nothing local on the March ballot and to add the item would be an \$800,000 addition to join; it is much cheaper to go in November.

Councilmember Daysog stated if the City Charter review process is being referenced, clarification of bifurcation is needed in relation to Section 7-3; the Charter review committee will return to Council as a whole with recommendations and a timeline.

Mayor Ezzy Ashcraft stated that she does not think the bifurcation item needs to be addressed.

Vice Mayor Knox White stated the portion of the recommendation stating: “the subcommittee will continue their work providing regular updates to the City Council in consideration of potential changes to the Charter on this issue, for consideration or presentation of voters in 2020. The next update and discussion by the full Council will occur in early fall 2019.”

Mayor Ezzy Ashcraft stated that she would like to let the judge know the subcommittee work is continuing; questioned whether more work is needed by the subcommittee or whether the work will be ready to come forward with a recommendation.

Councilmember Daysog stated that he would prefer to respond to the plain text reading of what the Grand Jury report says; the plan text reading specifically calls out a response to 7-3; specificity is needed to come back with Charter review amendments 7-3 that align with the concerns raised in Recommendation 19-2.

In response to Mayor Ezzy Ashcraft’s inquiry, Councilmember Daysog stated the upcoming Charter review process deals with district voting, rank choice voting and two other items; those items are not related to 7-3 and he would like to be clear to the judge that Council will act.

Vice Mayor Knox White requested the language be added.

Mayor Ezzy Ashcraft requested the paragraph related to March 16th be removed.

Vice Mayor Knox White requested “in recent months...” be changed to “in December 2018;” outlined further edits.

Councilmember Daysog expressed support for having the paragraph mimic the language in the Grand Jury report.

Mayor Ezzy Ashcraft agreed; outlined further edits.

Vice Mayor Knox White suggested replacing the word report with proposal.

Councilmember Daysog stated there is an inherent problem with the report under the third paragraph.

Vice Mayor Knox White stated the discussion is becoming too prescriptive; the Grand Jury would prefer to hear to recommendations are in motion.

Councilmember Daysog stated that he is trying to convey that the effort is not to re-change the plain text language of 7-3; he anticipates updates to enforcement processes.

Vice Mayor Knox White moved approval of Recommendation 19-2.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Mayor Ezzy Ashcraft outlined Recommendation 19-3.

Vice Mayor Knox White stated that he proposes option 2.

Mayor Ezzy Ashcraft inquired whether there is a reason Council cannot implement a change now.

The City Attorney responded because the change is not agendized; stated if the Council wishes to implement the policy, it should be agendized for a future meeting.

Mayor Ezzy Ashcraft inquired whether it is necessary to wait 6 months, to which the City Attorney responded in the negative.

The City Manager stated this particular item is more complex and can return in 4 months for discussion.

The City Attorney stated there are ongoing claims which may or may not be implicated

by the policy and the City Manager is allowing for sufficient time to return within 6 months.

Councilmember Daysog stated something historic has happened and Council is being asked to change policy.

Mayor Ezzy Ashcraft clarified that Council has no policy and is being asked to implement new policy.

Vice Mayor Knox White stated that he intends to adopt a policy; the Grand Jury does not direct and cannot compel Council to adopt a policy; the Grand Jury has recommended a policy be adopted and Council's response is it intends to adopt a policy; if there are delays in adopting policy, Council will report back to the Grand Jury; expressed support for the current language.

Vice Mayor Knox White moved approval of Recommendation 19-3 and returning 4 months from the meeting for Council discussion.

Mayor Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Mayor Ezzy Ashcraft outlined Recommendation 19-4.

Vice Mayor expressed support for option 2; stated that he would like to change the term “expects” to “will.”

The City Manager expressed concern for the timeline of the Councilmember handbook; stated the document could be lengthy; expressed support for a timeline of one-year for the second part of the recommendation and 6 months for the first part.

Mayor Ezzy Ashcraft outlined the new language for the response.

Councilmember Daysog stated that he would like a comma after conduct.

Mayor Ezzy Ashcraft stated the first line should read: “these recommendations have not been implemented.”

Vice Mayor Knox White clarified the recommendation is singular itself.

Vice Mayor Knox White moved approval of Recommendation 19-4.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Vice Mayor Knox White moved approval of the entire letter.

Councilmember Daysog stated the people want more information; Council must recognize the implementation strategies resulting should offer language such as: "throughout this process, residents of Alameda have voiced a desire for not only transparency in the form of any information including electronic recordings being released, but also for strong remedies including censure as well as a City recall;" expressed support for reflecting the fact that the people have made requests.

Mayor Ezzy Ashcraft stated that the people have said a lot of things; the requests have been made by few, not all; the language is going beyond the scope of what the presiding judge is asking for; Council should be responsive to the findings; there is still time as matters come back to Council for implementation of what the people want; Council has completed its current task.

Vice Mayor Knox White stated the addition from Councilmember Daysog is not an appropriate statement; the letter to the judge is not a letter to the community.

Mayor Ezzy Ashcraft stated that she would hate for the matter to come back in September due to lack of consensus for the first and last paragraph language.

Councilmember Daysog stated people are upset about the Grand Jury report implying that some are above the law; Council has a process in place which is not transparent enough to gather information to demonstrate the extent which some are above the law; people have been frustrated by the inadequacy of remedies in 7-3; he would like to capture that in the letter to the judge due to the importance and historic nature.

Mayor Ezzy Ashcraft stated everything Council has done in agreement with the Grand Jury's findings and responses drafted does everything Councilmember Daysog has requested without specific interpretation; there is not a consensus to move forward with Councilmember Daysog's proposed language; the Council is ready to address the issue head-on; there are other ways to communicate to the people; it is time to put closure on the matter.

Councilmember Daysog stated the power of the document is in the fact that a majority of Councilmembers have agreed with Grand Jury findings; it is time to move on.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Oddie and Vella – 2.]

Vice Mayor Knox White stated tonight was not an easy evening for any Councilmember; things have not gone the way they should have; mistakes have been made and that has been acknowledged unanimously and civilly; the community must move forward and move on; both the investigative report and the Grand Jury came to the right conclusion; people make mistakes, it does not mean Councilmembers should be removed from office; Council does not have a censure process, but this is as close as possible; public bodies have censure; requested the community to find a way to join Council in figuring out ways to move forward; expressed gratitude toward Mayor Ezzy Ashcraft and

Councilmember Daysog for a civil discussion.

Councilmember Daysog stated that he does not believe the City of Alameda is ready to move on yet; the recommendations will allow healing to begin.

Mayor Ezzy Ashcraft stated the process takes time, but an important first step has been taken; Council has taken responsibility.

Mayor Ezzy Ashcraft called a recess at 10:49 p.m. and reconvened the meeting at 10:57 p.m.

(19-445) Mayor Ezzy Ashcraft stated a vote is needed to consider a new items after 11:00 pm suggested hearing the three remaining regular items [paragraph nos. 19-446, 19-447, and 19-448 not the referral [paragraph no. 19-450].

Councilmember Vella requested the speaker time limited be reduced to two minutes.

Vice Mayor Knox White moved approval.

Councilmember Oddie seconded the motion, which carried by unanimous voice vote – 5.

(19-446) Selecting a Development Team for the West Midway Project and Authorize the City Manager to Negotiate and Execute an Exclusive Right to Negotiate Agreement (ENA) with the Selected Development Team.

The Redevelopment Project Manager gave a brief presentation.

Stated the Main Street Plan was developed two years ago; it is time to move forward; expressed support for Alameda Point Partners: Karen Bey, Alameda.

Outlined the qualifications of Alameda Point Partners: Joe Ernst, Alameda Point Partners.

Stated a Request for Proposals should be taken off the table; all four developers are capable; the questionnaire should only be done if the process is not delayed: Doug Biggs, Alameda Point Collaborative.

Continued outlining Alameda Point Partners' qualifications: Bruce Dorfman, Alameda Point Partners.

Councilmember Oddie stated development does not always happen quickly; outlined a

visit to Building 8 at Alameda Point with Mayor Ezzy Ashcraft; expressed support for Alameda Point Partners (APP) to get the job done.

Councilmember Daysog stated the process worked; Jamestown fell by the wayside; APP is a developer that has proven itself; outlined APP's accomplishments; expressed support for moving forward with staff's recommendation in selecting APP.

Vice Mayor Knox White stated two developers were chosen in January; expressed support for APP's ability to deliver.

Councilmember Vella expressed concern for the response from APP to ensuring the affordable units are able to come online with no delays; for the timing of different units coming onto the market and the total number of units; inquired the number of units being delivered at a given time.

Mr. Ernst responded there could be concern with too many of the same type of units being delivered at any given time; stated understanding Phases 1 and 2 of Site A will give the ability to manage the product type for West Midway and not cause competition which would jeopardize the project.

Councilmember Vella inquired the plan for the number of units for West Midway.

Mr. Dorfman responded there are 3 different product types in concept: rental community, townhomes and single family; stated the highest density multi-family component would be the largest, followed by townhomes and then single-family homes would be the fewest; the single-family homes will be sold off to third party developers; townhomes are being introduced to Trumark development; he is not concerned about cannibalizing.

Councilmember Vella inquired whether Trumark will be working with APP on the project.

Mr. Dorfman responded in the affirmative; stated Brookfield might as well.

Mr. Ernst stated APP can manage the product types in order to prevent competition or jeopardize the two projects.

Mayor Ezzy Ashcraft stated the applicants have experience with the infrastructure; outlined a groundbreaking event for the first residential construction of senior affordable housing at Alameda Point, which she attended with Councilmember Oddie; stated the multi-family affordable housing is set to follow; Council has a commitment to do the right thing, but good partners are required; expressed support for selecting APP to be the development team for the West Midway project.

Mayor Ezzy Ashcraft inquired whether one or two motions are needed to select a development team for the West Midway Project and authorize the City Manager to negotiate and execute an Exclusive Right to Negotiate Agreement (ENA) with the

selected development team.

The City Clerk responded it can be approved via one motion.

Councilmember Oddie moved approval.

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

(19-447) Recommendation to Approve Water Quality and Flood Protection Fee Report;

(19-447A) Resolution No. 15574, “Declaring Intention to Initiate a Proceeding to Obtain Approval of the City’s 2019 Water Quality and Flood Protection Fee, a Property-Related Fee Conforming to Article XIII D, Section 6 of the State Constitution.” Adopted;

(19-447B) Resolution No. 15575, “Ballot Procedures for the City’s 2019 Water Quality and Flood Protection Fee.” Adopted; and

(19-447C) Call for a Public Hearing Tentatively Scheduled for October 1, 2019.

The Public Works Director gave a Power Point presentation.

In response to Councilmember Oddie’s inquiry regarding the last date to put something on the ballot, the Public Works Director stated the March 2020 ballot deadline is December.

Councilmember Oddie stated the ballot will be mailed October 10th; expressed support for having a backup plan.

The Public Works Director stated staff reports and resolutions would need to be completed earlier than November 25th when ballots are due.

Councilmember Vella inquired whether the meeting can be classified as a special or regular meeting.

The City Clerk responded the deadline to submit to the County is the beginning of December; stated a special meeting versus a regular meeting will provide more time.

Councilmember Daysog stated if the item fails on November 25th, the people will have spoken; there is no need to rush.

Councilmember Vella expressed concern over the concept of property owners being the only voice that is heard and saying the people have spoken.

Mayor Ezzy Ashcraft stated polling results were decent.

The Public Works Director continued the Power Point presentation.

Mayor Ezzy Ashcraft inquired whether any voter education has been produced to date, to which the Public Works Director responded in the affirmative.

The Public Works Director continued the Power Point presentation.

Councilmember Daysog inquired whether the amount for Pacific Gas and Electric (PG&E) is accurate.

The Public Works Director responded the figure is an average over the course of 1 year.

Mayor Ezzy Ashcraft inquired how the 2 different rate structures are defined or determined.

The Public Works Director responded fees are developed per parcel for residential as well as permeability.

Jerry Bradshaw, SCI Consulting Group, responded a statistical approach is taken; parcels are broken into different groups; all sizes of parcels have been reviewed; a statistical sampling of parcels has been taken which measures rooftops and driveways.

Vice Mayor Knox White inquired the tradeoff for selecting a specific fee versus a range of fees and why one would be selected over the other.

The Public Works Director responded the range of fees allows Council more discretion at the October 1st public hearing to set a fee within the provided range; stated if a fee is set now, Council is bound by the decided fee at the October 1st public hearing.

Vice Mayor Knox White stated there is confusion caused by sending a letter that says \$45-78 or an expectation of a lower rate versus deciding a set fee.

The City Manager stated that he recommended the options of either setting a specific fee or providing a range; in his experience both options do not have an advantage or disadvantage.

Mayor Ezzy Ashcraft inquired whether there will be new information in October.

The Public Works Director responded survey data will be provided; stated there will be a better sense from the community; a couple community meetings will be held between now and October; there will be more anecdotal information.

Stated constituents find the services as essential and support moving forward with property owners voting on the matter: Ruth Abbe, Alameda.

Mayor Ezzy Ashcraft outlined page 7 of the staff report; inquired whether there is desire to move forward.

Councilmember Oddie expressed support for the higher range fee and being above 50%; stated a backup plan is needed; the fund is essentially depleted; the Climate Emergency cannot be delayed.

Vice Mayor Knox White stated Councilmember Oddie makes a compelling argument for why Council should ask for the higher end of the range.

Vice Mayor Knox White moved approval of the staff recommendation with the \$78 fee.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Daysog stated 250 responses were gathered from roughly 2,900; usually 600 responses are needed for 90-95% certainty; expressed concern over the margin of error.

The Public Works Director stated the surveys were mailed to nearly 12,000 people; 2,200 responses were received; discussed tenants who are registered voters, having a lower response rate with a higher margin of error.

Councilmember Daysog outlined Census American Community Survey (ACS) procedure; expressed concern for the higher range fee; expressed support for the smaller \$45 fee; stated specific apartment complexes only pay \$289 for the entire parcel for hospital tax, which is unfair.

Councilmember Vella expressed support for the higher fee and putting a vote forward; stated every voter matters regardless if they own property or not.

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

(19-448) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Section 30-2.B (Zoning Regulations) to Define “Animal Shelter” and Section 30-4.10 (Zoning Regulations) to Add Animal Shelter and Supervised Outdoor Animal Runs as Uses Requiring a Use Permit within the C-M (Commercial Manufacturing) Zoning District. Introduced.

Councilmember Vella moved introduction of the ordinance.

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Knox White inquired whether a public hearing must be opened.

Mayor Ezzy Ashcraft inquired whether there are any public speakers, to which the City

Clerk responded in the negative.

Mayor Ezzy Ashcraft closed the public hearing.

Councilmember Daysog stated that he is opposed to the item.

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

CITY MANAGER COMMUNICATIONS

(19-449) The City Manager made an announcement regarding funding related to the Woodstock Park fire.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(19-450) Consider Reducing the Number of Commission on Disability Members from Nine Due to Difficulty Achieving a Quorum for Meetings and Limited Staff Resources. (Mayor Ezzy Ashcraft and Vice Mayor Knox White). Not heard.

COUNCIL COMMUNICATIONS

(19-451) Councilmember Vella requested a moment of silence for former Supreme Court Justice and noted scholar of jurisprudence, John Paul Stevens.

(19-452) Consideration of Mayor's Nominations for Appointment to the Public Art Commission and Rent Review Advisory Commission (RRAC).

Mayor Ezzy Ashcraft Nominated Liz Rush and Kirstin Van Cleef for appointment to the Public Art Commission and the RRAC incumbents.

ADJOURNMENT

(19-453) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting in memory of Supreme Court Justice John Paul Stevens at 11:50 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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