

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 5, 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.

[Note: Councilmember Vella arrived at 5:02 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(19-586) Public Employee Performance Evaluation Pursuant to Government Code § 54957; Position Evaluated: City Attorney – Yibin Shen

(19-587) Conference with Real Property Negotiators (Government Code section 54956.8); Property: Ballena Isle Upland Parcel APN 74 1025 3; City Negotiators: Eric Levitt, City Manager; Debbie Potter, Community Development Director; Lois Butler, Economic Development Manager; Lisa Maxwell, Assistant City Attorney; Maurice Robinson, Maurice Robinson & Associates LLC; Potential Tenant: West River, Inc.; Current Tenant: SHM Ballena Isle, LLC; Issue Under Negotiation: Real Property Negotiations Price and Terms

(19-588) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiators: Nancy Bronstein, Human Resources Director; Employee Organization: International Brotherhood of Electrical Workers, Local 1245 (IBEW); Under Negotiation: Salaries and Terms of Employment. Not heard.

(19-589) Conference with Legal Counsel – Potential Litigation; Consideration of whether to initiate litigation pursuant to Government Code Section 54956.9(d)(4); Number of cases: One (City As Plaintiff – PG&E as potential Defendant)

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Performance Evaluation, the position was evaluated and no reportable action was taken, with no vote taken; regarding Real Property, staff provided information and Council provided direction to staff with no vote taken; and regarding Potential Litigation, staff provided information and Council unanimously voted with the following report out: this case involves a potential legal challenged against Pacific Gas and Electric's (PG&E's) Oakland Clean Energy Initiative (OCEI) at the Federal Energy Regulatory Commission (FERC); the OCEI is an experimental plan to address electric transmission reliability in the East Bay; this plan relies on Alameda Municipal Power (AMP) to perform transmission switching under certain contingency situations, and involves the decommissioning of a power plant in the City of Oakland, installation of 20 to 30 Megavolts (MV) of energy storage, and aggressive local energy

efficiency and solar; the OCEI disproportionately and discriminatorily relies upon AMP's capabilities to perform critical switching activities in real-time to ensure system reliability, and AMP and Alameda utility customers bear the risk if the experiment does not work; the Council reaffirmed its February 19, 2019 decision authorizing the City Attorney to engage necessary Outside Legal Counsel to file and prosecute an administrative complaint with FERC regarding OCEI's impacts on the City of Alameda.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:58 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- -NOVEMBER 5, 2019- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:03 p.m. Councilmember Vella led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Knox White, Oddie, Vella, and Mayor Ezzy Ashcraft – 5.
Absent: None.

AGENDA CHANGES

(19-590) Mayor Ezzy Ashcraft announced the Tri-Signal Integration Agreement [paragraph 19-598] would not be heard.

The items removed from the Consent Calendar were discussed.

Vice Mayor Knox White requested the Vision Zero [paragraph 19-601] be heard first on the Consent Calendar.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(19-591) Proclamation Declaring November 1, 2019 as Extra Mile Day.

Mayor Ezzy Ashcraft read the proclamation and presented it to John McCahan, the Alameda Homeless Network, Faction Brewing Company, Antonio Arevalo, Cheri Corefey, Luzanne Engh, David Kiewlick, Kaia Marbin, Mark Sorenson and Eugene Lee.

(19-592) Proclamation Declaring November 17 through November 23, 2019 as United Against Hate Week.

Mayor Ezzy Ashcraft read the proclamation.

ORAL COMMUNICATIONS, NON-AGENDA

(19-593) Alan Pryor, Alameda Progressives, expressed support for Councilmember Oddie's request to release of the audio tape returned from the District Attorney.

(19-594) Former Mayor Trish Spencer, Alameda, expressed support for releasing the audio tape; stated having everyone hear the tapes would allow people to understand Councilmember Vella's claim.

(19-595) Keith Nealy, Alameda, expressed concern over flyers being posted on telephone poles; stated that he came to a meeting and was referred to the City Attorney, but nothing was done; he was referred to See Click Fix, which is not appropriate for reporting flyers being posted.

CONSENT CALENDAR

The vehicle purchase [paragraph 19-602], CDM Smith Agreement [paragraph 19-603], the vision zero policy [paragraph 19-601], and the natural gas resolution [paragraph 19-605] were removed from the Consent Calendar for discussion; the vision zero item was heard first; and the Tri-Signal Integration Agreement [paragraph 19-598] would not be heard.

Vice Mayor Knox White moved approval of the remainder Consent Calendar.

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

(*19-596) Minutes of the Special and Regular City Council Meetings Held on October 1, 2019. Approved.

(*19-597) Ratified bills in the amount of \$8,401,372.79.

(19-598) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Tri-Signal Integration, Inc. for Fire and Intrusion Alarm Monitoring, Maintenance and Repair in an Amount, Including Contingency, Not to Exceed \$292,629. Not heard.

(*19-599) Resolution No. 15604, “Authorizing the City Manager to Apply for and Accept up to \$88,000 in Bay Area Air Quality Management District Vehicle Trip Reduction Grant Funds, and Allocate up to \$57,000 in Local Matching Funds to Purchase and Install Electronic Bicycle Lockers at Locations including the Sea Plan Lagoon Ferry Terminal, Harbor Bay Ferry Terminal and City Hall.” Adopted.

(*19-600) Ordinance No. 3254, “Approving a 33-Year Lease, with One 33-Year Option to Renew, and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease with the Carnegie Innovation Hall, a California 501(c)3 Non-profit Organization, for 2264 Santa Clara Avenue (the Carnegie Building) and 1429 Oak Street (Foster House).” Finally passed.

(19-601) Resolution No. 15605, “Establishing a Vision Zero Policy to Work Towards Zero Traffic Deaths and Severe Injuries.” Adopted.

Mayor Ezzy Ashcraft requested the speakers be heard first.

Expressed support for the Vision Zero policy; encouraged participation in the outreach process for the Active Transportation Plan; urged parents to continue having their children bike and walk to school, and for drivers to slow down: Susie Hufstader, Bike East Bay and Bike Walk Alameda.

Stated that her daughter Mia collided with a car the first week of school; discussed her passion about Vision Zero; thanked Council for changing the wording of Vision Zero policy: Britney and Mia Schrag, Alameda.

Stated that he has been hit by a car; urged bike safety; stated that he feels paranoid every time that he is in the area of the collision: Nicolas and Jennifer Teague, Alameda.

Discussed her son almost being hit; urged all red curbs near pedestrian crosswalks: Jill DiGiacomo, Alameda.

Stated Vision Zero needs to be done with no delay; suggested lowering the speed limit to 15 miles per hour in school zones: Pat Potter, Bike Walk Alameda.

Stated six children have been hit since August; special zones are needed for schools; outlined issues at Love School; urged the speed limit be lowered in school zones: Rachel Plato, Alameda.

Expressed concern over children's safety: Lauren Gehringer, Alameda.

Discussed her son being hit; expressed concern over speeding: Denise Nelson, Alameda.

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

Vice Mayor Knox White stated there is a lot of work ahead; there is finally a Council that takes this work very seriously; giants steps are being made on the issue; improvements will take a long time; the community needs to help push Council forward and identify issues; Vision Zero is very important; 7 children being hit in the first 2 months of Autumn is shocking; action must be taken quickly; enforcement needs to be prioritized; discussed the traffic calming program implementation requests; stated that he was hit on a bike at the age of 13; this is the start of a movement in Alameda; encouraging kids to bike and walk to school is almost criminally negligent; discussed the City Council and School Board subcommittee meeting; stated that he has witnessed double parking in front of schools which blocks bike lanes; 4 out of 5 kids hit were instances where the driver was at fault; expressed support for approving the item.

Councilmember Vella stated that she was hit by a vehicle while riding a bicycle; it is difficult to revisit the area of the accident; the safest times for children to walk and bike to school are designated walk and bike to school days, which should not be the exception to the rule; expressed support for adopting Vision Zero; stated the data should not be limited to collision data, near misses should also be included; expressed support for working with the Parent Teacher Associations (PTA) in addition to the School District; stated behavioral changes can be guided by analysis of how to make drop off areas safer; outlined methods to potentially enhance safety; expressed support

for increased citations; stated near miss data should be reportable; noted the sun causes East to West streets to have increased difficulty for pedestrian visibility; stated without near miss data, collision data is sporadic and spread out; areas near schools should be the main focus for implementation; questioned the enforceability of 15 mile per hour speed limit zones; stated if enforcement is not possible, she would like to know the reasons why and what steps can be taken to lobby for change; there are many distracted drivers and enforcement needs to be increased.

Councilmember Daysog stated the likelihood of survival for someone struck by a car going 25 miles per hour is around 90%; in a City where all roads are limited to 25 miles per hour there should be no fatalities; expressed support for increased enforcement; requested an off-agenda report be provided on the current and future status of enforcement; outlined an incident where a car collided into a house; stated people should and must drive 25 miles per hour throughout the City for the sake of children's safety; expressed support for Vision Zero and working with City staff to elevate enforcement; outlined speeding enforcement in areas in Alameda.

Councilmember Oddie stated Vision Zero is critical; questioned what is being done now; stated post-collisions should not have to happen; questioned what the City is doing to fix the issues; stated a City should take care of people and keep them safe; 70 to 80% of the budget goes toward public safety; if the City is not providing safety, it is failing; stopping kids from getting hit should be priority number one; the cost is negligible; stated encouraging kids to walk and bike to school is similar to negligence; the City needs to do better; expressed support for Vision Zero; stated safety measures need to be implemented today; if resources are the issue, he expects a report back from staff to increase resources; a generation cannot grow up afraid that they will be hit in an intersection; requested staff to return and provide solutions that can be implemented today.

Mayor Ezzy Ashcraft stated the City Manager is working with staff to increase expedience of implementation; that she was also hit by a car while crossing the street; the experience left a lasting impression, is terrible and even worse for a child to experience; she urges people to walk or ride bikes to and from destinations; safe options must be provided; expressed support for the improvements to Clement and Central Avenues; stated there are things everyone can do to increase safety, including mindfulness; education programs are helpful; outlined her experiences while she rides her bicycle through town; expressed support for reporting near miss data; stated cell phone video of dangerous activity should be sent to the Police Department; discussed the viability of a scramble intersection; expressed support for adopting the resolution.

Councilmember Vella moved approval of the item [adoption of the resolution].

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

(19-602) Recommendation to Authorize the Purchase of 35 Vehicles, Consistent with the Revised Vehicle Replacement Policy, in an Amount Not to Exceed \$1,311,421 from

Folsom Lake Ford, \$281,666 from Winner Chevrolet, and \$126,645 from Freeway Toyota, Including Contingency.

Questioned why Public Works is purchasing hybrids rather than electric cars and about a possible diesel motor being used: Pat Potter, Community Action for a Sustainable Alameda (CASA).

Mayor Ezzy Ashcraft expressed support for the purchase of hybrid vehicles; inquired why all vehicles being purchased are not Electric Vehicles (EVs).

The Public Works Fleet Services Manager responded there is insufficient EV infrastructure, which is needed to charge EVs; stated EV charging has been implemented at City Hall West; EV charging stations are planned for hubs; hybrid platforms are the next best option.

Mayor Ezzy Ashcraft inquired whether the option implies a move toward adding more EVs, to which the Public Work's Fleet Services Manager responded in the affirmative.

Vice Mayor Knox White inquired whether the vehicle replacement efforts were a 1:1 ratio and how budgetary discussions factored into vehicle purchases.

The Public Work's Fleet Services Manager responded following the budget meetings, staff reviewed the current replacement requirements; stated some of all vehicles meet the replacement requirements and are considered to be maximum use or critical job tasks throughout the City.

Vice Mayor Knox White stated the Chevrolet Colorado and Toyota Rav-4 are similar in cost; inquired whether purchasing vehicles from companies that are committed to the City's climate goals were considered versus supporting multi-national companies which are against the goals.

The Public Work's Fleet Services Manager responded the selection is based on feedback from staff; outlined the difference between vehicle capacities; stated there are other options to consider.

Vice Mayor Knox White inquired whether more Climate Action Resiliency Plan options can be considered.

The City Manager responded Council could approve the item while holding back the approval of certain vehicles.

Councilmember Oddie inquired whether a backup plan exists for lost power in the event of a future all EV fleet.

The Public Work's Fleet Services Manager responded the fleet is always viewed as a mixed fleet; stated City Hall West has emergency generators to keep EV chargers

online.

Councilmember Oddie expressed concern about long-term electricity shut downs.

The Public Work's Fleet Services Manager noted electricity shut downs are the primary reason to have a mixed fleet.

Councilmember Oddie expressed support for bringing back a future capital budget for infrastructure redundancy.

Mayor Ezzy Ashcraft stated gasoline powered vehicles experienced difficulties without power outages due to pumps relying on power to function; expressed support for solar panel installation at charging stations to store power as a backup; stated the policy to move away from fossil fueled vehicles helps reduce the complications causing recent fires.

Councilmember Daysog moved approval of the staff recommendation.

Vice Mayor Knox White seconded the motion.

Under discussion, Vice Mayor Knox White stated the climate section of the staff report is explicit about the fact that the vehicles will cut the emissions produced in half.

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

(19-603) Recommendation to Authorize the City Manager to Execute a Second Amendment to the Service Provider Agreement with CDM Smith to Extend the Term by Three Years and Increase Compensation by \$2,200,000, Including Contingencies, for a Total Aggregate Compensation Not to Exceed \$2,572,928, to Complete the Project Approval and Environmental Document (PA&ED) and the Plans, Specifications and Estimate (PS&E) for the Central Avenue Safety Improvement Project, and

(19-604) Resolution No. 15606, "Adopting Caltrans' Local Assistance Procedures Manual Chapter 10 for Consultant Selection." Adopted.

Vice Mayor Knox White stated that he does not have a concern for the item itself; inquired what the City and Council can do to move the project along; noted there are two projects on Central Avenue; outlined projects delayed by Caltrans; stated Caltrans is treating local streets similar to freeways.

The Planning, Building and Transportation Director responded many have been frustrated by the process for a long time; stated the City using federal money is causing difficulties; discussed improving the safety of Central Avenue sections; stated there are a number of schools in the project area, with a number of safety risks, and many accidents; noted Council approved the project in 2016; stated over half of the project area is designated as a State highway; Caltrans is self-described as a big, slow

bureaucracy which has difficulties thinking outside the box; the area to be re-designed is not a freeway; the project is attempting to place bike lanes on a City street; a different process is needed; City staff has been lobbying and pushing Caltrans staff for the last few years; outlined lobbying efforts; stated help from the Council at a higher level could bring the project to the attention of Caltrans; the project should not be difficult; staff is meeting with Caltrans next week to work through some issues; any assistance from Council would be appreciated.

Councilmember Oddie stated Council should reach out to local representatives; outlined previous outreach attempts; expressed support for doing whatever is necessary; stated there is the option the City could take the street back under its responsibility.

Councilmember Daysog inquired whether the portion of Central Avenue between Eighth Street and Sherman Avenue would have enhanced protected bike lanes.

The Planning, Building and Transportation Director responded in the affirmative; outlined lane builds and bike lane options throughout project segments.

Councilmember Daysog questioned whether the General Plan designates the project as a truck route which has a certain street status.

The Planning, Building and Transportation Director responded in the affirmative; stated converting from four lanes to three lanes has reduced speed, and increased safety.

Councilmember Daysog inquired whether the final project will have three lanes total or two lanes in one direction.

The Planning, Building and Transportation Director responded there will be one lane in each direction with a center turn lane.

Vice Mayor Knox White moved approval of the staff recommendation [including adoption of the resolution], with a recommendation that staff engage the City Council to engage with legislative leaders.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Daysog stated that he will not support the item; expressed concern for Central Avenue being a major arterial street; stated if there are safety issues in the area, enforcement should be enhanced; the proposed solution is not proper; enforcement is key.

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.

(19-605) Resolution No. 15607, “Limiting Natural Gas Infrastructure for New Residential Construction on City Owned Property.” Adopted.

Urged Council to adopt the resolution: Melissa Yu, Sierra Club.

The Planning, Building and Transportation Director outlined revisions to the resolution.

Vice Mayor Knox White moved adoption of the revised resolution.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Oddie stated it is nice to see items on the Climate Action Plan being completed.

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

REGULAR AGENDA ITEMS

(19-606) Public Hearing to Consider Resolution No. 15608, “Amending the General Plan Business Park Classification to Clarify the Allowable Floor Area Ratio (FAR) at Harbor Bay Business Park, as Recommended by the City Planning Board.” Adopted.

The Planning Services Manager gave a brief presentation.

Mayor Ezzy Ashcraft inquired whether the Planning Board recommendation was unanimous, to which the Planning Services Manager responded in the affirmative.

Councilmember Oddie moved adoption of the resolution.

Vice Mayor Knox White seconded the motion.

Under discussion, Councilmember Daysog stated that he would prefer to remain with the status quo; if someone were to come in with a higher FAR they can do so through variance or a special use permit; Council should be weary; outlined typical FAR for light industrial and office space; stated buildings with a FAR of 0.5 will be inelegant.

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.

Vice Mayor Knox White requested clarification of the statements made.

The Planning Services Manager stated the current zoning allows most of the business park to develop up to 2.0 FAR; there is an area along the waterfront that is limited to 2.5 FAR; the amendment attempts to change the way the General Plan describes the FAR; the 0.5 FAR applies to the entire area of the business park.

(19-607) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Chapter 30 (Zoning Ordinance) to Streamline Design Review for Small Residential Additions, Window Replacements, and Green Roofs, Update Work/Live Ordinance Requirements, Update Lot Line Adjustment Procedures, and Make Other Miscellaneous Administrative, Technical, and Clarifying Amendments, as Recommended by the Planning Board. Introduced.

The Planning Services Manager gave a brief presentation.

Vice Mayor Knox White expressed support for the switch in parking related to development standards; questioned whether Council would allow discreet discretion in requesting staff to look into parking requirements citywide; stated the City Attorney has indicated the direction is permissible.

Mayor Ezzy Ashcraft expressed support for the item; stated more housing is needed; inquired how to consider the impact on schools, if work-live studios include families with children.

The Planning Services Manager responded State laws address the impact; stated the issue emphasizes the term work in work-live; there are strict limitations on the living aspect; the amendments further reinforce work spaces; the spaces are not intended for large families.

Mayor Ezzy Ashcraft stated there has been a shift toward tiny homes; it is realistic to think that some children might be part of these homes.

The Planning Services Manager stated the units will have to keep valid business licenses; the restrictions set in place are tailored to those that run a business out of the space.

Councilmember Daysog stated when the ordinance was created, the emphasis was on work, not live; the emphasis is listed in 1,000 square feet of work space; the standard is being reduced to 500 square feet of work space; inquired whether a variance or special use permit could be obtained when there is a request to lower the work space from 1,000 to 500 square feet.

The Planning Services Manager responded in the affirmative; stated the minimum work requirement of 500 square feet also reduces the living space.

Councilmember Daysog stated the smaller units are turning from work-live to live-work and begin to undermine Measure A.

Councilmember Oddie expressed support for live-work options; stated the idea has been explored previously at Alameda Point with Building 8.

Mayor Ezzy Ashcraft stated the City cannot provide more housing fast enough for residents; outlined the business restrictions related to Rhythmix Cultural Works; expressed support for the item.

Vice Mayor Knox White moved introduction of the ordinance.

Councilmember Vella seconded the motion.

Under discussion, Vice Mayor Knox White stated Rhythmix was previously sued and the Measure A argument lost.

Councilmember Daysog stated the previous lawsuit lost based on the previous ordinance; the new ordinance would be a change.

Vice Mayor Knox White stated the new ordinance causes more difficulty for housing.

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.

(19-608) Recommendation to Consider Approval of the Recommended Parking Enforcement Program Staffing Plan and Provide Direction to Staff on a Long-Term Parking Management Policy.

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

Councilmember Vella expressed support for the item; stated double parking within school drop-off zones and by delivery companies are problematic; discussed delivery vehicles parking within daylighting areas; stated enhanced enforcement is needed; there is a forward path towards cost recovery; there are different programs for reimbursement.

Councilmember Oddie moved approval of the staff recommendation.

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

CITY MANAGER COMMUNICATIONS

(19-609) The City Manager made an announcement regarding the upcoming the Veterans Benefit Town Hall, Active Transportation Plan Town Hall and Open House, and the Annual Community Service Awards Dinner.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(19-610) Councilmember Daysog made an announcement regarding a Coast Guard event he attended.

(19-611) StopWaste in Your Community November 19, 2019 Event. (Councilmember Oddie)

Councilmember Oddie made a brief announcement regarding the event.

(19-612) Councilmember Oddie announced new members of the Encinal High School Hall of Fame: Eric Bradley, Chris Hoepker, Dick Jaensch, Pete Noble, Dino Quesada, Scott Rapposelli and Antony Sanchez.

(19-613) Councilmember Vella made an announcement about the Airport Noise Forum Nextgen noise pollution issue; discussed Lead Abatement Board meetings and meeting locations.

(19-614) Vice Mayor Knox White discussed the City Council and School Board Subcommittee meeting held earlier in the day and proposals for the AC Transit Interagency Liaison Committee.

(19-615) Councilmember Vella made brief comments regarding a recent power surge; thanked the crews involved.

(19-616) Mayor Ezzy Ashcraft discussed the League of California Cities conference she attended along with Councilmembers Oddie and Vella; shared information from a homeless policy workshop she attended in Sacramento.

(19-617) Vice Mayor Knox White made comments regarding the Charter Amendment subcommittee meeting with the Alameda Citizens Task Force; noted Measure A would be discussed by the Planning Board on December 9th.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 9:13 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 5, 2019- -7:01 P.M.

Mayor Ezzy Ashcraft convened the meeting at 9:30 p.m.

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

[Note: Councilmembers Oddie and Vella recused themselves and left the meeting.]

Absent: None.

Public Comment

Former Mayor Trish Spencer, Alameda, stated that she wanted the tape released when she was Mayor; read from the District Attorney letter; urged the tape be released; stated requests for Councilmember reimbursement should wait until the tape is released; discussed errors in the Grand Jury report.

The meeting was adjourned to Closed Session to consider:

(19-618) Conference with Legal Counsel – Liability Claim (Pursuant to Government Code, Section 54956.9 (e)(3)); Claimant: Malia Vella; Agency claimed against: City of Alameda

(19-619) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; Number of cases: One (As Defendant - City Exposure to Legal Action)

Following the Closed Session, the meeting was reconvened and the City Attorney announced that regarding the Liability Claim and Anticipated Litigation, staff provided information to Council with two votes taken: 1) the motion failed by the following voice vote: Ayes: Vice Mayor Knox White – 1; Noes: Councilmember Daysog and Mayor Ezzy Ashcraft – 2 [Absent: Councilmembers Oddie and Vella – 2]; 2) the motion carried by unanimous voice vote 3 [Absent: Councilmembers Oddie and Vella – 2] with the following report out: on April 16, 2018, three un-recused Council members (Spencer, Ezzy Ashcraft and Matarrese) declined to reimburse Councilmember Vella for attorney's fees she incurred in connection with the City's Administrative Investigation relating to the Keimach matter; one day later, on April 17, 2018, Councilmember Vella filed a formal claim against the City, alleging defamation, invasion of privacy and again requested reimbursement of attorney's fees; in sum, Councilmember Vella requests reimbursement of approximately \$93,000 in attorney's fee, which she incurred in connection with the City's Administrative Investigation; the City never formally acted-on or rejected the April 17th claim; thus, it is deemed rejected by operation of law after 45 days of inaction by the City (Government Code Section 945.6(a)(2)); this Council is not

prepared to further reimburse Councilmember Vella for attorney's fees incurred during the City's administrative investigation (the \$93,000 requested) or pay additional public funds to settle Council Member Vella's other claims; thus, the Council directed the City Attorney to formally reject the pending claims; additionally, the Council directed the City Attorney to release the tape made by Keimach with appropriate redactions authorized by law, in response to pending Public Records Act requests; the Council has, in particular, authorized the preparation of a transcript, entirely at the City's expense, for purposes of redaction and public release; Council further authorized the City Attorney to execute appropriate conflict waivers to permit attorneys from the law firm of Remcho Johansen and Purcell to represent the City in these matters, under the direction of the City Attorney.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:53 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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