

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MARCH 3, 2020- -5:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 6:00 p.m.

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

[Note: Councilmember Vella arrived at 6:04 p.m. and left the meeting at 6:48 p.m.]

Absent: None.

Public Comment

Nicki Collins, Boatworks, stated the development plan is basically the same; a public park will be built and maintained; a 2 acre park is proposed; the development plan will go to the Planning Board on March 23rd; the Settlement Agreement can be terminated if the development plan is not what both sides want.

The meeting was adjourned to Closed Session to consider:

(20-112) 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 Numbers: RG16823346, RG16841240, RG19041531

Following the Closed Session, the meeting was reconvened and the City Clerk announced staff provided information; the City Council voted to approve a Settlement Agreement by the following voice vote: Ayes: Councilmembers Knox White, Oddie and Mayor Ezzy Ashcraft – 3; Noes: Councilmember Daysog – 1; Absent: Councilmember Vella – 1, as follows:

The matter involves three separate litigations filed by Boatworks against the City relating to property located at 2229, 2235 and 2241 Clement Street; the litigations generally challenge the City's Development Impact Fee (DIF) ordinance, seek to forestall the expiration of a tentative map approved by the City in 2011, challenge the City's zoning decisions and attempts to enforce a 2010 settlement agreement that the City contends was never fully consummated; Boatworks contends that the City owes Boatworks in excess of \$4.4 Million dollars as contemplated by the 2010 settlement agreement and that various City decisions and actions caused further damages to Boatworks in excess of \$44 Million dollars; the City disagrees with Boatworks' contentions; nonetheless, in the interest of promoting the development of much needed housing and to avoid the uncertainty of litigation, the City Council authorized the City Attorney to settle every pending litigation and dispute between the City and Boatworks, consistent with the following terms:

Special Meeting
Alameda City Council
March 3, 2020

1. Project approvals

While the Council's authority over land use cannot be contracted away, the settlement is structured so that the benefits of the settlement will only occur if the Council and Planning Board grant certain regulatory approvals; the approvals are:

- a. Tentative map, development plan, development agreement with 15 year term, and density bonus, Final Map authorizing a 182 unit project with:
 - 21 affordable units (13 very-low; 8 moderate);
 - Generally consistent with the 2016 development plan previously approved by the City;
 - Approximately two acre waterfront open space, to be maintained by a Homeowners Association (HOA) but open to public; no longer on lands owned by the Army Corps; and no longer requiring Bay fill.
- b. Rezoning two acres of open space as "R2-PD" (planned development). At each approval, both sides have the opportunity to agree to modifications or cancel the settlement.
- c. Other necessary approvals, including building permits.

2. Dismissal of lawsuits, and a release of all past claims

The dismissal and full release only occur if:

1. City Council first grants the above approvals.
2. Boatworks submits a different project than what is agreed to here or subsequently; or
3. 15 year passes and nothing happens at the property.

3. Settlement Payment

The City would pay a total of \$1.8 million to Boatworks generally phased to coincide with the issuance of qualifying building permits for the project.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:57 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF THE CITY COUNCIL
AND SUCCESSOR AGENCY TO THE
COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -MARCH 3, 2020- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:10 p.m. Vice Mayor/Commissioner Knox White led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Knox White, Oddie, and Mayor/Chair Ezzy Ashcraft – 4.

Absent: Councilmember/Commissioner Vella – 1.

CONSENT CALENDAR

Councilmember/Commissioner Oddie moved approval of the Consent Calendar.

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

(*20-006 SACIC) Minutes of the SACIC Meeting Held on January 21, 2020. Approved.

(*20-113 CC/20-007 SACIC) Recommendation to Accept the Second Quarter Financial Report for the Period Ending December 31, 2018. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:11 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - MARCH 3, 2020- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:12 p.m.

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

[Note: Councilmember Vella arrived at 7:55 p.m.]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(20-114) Mayor Ezzy Ashcraft made brief comments regarding fallen Officer Robert Davey Jr.

(20-115) Mayor Ezzy Ashcraft did a reading for the Season for Non-Violence: Compromise.

(20-116) Proclamation Declaring March 2020 as American Red Cross Month.

Mayor Ezzy Ashcraft read the proclamation and presented it to Harry Hartman, American Red Cross.

Mr. Hartman made brief comments.

(20-117) The Community Development Manager made brief comments regarding the 2020 Census.

ORAL COMMUNICATIONS, NON-AGENDA

(20-118) Pat Potter, Bike Walk Alameda, expressed her appreciation for the Cross Alameda Trail grand opening; made an announcement regarding the March 21st Spring into Biking Pop-Up Faire.

(20-119) Maria Gallo, Alameda, discussed the Fernside Boulevard traffic calming efforts.

CONSENT CALENDAR

Regular Meeting
Alameda City Council
March 3, 2020

Vice Mayor Knox White moved approval of the Consent Calendar.

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

(*20-120) Minutes of the Special and Regular City Council Meetings Held on February 4, 2020. Approved.

(*20-121) Ratified bills in the amount of \$4,809,393.58.

(*20-122) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending December 31, 2019 (Funds Collected During the Period July 1 to September 30, 2019). Accepted.

(*20-123) Recommendation to Award a Contract in the Amount of \$5,749,133, Including Contingency, to Mountain Cascade Inc. for Construction of Group 4 Sewer Pump Station Renovations for Reliability and Safety Improvements Project (91008602), No. P.W.08-17-37. Accepted.

(*20-124) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Rojas Flores Landscape, Inc. for Landscape Maintenance of Median Strips, Areas Including City-owned Buildings, Main Street Ferry Terminal, Areas of Park Street and Webster Street Business Districts and Marina Village Landscape and Lighting District Areas in an Amount Not to Exceed \$2,217,248.96, which includes contingency. Accepted.

(*20-125) 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 Not to Exceed \$317,062.34. Accepted.

(*20-126) Resolution No. 15633, “Authorizing the Mayor to Sign a Sister City Memorandum of Agreement (MOA) Between the County of Yeongdong, the Republic of Korea and the City of Alameda, United States of America.” Adopted.

(*20-127) Recommendation to Approve the Legislative Agenda for the City of Alameda. Accepted.

(*20-128) Ordinance No. 3263, “Amending the Alameda Municipal Code by Amending Section 1-7 (Administrative Citations) of Chapter I (General) Concerning Code Enforcement and Administrative Citations.” Finally passed.

(*20-129) Ordinance No. 3264, “Amending the Alameda Municipal Code by Adding Section 5-31 to Establish Procedures for Expediting Permit Processing for Electric Vehicle Charging Stations.” Finally passed.

(*20-130) Ordinance No. 3265, “Amending the Alameda Municipal Code by Amending: (1) Article I (Uniform Codes Relating to Building, Housing and Technical Codes) of Chapter XIII (Building and Housing) to Adopt the 2019 Edition of the California Building Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Historical Building Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the Plumbing Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Green Building Standards Code; and (2) Amending Section 15-1 of Chapter XV (Fire Prevention) to Adopt the 2019 Edition of the California Fire Code with Alameda Local Amendments.” Finally passed.

(*20-131) Ordinance No. 3266, “Amending the Alameda Municipal Code by Revising Section 2-59.3 (Limitation and Power to Make Contracts) of Article IV (Contracts) of Chapter II (Administration), Authorizing the City Manager and the City Attorney to Settle Liability Claims up to \$75,000 Unless Otherwise Limited by Law and to Settle Liability Claims Involving Payments by Excess Liability Coverage.” Finally passed.

REGULAR AGENDA ITEMS

(20-132) Mayor Ezzy Ashcraft stated Councilmember Vella would like to address the gun safety ordinance [paragraph no. 20-134] and budget [paragraph no. 20-136]; inquired whether Council would consider hearing the Midway item [paragraph no. 20-133] and park priorities item [paragraph no. 20-137] to wait for Councilmember Vella to be present.

Vice Mayor Knox White moved approval of amending the order of the agenda items.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Oddie inquired whether the park priorities could wait for Councilmember Vella if it is a split vote.

Mayor Ezzy Ashcraft responded in the affirmative.

On the call for the question, the motion carried by unanimous voice vote – 4. [Absent: Councilmember Vella – 1.]

(20-133) Recommendation to: 1) Direct Staff to Conduct a Four-Week Request For Qualifications (RFQ) Solicitation Process for the Development of the West Midway Project; 2) Approve Debbie Potter, Community Development Director; Michelle Giles, Base Reuse Manager; Lisa Maxwell, Assistant City Attorney; and Eric Levitt, City

Manager, as Designated Real Property Negotiators for the West Midway Project; 3) Approve the Finding that the West Midway Project is Not Subject to the Surplus Lands Act as Amended; and 4) Direct Staff to Include a \$350,000 Appropriation for the RESHAP Project Backbone Infrastructure Design in the Mid-Year Budget.

The Community Development Director gave a Power Point presentation.

Councilmember Daysog inquired whether staff has considered having market rate funding fund the \$350,000 appropriation.

The Community Development Director responded should the City Council not appropriate the funds, the cost will be an obligation to the market rate developer; stated the work would not start until the developer is selected, an Exclusive Negotiation Agreement (ENA) and a Disposition and Development Agreement (DDA) are negotiated; there is also opportunity to structure the \$350,000 as a loan to be repaid by the developer once selected.

Councilmember Daysog inquired about the plans for the commissary building.

The Community Development Director responded the building needs to be demolished.

The City Manager stated the concept for the funding is to pull funds from the General Fund as a loan and decide whether to forgive the loan at a later date or apply the loan to the Development Agreement (DA).

Councilmember Oddie inquired about the timeline for the project.

The Community Development Director responded the RFQ will be published no later than Monday with four weeks to respond.

Councilmember Oddie questioned whether a staff recommendation will be included.

The Community Development Director responded in the affirmative; stated staff anticipates receiving proposals and conducting interviews; staff will return to Council with a recommendation.

Councilmember Oddie inquired whether there is an estimate on when staff will return to Council, to which the Community Development Director responded staff anticipates returning to Council with a recommendation at the first meeting in June.

Councilmember Oddie inquired the timeline should Council decide not to declare the project exempt from the Surplus Lands Act (SLA).

Mayor Ezzy Ashcraft responded the land is exempt.

The Community Development Director stated under the SLA, should a property disposition be required to meet the noticing and negotiating requirements, a notice must be published for 60 days; if interest is expressed, a minimum 90-day negotiation period follows.

Councilmember Oddie inquired whether compliance with the SLA is possible should 60 days pass with no interest, to which the Community Development Director responded in the affirmative.

Councilmember Oddie stated it seems something will be presented to Council within the same time-frame, regardless of what happens.

The Community Development Director stated there should not be an assumption of no interest; there is a list of over 400 interested parties.

Councilmember Oddie questioned whether there are any interested parties willing to build 100% affordable housing.

The Community Development Director responded non-profit organizations have not been afforded an automatic opportunity in the past; stated the SLA has expanded opportunities for organizations.

Councilmember Oddie inquired about the process should someone disagree that the property is exempt.

The City Attorney responded a disagreement can arise from a number of places; stated any party at any moment can indicate the property is subject to the SLA and request compliance including the Attorney General, third-party interested parties, Housing and Community Development (HCD); it is difficult to predict any precise moment; the moment the City proceeds to take the exemption, it is possible that someone could take a position of disagreement; the project would develop a significant amount of affordable housing; it is relatively less likely, but not impossible, for a challenge to occur.

Councilmember Oddie inquired whether the potential challengers would be State agencies and affordable housing developers.

The City Attorney responded local agencies, such as the School or Parks District, in theory, could also challenge; however, no such challenge has occurred thus far.

Councilmember Oddie inquired whether there is a point in which the challenge would be removed or the statute expires.

The City Attorney responded the statute trigger will not occur for quite some time; stated the development process is long; agreements are not signed for a length of time; publishing a Request for Proposals (RFP) does not trigger the SLA.

Councilmember Oddie inquired at what point will it be known that there is no risk of a challenge being presented.

The City Attorney responded there is less risk once negotiations commence, conclude, Council votes, and 90 days passes; stated the law is new; knowing exactly when no challenge could be filed is difficult; the RFP process is exempt from the SLA; Council's current action does not implicate the SLA.

Vice Mayor Knox White inquired the process or criteria for staff selection based on the RFQ being issued; whether staff will return to Council with a recommendation or a list of potential development firms.

The Community Development Director responded staffs evaluation of development proposals generally involves a rubric which looks at: team experience, high level descriptions of the proposed project, financial team, experience on prior military bases and affordable housing development; staff will adhere closely to the rubric.

Vice Mayor Knox White inquired whether the rubric will be included in the RFQ.

The Community Development Director responded the RFQ typically talks about what is required to submit; stated the RFQ notes a point system is used to evaluate; the rubric itself is not included; the intention is to have staff return with a recommendation.

Councilmember Daysog inquired whether staff contemplates getting input from Council as to some of the qualifications different Councilmembers might have or want to see in respondents.

The Community Development Director responded a previous subcommittee of Councilmembers Oddie and Daysog developed questions that are included in the RFQ.

Councilmember Daysog requested two or three of the questions be shared.

The Community Development Director stated one of the subcommittee questions addressed social justice and enterprise aspects of the developer's experience; specifically, the actions the developer might take to better integrate or ensure proper and full integration of the RESHAP parcel with the market rate parcel.

Stated the housing crisis is unprecedented; State funding is available; infrastructure is needed: Abby Potluri, MidPen Housing Corp.

Expressed support for moving forward; stated funding opportunities should not be missed; expressed support for strengthening the criteria; stated Alameda Point Collaborative (APC) would like to provide input: Doug Biggs, APC.

Vice Mayor Knox White stated that there does not seem to be any criteria listed in the RFQ; expressed support for moving forward with the RFQ; stated that he is frustrated; the previous developer left in September and a slightly revamped RFQ could have been issued in October; he would like to see movement on this project as fast as possible after five months have been lost; Council has made it clear that the project is important; supporting RESHAP is important; noted Council does ask a lot of staff and acknowledged staff for their work; stated housing has been one of the top, if not the top, Council priority; stated the project is an opportunity to help move the priority forward; expressed support for the staff recommendations, including funding; stated that he would like to move forward, but that he would like to see a phase two plan for how the City can help move the project forward outside of the backbone infrastructure funding of \$350,000; expressed support for knowing what it would take for the City to move forward to meet the 20-year promises on the RESHAP project.

Councilmember Daysog stated that it would have been great if Alameda Point Partners (APP) would have been able to move forward with the project; unfortunately APP dropped out as an interested party; expressed support for moving forward; stated the project is a unique opportunity to not just build market rate housing, which is critical for infrastructure payment; expressed concern about a developer with a vision for the typical, affluent style housing; expressed support for open minded developers who are open to looking at the project through a social justice lens to make the market component work with the APC component; there will be a residential portion of the community and a jobs oriented component to the community; developers with an open-minded view of things are being brought in; expressed support for the RFQ including social justice.

Councilmember Oddie expressed concern about the SLA; stated there is more of a downside to there being an exemption which may be overruled versus complying with the law; expressed support for the infrastructure design, structured as some type of loan as well as demolishing the commissary building; questioned whether site preparation can occur after the commissary is demolished; inquired whether the decision should be made.

The City Manager responded in the affirmative.

Councilmember Oddie expressed support for a solid staff recommendation; stated that Council depends on staff's recommendation and expertise; stated that he is looking forward to the hearing.

Councilmember Vella expressed concern about the SLA and potential legal challenges; stated that she would like to have had legislative clarity before the item; expressed support for demolishing the commissary building; stated that she would like to see site preparation; expressed support for a funding loan through the Base Reuse fund and for the RFQ.

Mayor Ezzy Ashcraft stated that she is anxious to see the project move forward; the need for housing cannot be overstated; the reason that she is not as concerned about the SLA relates to the statistic of the Midway project, which includes 558 units of which 48% are very low to low income households; many places in the State are providing 100% affordable housing; the percentage is high for the project; the typical percentage is 25% affordable housing; expressed concern about lost time; stated these are uncertain times due to the Coronavirus pandemic which impacts many aspects; expressed support for moving forward with deliberate speed; questioned whether Council would support being more aggressive; stated two other developers not selected have expressed interest in the project; inquired whether, , a an option should be considered to issue an RFQ only to interested parties; stated APC would like to be involved in the process; questioned whether the interview panel can include APC.

The Community Development Director responded staff welcomes APC participation; stated APC was previously involved in the interview process and their input was included as part of the calculation criteria.

Councilmember Vella stated that she would like clarity on whether or not the process proposed is possible.

The City Attorney responded if the question is whether staff's proposed exemption of the SLA requires the City to do an RFP, the answer is no; stated Council may recall there was a previously published staff report which indicated an RFP is required; the previous staff report had been based on a different exemption; the City Attorney's office believes the current exemption is more sound to rely on; an RFP is not explicitly required under the SLA.

The Community Development Director stated the staff recommendation continues to be: go out to RFQ for 4 weeks and encourage those that previously responded to update and submit once more; doing so will ensure a thorough outreach.

Mayor Ezzy Ashcraft stated a new developer might be discovered; an uncertain economic future could be on the horizon; chances of putting together a viable package might be reduced; expressed support for a discussion of the proposal.

Councilmember Vella expressed concern about another delay; stated there is no reason to believe the other developers that submitted for the previous round do not have interest; interest has been conveyed; questioned why another RFP is being issued; stated some proposers could provide more detail; expressed concern about taking up

more time if there will be little response; expressed support for moving forward, with the clarification from the City Attorney that no RFP is necessary.

The City Manager stated that he recommends giving some time for responses based on previous respondent's inability to provide sufficient economics; new respondents could learn from the previous experience.

Mayor Ezzy Ashcraft stated that she is proposing to ask for updated responses.

Councilmember Vella stated that she is requesting amended responses based on updated information.

Councilmember Oddie questioned whether the proposal is to limit the responses to the three previous respondents; inquired about the deadline for updated responses.

Mayor Ezzy Ashcraft responded a four-week window is preferred.

Councilmember Oddie expressed support for an open RFQ process; stated if the time-frame is the same, there might be others wanting to respond.

Vice Mayor Knox White stated the process feels loose; others have expressed interest; should only three respond, only a little time will be lost; staff should make a recommendation by a specific date; it is beneficial to put the RFQ out and see if others respond, based on timing.

Mayor Ezzy Ashcraft stated that she has heard members of the Council lament the loss of five months' time; time is of the essence; requested clarification about unsolicited RFQ responses.

The City Attorney stated the Council has wide ranging latitude; Council could direct staff to provide various items, so long as all parties are provided a fair process, opportunity, and reasonable time to respond.

Mayor Ezzy Ashcraft stated the report lists both RFQ and RFP terms; there is a difference; RFP's typically contain visuals; questioned whether an RFQ is being done.

The Community Development Director responded in the affirmative.

Councilmember Daysog stated that he understands APC's desire to be involved in the process; noted APC are potential material beneficiaries of the process; APC's involvement should be welcomed; the process is transparent and fair; expressed support for entities that do good work for the City of Alameda; stated that he previously analyzed the work from APP related to Site A; that he has no qualms about Catellus expressing interest or moving forward; that he is unsure about Brookfield.

Mayor Ezzy Ashcraft stated that Council is not being asked to select a developer.

Councilmember Daysog stated there is desire from Council for select entities to respond as opposed to a broadly open RFQ process; some entities seem to be known; expressed support for continuing the previously issued RFQ.

Mayor Ezzy Ashcraft inquired whether other developers are showing interest.

The City Manager responded only three developers have shown interest.

The Community Development Director stated staff has reconfirmed two of the four finalists are still interested, Brookfield and Catellus; Cypress Equity Investments (CEI) has provided an unsolicited proposal; several inquiries have been received from potentially interested developers.

Mayor Ezzy Ashcraft inquired whether the developers previously applied.

The Community Development Director responded as far as she knows, they have not applied; stated there are times when brokers act on behalf of development companies; inquiries have not been vetted.

Councilmember Vella expressed concern about the lack of solid responses and for hoping the new RFQ will provide more information than previous; stated time is of the essence; expressed support for the item returning sooner than the first week in June; expressed concern about CEI not submitting early on; stated the updated RFQ exemplifies what Council is looking for; if competition is desired between firms, updates must occur.

Mayor Ezzy Ashcraft stated that she would be hard pressed to omit a firm that has specifically come forward shown interest, and shared financials.

The Community Development Director stated CEI was originally part of the Jamestown team; Jamestown moved forward with APP, and CEI had a lesser role; CEI's submitted proposal included additional items.

Councilmember Oddie stated that he agrees with Vice Mayor Knox White's request for a date certain; noted the option is to open the RFQ up to others and start over or take the three previous respondents and request an updated RFQ; questioned whether the process is biased.

Councilmember Daysog stated that he is satisfied knowing that CEI has previously applied in some capacity; this will not be the City's first time using a closed RFP/RFQ process; provided an example of the Bayport property development.

Councilmember Vella moved approval of the directing staff to ask for an update from the

three developers that previously submitted responses with the matter coming back in May.

Mayor Ezzy Ashcraft inquired whether the request is realistic; stated the staff report notes staff will return to Council by the end of the first quarter of 2020.

The Community Development Director stated the return date is a holdover from a previous staff report; it is the second quarter instead; responded staff can strive to return in May; stated there are constraints with the internal routing process for staff reports; the urgency is understood.

The City Manager stated discussed timing to meet the second meeting in May; stated the schedule will cause the Community Development Director to re-orient priorities, which is possible; stated that he has been directed to stick to deadlines; the request is a tight expectation.

Mayor Ezzy Ashcraft stated there has been a delay in getting to this point; much of the heavy lifting has already been done; a subcommittee has been worked to develop the RFQ; staff is not starting from square one; Council's number one priority is housing; the project is an integral part of moving forward with Alameda Point development; expressed support for moving with deliberate speed.

Councilmember Daysog seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether the motion keeps the rest as proposed in the staff report, to which Councilmember Vella responded in the affirmative.

Vice Mayor Knox White inquired whether the item is coming back May 19th, to which the Community Development Director responded in the affirmative.

Vice Mayor Knox White stated if the date cannot be committed to, there is no point in not moving forward with the RFQ.

The City Manager stated priorities will be re-oriented in the Community Development Department to make the May 19th deadline.

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

(20-134) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Provisions to Section 4-32 (Firearms and Weapons) of Article V (Firearms and Explosives) of Chapter IV (Offenses and Public Safety), Requiring Safe Storage of Firearms and Enhancing Enforcement Provisions. Introduced; and

(20-134 A) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Provisions to Section 4-36 (License Requirements for Firearms and Munitions Dealers) of Article V (Firearms and Explosives) of Chapter IV (Offenses and Public Safety), Requiring Firearms Dealers to Provide Video Surveillance and Enhancing Enforcement Provisions. Introduced.

The Deputy City Attorney gave a brief presentation.

Councilmember Daysog inquired whether Big 5 responded to the way in which weapons are displayed in a designated area, to which the Deputy City Attorney responded in the negative.

Mayor Ezzy Ashcraft stated the sales surveillance ordinance indicates that video surveillance will also be directed toward the parking lot of Big 5; inquired whether those purchasing non-weapon items would be video surveilled.

The Deputy City Attorney responded it is possible; stated the ordinance is not specific as to what extent the parking lot will be surveilled; the current language requires input from the Police Chief; it is possible that passerby's around the parking lot area may also be captured; Council may provide direction on the provision.

Mayor Ezzy Ashcraft inquired how the requirement of videotaping inside the store with facial features recorded works with another City policy related to facial recognition technology.

The Deputy City Attorney responded that he is unsure about the extent of the previous decision regarding general facial recognition; stated the current policy can be narrowly applied to only be at the premise of a firearms and not elsewhere; should Council feel uncomfortable, general videotaping of the premises can be allowed without focus on facial features during the transaction; facial recognition is helpful to resolve and deter in the event straw purchases are made.

Mayor Ezzy Ashcraft inquired whether Big 5 in Alameda has a history of facilitating straw purchases.

The Deputy City Attorney responded not that he is aware of; stated it is difficult to track without additional data.

Vice Mayor Knox White stated that a letter has been received from Safe Alameda with requests; inquired whether staff had a chance to review the proposed changes.

The Deputy City Attorney responded in the affirmative; stated Safe Alameda sent several proposals; the preamble can be discussed if desired, but there are substantiate changes which include changing the word "residence" to "premises" in Section 4-32.3; noted the change would also cover commercial premises; stated Safe Alameda also proposes firearms be unloaded when stored; staff believes the term "premises" is a

broadening of the ordinance as currently constructed; the change may open the ordinance to further challenge; staff also believes keeping the firearm unloaded while stored may significantly open the City to challenge due to the Heller case which allows firearms to be used for self-defense; an argument can be made that if a firearm is made to be locked and stored away, but also unloaded, there may be a hindrance to the Second Amendment right; Safe Alameda also has proposed to remove criminal penalties and to only have civil penalties; noted the current text of the ordinance proposes the maximum civil penalties where the fines cannot be any higher; Safe Alameda's other comment proposes a minimum camera requirement for motion detection during off-business hours so that video surveillance could be on for the entirety of the day at the discretion of the firearms dealer; images should be stored on premises for longer than one year as well as offsite backup of images; Safe Alameda also proposes, during any period of inoperability of the video surveillance system, that the licensee not conduct any sales or transfers; these proposals are stronger than other video surveillances that have withstood previous challenges; the proposals are possible; noted that he cannot comment on the feasibility for firearms dealers.

The City Attorney stated staff has looked into the proposal related to premises; the current proposal precludes people from having arms about within their residence that are not either worn or safely stored, which is consistent with regulations elsewhere; Council may want to further regulate and include garages; Council may determine arms cannot be stored in places people do not live in, which causes more risk; language is available should Council desire changes.

Mayor Ezzy Ashcraft inquired how enforcement of provisions is envisioned.

The City Attorney responded enforcement of the safe storage ordinance will not be conducted by Police Officers inspecting homes; stated enforcement will be conducted by self-reporting; there is no overall regulatory scheme; enforcement will only occur when something occurs and is reported to Police with information being volunteered.

Mayor Ezzy Ashcraft inquired whether the City would have discretion to either criminally prosecute or not prosecute should a teenager gain possession of a gun and used it to tragically commit suicide, to which the Deputy City Attorney responded in the affirmative.

Submitted information; stated more information is needed; suggested moving forward with things that will make a difference; urged Council to take deep breath and conduct information gathering sessions; noted attempts to contact the Police Department: Dave Truslow.

The Police Chief noted that he received an e-mail from Mr. Truslow and provided an extensive reply three hours later.

Mayor Ezzy Ashcraft questioned whether the Police Chief has any additional comments related to the proposed ordinances.

The Police Chief responded that he agrees with the City Attorney that the enforcement portion will not be conducted by the Police Department; stated the fourth amendment prohibits entering homes without permission; should an event occur with a gun that has not been safely stored.

Stated ordinances like these save lives; suggested amendments, including elimination of criminal penalties, expansion to all premises, and regulating the location of firearms within stores: Krystal LoPilato, Safe Alameda and Moms Demand Action for Gun Sense.

Urged the City to support State and federal regulations; urged support of the ordinances; suggested adoption of ordinances regarding liability insurance and store locations: Jono Soglin, Safe Alameda.

Urged support of the ordinance with amendments: Kelley Cope, Safe Alameda.

Expressed concern over infringing upon the Second Amendment; questioned ordinance language about trigger locks and lockboxes: Rodney Spooner, Alameda.

Mayor Ezzy Ashcraft inquired who is organizing the April 25th safety fair; stated two Councilmembers will be out of town that day; the topic is of interest to the entire Council.

The Deputy City Attorney responded that the City Attorney's office has not been involved in organizing the event.

The Police Chief stated the April 25th date is not set in stone; the Police Department has conducted several meetings discussing the concept of a community safety event; the event is in preliminary stages.

Mayor Ezzy Ashcraft stated Council calendars should be consulted to assist.

Councilmember Oddie stated a Town Hall was previously held; there are daily incidents of accidental child deaths and guns being used in suicides; active shooter drills and bulletproof backpacks are the new norm; the District Attorney (DA) has been invited to share information; the DA's office put out a report which includes areas for cities to focus on and safe storage was the number one area; outlined the DA's report statistics; expressed support for exploring ways to cut off bad people getting guns that were purchased legally; stated efforts will help ensure that every sale conducted in Alameda is done legally; expressed support for Councilmember Daysog's comments related to legal purchases; stated there are many products that youths should not be exposed to; those items are placed in separate spaces; he is sympathetic to the fact that many things are only made aware after the fact; noted incidents involving license plate readers are similar in after the fact knowledge; Council is not trying to criminalize the

legal possession of firearms; Council is trying to prevent legal firearms from getting into the hands of people who should not have them; noted Council has put a ban on facial recognition software; stated the Police still have the opportunity to review surveillance videos and cross-reference drivers licenses conducting a manual compare; expressed support for all-premises; stated if one kid can be saved by keeping a gun locked it is worth it; kids can find everything, including guns; common sense rules should be implemented; expressed support for no criminal penalties; stated extra liability should be considered; those who are negligent in leaving guns or allowing them to be stolen without reporting causes problems; many guns have been stolen that should not have been stolen; expressed support for the item and incorporating some of the suggestions from Safe Alameda.

The City Attorney stated the recommendation is to not reach commercial spaces at this time; language is ready to include all premises if desired; there is a reasonable middle ground to take; noted that Section 4-32.3 could be changed to indicate that no person shall keep a firearm within any residence or upon any residential premises unless the firearm is stored in a locked container or disabled with a trigger lock.

Mayor Ezzy Ashcraft inquired whether the firearm must be stored in a locked container or with a trigger lock.

The City Attorney responded in the affirmative; stated the firearm must be inside the residence in either case.

Mayor Ezzy Ashcraft discussed stolen guns statistics; inquired whether liability would be present should the owner of a firearm report the firearm as stolen to the Police within 24 hours.

The City Attorney responded the safe harbor provision as proposed would absolve the owner of liability.

Mayor Ezzy Ashcraft inquired whether the rationale behind the provision is the quicker the firearm is reported the quicker the firearm is found; stated stolen firearms are stolen for ulterior motives.

The City Attorney responded the provision will encourage reporting; Police Officers can be made aware as quickly as possible so that an opportunity could be found; the provision is a balance.

Mayor Ezzy Ashcraft inquired who reviews surveillance videos.

The Police Chief responded there will be a designee within the investigations division; stated straw purchases can be legitimate at the time of sale; straw purchases indicate a seller knowingly purchasing and selling a firearm to a person that is not eligible to own a

firearm; Police would have video of a person making a legal firearm purchase; the straw purchase would be proven through investigation away from camera capture.

Councilmember Vella inquired whether the City currently provides storage units in private vehicles for police officers.

The Police Chief responded in the negative; stated a restrictive policy is in place about how Officers store guns while on or off duty.

Councilmember Vella discussed an acquaintance arrested on gun charges; stated that the acquaintance stored firearms for someone else in storage units; noted the current ordinance language does not cover said instance; inquired whether storage units have been considered as part of the safe storage policy; whether the City could prohibit guns being stored in a storage facility, or if there is a way to regulate storage in storage units; stated storage units are often used to store firearms in an unlocked manner.

The City Attorney responded should the Council be interested in regulating gun storage beyond residential premises, the recommendation will continue to require safe storage instead of prohibiting storage altogether; prohibiting storage altogether is more legally challenging.

Councilmember Vella expressed support for passing the ordinance as-written and having staff look at the commercial storage aspect and return to Council at a later date; stated that she is learning many things as a new mom; she now considers whether other children's families keep weapons in their home and if they are safely stored; many sad cases involve children playing with firearms that have not been safely stored; expressed support for Council preventing those instances; stated Council should take this step; the ordinance will not solve all cases, but it is a step in the right direction; noted a statistic from the DA report; stated stolen guns can be used in crimes; there are cases of teenagers stealing guns from parents or parents of friends; stated straw purchases are an issue; many times a youth has stolen a weapon from another household; requiring safe storage means that people are aware of where they are storing their firearms; one cannot be had without the other; if safe storage is not required, weapons are not being kept track of and it is difficult to know when an item is stolen and needs to be reported; the City has held at least two forums on the topic; the area of law is evolving; that she anticipates additional laws to come; expressed support that any policy to be able to be enforced and to follow up on enforcement; stated that she does not want empty promises made to the community.

Vice Mayor Knox White stated staff is working with Big 5 on the concept provided by Councilmember Daysog; questioned why the information was not in the staff report; expressed support for the proposed language provided; stated that he would like to ensure people have access to legal firearms for personal safety reasons; keeping firearms in the residence makes sense for greater awareness versus somewhere not often visited such as a shed; should there be desire to move forward with criminal penalties, there should be annual reporting; expressed support if administrative

penalties if desired by Council; stated adding commercial language adds complications; expressed support for trying to find out the meaning; stated that he cannot support changing residences to premises at this time; stated more thought is needed to make the change.

Councilmember Daysog stated new areas are being entered into; mothers and fathers of Alameda children want Council to make this happen; most people are sympathetic or empathetic to national news; staff has put together common sense first steps to help stem gun violence; expressed gratitude toward those committed to the issue; stated that he would have liked to see language related to how guns are stored and displayed at retail establishments, especially when the retail establishment also sells other sporting goods; there are ways in which Alameda can further regulate sales; noted Councilmember Oddie's point relates to regulation of other items within Municipal Code Section 30-9; stated guns represent brute force and are not similar to other athletic gear; firearms should be regulated in how they are displayed and sold; these are great first steps.

Mayor Ezzy Ashcraft stated that she is in agreement with other Councilmembers; noted her children's pediatrician suggested asking if there are guns in houses; discussed removal of her husband's service revolver; stated that there is desire to keep kids safe; expressed concern over children coming into contact with unlocked weapons; expressed support for removing the language related to camera surveillance being directed at the parking lot; requested staff return with possible options about where guns are sold in a retail store; stated it is an overreach to videotape people in a parking lot, who could be present for many different reasons.

Councilmember Vella expressed support for taking out the language related to video surveillance of parking lots.

Councilmember Oddie inquired the benefit of parking lot surveillance; stated that surveillance could be limited to the back area of a firearm retail location.

Mayor Ezzy Ashcraft stated the parking lot area shows outside; it is the same lot where people visit Bed Bath and Beyond and other areas.

The Deputy City Attorney stated the surveillance would provide additional footage of any transfers outside the store.

Councilmember Oddie questioned whether it is a solution in search of a problem; inquired whether firearms are passed outside of storefronts.

The Police Chief responded in the affirmative; stated there are currently multiple security cameras at the mall already.

Mayor Ezzy Ashcraft stated that she is referring to the sales surveillance ordinance; as an elected official for Alameda, she does not want to assume people are conducting illegal gun transfers.

Councilmember Vella expressed concern about not mandating that the surveillance be maintained for a certain amount of time; stated the language reads that the footage is to be made available on request without a subpoena.

Councilmember Oddie inquired what other cities require for surveillance; stated the expectation of no privacy would apply to sporting goods stores.

The Deputy City Attorney responded the requirement does mirror other surrounding cities, including San Francisco, Emeryville, Campbell and Pleasant Hill.

Councilmember Oddie inquired whether the provision may be added at a later time, to which the Deputy City Attorney responded in the affirmative.

In response to Mayor Ezzy Ashcraft's inquiry, Councilmember Oddie stated that he would like to see Councilmember Daysog's proposal implemented and limit the amount of surveillance to a small contained area.

Mayor Ezzy Ashcraft inquired whether Councilmember Oddie is providing direction to staff, to which Councilmember Oddie responded in the affirmative.

Vice Mayor Knox White moved introduction of the ordinances, with the following amendments: removal of criminal penalties, revised residential language limiting just to residence and removal of parking lot video surveillance, with direction for something to come back with Councilmember Daysog's plan [regarding the location of guns within stores] and direct staff to look into commercial storage.

The City Attorney requested clarification related to criminal penalties; stated both ordinances list criminal penalties which cover an entire chapter; noted criminal penalties cover exiting law, unlawful brandishing or discharge of a firearm; inquired whether his understanding of the motion is not to eliminate criminal penalties for those, but just for safe storage, to which Vice Mayor Knox White responded in the affirmative.

The City Attorney stated the other ordinance covers similar provisions, such as those who refuse to obtain a permit as required.

Vice Mayor Knox White stated that he is only concerned about home safe storage.

The City Attorney stated the recommendation is to provide safe harbor for administrative penalties; currently, safe harbor is drafted so that there is no criminal prosecution if stolen firearms are reported within 24 hours; should criminal penalties be removed, the provision should be replaced with civil and administrative penalties to continue to encourage reporting.

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

(20-135) Mayor Ezzy Ashcraft called a recess at 9: 39 p.m. and reconvened the meeting at 9:50 p.m.

(20-136) Resolution No. 15634, “Amending the Fiscal Year (FY) 2019-20 Budget Based on Mid-Year Changes.” Adopted;

(20-136 A) Resolution No. 15635, “Approving Workforce Changes for FY 2019-20.” Adopted; and

(20-136 B) Resolution No. 15636, “Amending the Salary Schedules for: the Management and Confidential Employees Association (MCEA) to Add the Classification of Sustainability and Resilience Manager; the Alameda Police Officers Association (APOA) Non-Sworn to Add the Classifications of Lead Parking Technician and Parking Technician; the Part-Time Salary Schedule to Add the Classifications of Law Fellow, Staff Counsel, and Special Counsel for the City Attorney’s Office; and the Alameda City Employees Association (ACEA) to Adjust the Salary Range for Senior Combination Building Inspector.” Adopted.

The Finance Director and the Human Resources Director gave a Power Point presentation.

Councilmember Daysog inquired whether the figures for new positions only includes wages, or total compensation including benefits.

The Human Resources Director responded the figure is total compensation.

The City Attorney stated the City Attorney’s office is not seeking to add positions; the City Attorney’s office is seeking to add three classifications; the classifications will allow the part-time schedule to include attorney positions if and when they are necessary; there is no current intent to seek additional part-time attorneys.

Councilmember Oddie inquired whether the \$21 million figure under the Public Agency Retirement System (PARS) presentation slide reflects the numbers below, to which the Finance Director responded in the affirmative.

In response to Councilmember Oddie’s inquiry, the Finance Director stated the figure is additional discretionary payments made directly to Public Employees’ Retirement System (PERS); the policy has previously been presented and a determined dollar amount is available; the payment presented is split 75/25% with 75% paid as a direct

down payment to PERS for unfunded liabilities, additional discretionary payments, and 25% paid to the 115 Trust.

In response to Councilmember Oddie's inquiry, the Finance Director stated the payment is a stabilization cash flow security.

Expressed support for the Sustainability and Resilience Manager position; discussed climate issues underpinning every City action: Christy Cannon, Community Action for a Sustainable Alameda (CASA).

Stated funding a climate position is very important to bridge silos between departments: Ruth Abbe, CASA.

Expressed support for the Resilience Manager position; discussed qualifications: Ingrid Ballmann, CASA.

In response to Councilmember Oddie's inquiry, the Finance Director stated the only number being requested to appropriate are not associated with the numbers listed on Slide 12; Slide 13 shows actual cash deposited with PERS and PARS as of January; money has not yet been sent to the agencies.

Councilmember Oddie inquired whether the \$37 million set aside since inception will be increased by \$7.4 million, which some other number could change.

The Finance Director responded in the affirmative; stated the appropriation before Council is \$7.3 million; noted a contribution is not likely to occur until the mid-cycle revisions to the policy; stated a potentially additional \$5.3 million is estimated, but the actual number is yet to be known.

Mayor Ezzy Ashcraft inquired whether the City's payments are based on the PERS projected return on investments; stated the stock market has been difficult for the last couple weeks due to the impacts of Coronavirus; inquired the expected calculated payments.

The City Manager stated staff has met with a financial consultant who is reviewing the City's policy and will report before study sessions; there will be more time in May to respond specifically; there is a 20-year discount rate to address increases and downturns; there is a lot of volatility now; the consultant will be able to answer more questions regarding the impact of future liability.

The Finance Director stated PERS valuations are always 2 years behind; should PERS happen to finish the fiscal year with a negative return or something lower than 7%, the City will not realize an additional liability until 2 years from now; the liability can be planned for; the City Manager is looking into a variety of ways to mitigate any future or existing unfunded liabilities.

The City Manager stated some of the scenarios to be brought forth from the consultant are recession as well as unfunded liabilities up to 7% to see impacts of both.

Councilmember Daysog stated that he appreciates looking at the Other Post-Employment Benefits (OPEB) liabilities; the cumulative amount set aside as a result of the policy is astounding; noted that he understands the need to pay down unfunded liabilities; stated that there are other service needs that current residents are demanding; it is imperative to review the OPEB policy currently in place; the numbers presented on Slide 15 show a negative balance of \$3 million; outlined Slide 15 figures; expressed concern over stocking away reserve money; stated that he believes many reserves are phantom reserves due, in part, to not having fully staffed departments; the reserve is a function of not fully staffed departments.

Councilmember Vella stated there are baby changing stations coming into parks, which is a big expenditure; inquired which bargaining unit the Building Inspector Compaction position is in, to which the Human Resources Director responded Alameda City Employees Association (ACEA).

In response to Councilmember Vella's inquiry, the Human Resources Director stated staff previously worked on adding classifications to the unit and missed that the true 5% had not been completed between classifications; it is an internal compaction issue needing to be fixed and allowing people to promote.

Councilmember Vella inquired whether the position is currently vacant, to which the Human Resources Director responded the position is currently filled.

In response to Councilmember Vella's inquiry, the Human Resources Director stated the adjustment has been made within the last year.

Councilmember Vella inquired what work was included in the Finance Department wear and tear cost of \$175,000; stated the space also included other office space; inquired whether the cost includes the City Attorney's office.

The City Manager responded there is a variety of things to look at within City Hall; stated a space planner is needed first; then, key improvements will be decided; the use of the money has changed, but the amount is still to be used for improvements within City Hall.

Councilmember Vella inquired whether the amount will be used solely toward the Finance Department.

The City Manager responded the amount could be used for other departments; stated the funding may have to be increased in the mid-cycle.

Councilmember Vella stated the City Attorney's office is fairly compacted; expressed support for the City Prosecutor having a secure office space to conduct necessary calls and meetings; inquired whether the funding includes the City Prosecutor space.

The City Manager responded staff is looking into office space.

The Finance Director stated a new employee starts Monday and staff is trying to figure out office space.

Councilmember Vella stated there is no fiscal impact to the PERS longevity requirement for Police Department; inquired whether the City gives a 5% differential for any Police Officer coming in that has a degree.

The Human Resources Director responded in the affirmative; stated the number is not significant, therefore, not a huge impact; members with a degree would not have to wait as long.

Councilmember Vella inquired whether there are officers without a degree, to which the Human Resources Director responded in the affirmative.

Councilmember Vella inquired whether a degree is listed as part of the job specifications, to which the Human Resources Director responded not for Police Officer currently.

In response to Councilmember Vella's inquiry, the Human Resources Director stated the language does state that both the Bachelor's and Master's degree need to have some relationship to the work performed; the degree is valued and looked at.

Mayor Ezzy Ashcraft inquired whether the \$111,500 cost to repair Woodstock Park could be recovered by either insurance or subrogation action.

The Finance Director responded the City has an insurance deductible; stated the cost did not reach the insurance level.

Mayor Ezzy Ashcraft inquired whether the self-insured provision prevents the City from seeking reimbursement from the responsible party.

The City Attorney responded that he understands there was an arson at the park; stated that he does not know if an arrest was made; he does not know the prosecutorial status of the case.

The Finance Director stated that the attempt can be made; however, it can be difficult based on how much a person has.

Vice Mayor Knox White stated the arsonist was a 13 year-old child; staff should be careful about having an aggressive approach.

Councilmember Oddie moved adoption of the resolutions.

Vice Mayor Knox White seconded the motion.

Under discussion, Vice Mayor Knox White stated the staff report is very thorough; expressed support for the sustainability and resiliency position.

Councilmember Daysog stated that he supports the item; the presentation is ringing alarm bells to be wary about spending.

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

(20-137) Recommendation to Approve the Park and Recreation Facilities Project Priorities.

The Recreation and Parks Director gave a brief presentation.

Mayor Ezzy Ashcraft inquired whether the court date established is in February 2021.

The City Attorney responded these types of cases suffer from everything else in the court system taking extended periods of time.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney responded everything is a lower priority to criminal cases.

Mayor Ezzy Ashcraft inquired whether an eminent domain case would be heard before a criminal judge.

The City Attorney responded in the negative; stated the court system distributes judges, judges have to staff criminal courts first before civil courts.

The Recreation and Parks Director continued the presentation.

(20-138) Mayor Ezzy Ashcraft stated a motion is needed to consider the two referrals [paragraph nos. 20-140 and 20-141] after 11:00 p.m.

Councilmember Oddie moved approval of considering the items.

Councilmember Vella seconded the motion.

Under discussion, Vice Mayor Knox White inquired whether a timeline could imposed.

Mayor Ezzy Ashcraft suggested the motion be revised to include the meeting end by 11:30 p.m.

Councilmember Oddie agreed to the time, which could be revisited.

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

The Recreation and Parks Director continued the presentation.

Expressed support for DePave Park being the top priority; discussed environmental benefits of the park; expressed support for additional staff: Dawn Lemoine,

Expressed support for proceeding with DePave Park; requested the project be prioritized; expressed support for additional staff: Ruth Abbe, CASA.

Urged moving forward with the planning process for DePave Park: Richard Bangert, Alameda.

Stated human use will increase as Alameda Point is developed, which will impact birds in the area; discussed warming and acidification of the ocean; urged approval of the list and starting to look for a consultant and additional staffing: Marjorie Powell, Golden Gate Audubon Society.

Vice Mayor Knox White stated the staff report provided a lot of information; the staff report states there are many priorities, with no staffing; that he would not support the new sustainability and resiliency position to act as an adjunct Recreation and Parks Department position; noted that he has been a strong voice for DePave Park; expressed concern about DePave park not being in plans; stated 11 resiliency projects are unfunded in the Climate Action Resiliency Plan (CARP); urged being careful about jumping a park to the head of a line after holistic planning around parks and climate; stated staff has identified funding to help plan DePave Park, which will be available later this year and is not available to fund any other unfunded needs the City has for resiliency; should Council provide direction, a recommendation should be made based on the City's resources; discussed a meeting held with traffic and safety; stated that he cannot support a vote to approve a position for Recreation and Parks specifically because he has not seen all asks; expressed support for the presented priorities; stated the staff report has laid out finishing items that have been started; work should start where items do not conflict and interfere; Proposition AA is the funding source; expressed support for funds that become available later this year to write grants for consultants to do planning to expand City resources.

Councilmember Vella stated that she defers a little from Vice Mayor Knox White; stated there is different direction for DePave Park; DePave Park was discussed prior to November 2019; other water-based parks are coming up through developer projects; expressed support for focusing on DePave Park, including plans and discovering

funding pathways; staff has a limited amount of time to work on items; there are nice parks throughout Alameda; expressed concern about DePave Park not being given priority; expressed support for moving DePave Park up on the list and having staff provide next steps; noted former Councilmember Matarrese discussed DePave Park signage; stated there is a lot of potential and nothing is being done; West Alameda has Jean Sweeney Park and the Cross Alameda Trail, but DePave should not be forgotten; DePave Park could be a key part of the CARP.

Councilmember Daysog stated the map presented is helpful; stated the map shows projects throughout Alameda; expressed support for staff's recommendation; stated that he would like to hear Councilmember's thoughts on prioritization; expressed support for DePave Park; stated this is a different type of park and can be an example that shows other cities how to plan for parks with regard to climate change.

Councilmember Oddie stated Council has the chance to be the most climate friendly Council; discussed various climate actions; stated DePave Park can be state-of-the-art; the Recreation and Parks Commission has reviewed the item.

Councilmember Oddie moved approval of the staff recommended priorities, with direction to staff to hire a consultant to develop the Master Plan, ballpark the cost and return to Council by the end of July.

Councilmember Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated that she respects the Recreation and Parks Commission; everything Council has discussed is true and correct; DePave Park is not part of the CARP; expressed support for the staff recommendation; stated the funding streams will be different and allow for moving forward on two tracks.

Vice Mayor Knox White stated his comments were aligned with the staff report and the recommendation of the Recreation and Parks Commission; the motion got into advising staff to hire an engineer by the end of July; hiring an engineer has not been agendaized; it is not clear where the funding for an engineer is coming from.

Mayor Ezzy Ashcraft requested the motion be restated.

The City Clerk stated the motion is to move approval of accepting the staff recommended priorities, with direction to staff to hire a consultant that would return back by July.

Vice Mayor Knox White inquired the funding source for the consultant; stated funds have not been budgeted.

Councilmember Oddie responded that he will allow staff to make the determination;

questioned funding for other projects; stated the cost of the project is unknown; the project could be cost prohibitive.

Mayor Ezzy Ashcraft stated the direction to hire a consultant could be postponed until the mid-cycle budget.

Councilmember Oddie stated that he would like staff to draft an RFP requiring minor modifications; the cost of a consultant may be within the approval of the City Manager.

Mayor Ezzy Ashcraft expressed concern for taking items outside of the budget process.

Councilmember Oddie expressed concern for the delay in DePave Park development.

Councilmember Daysog inquired whether the July timeline included the consultant completing work or being selected

Councilmember Oddie responded selected; stated the consultant will issue an RFP, respondents will return with proposals and a selection will be made by Council.

The City Manager requested clarification on RFP timing and budget.

The Recreation and Parks Director stated that she does not know the budget for a consultant; the consultant cost for the pool master plan was roughly \$68,000; the project could have a similar cost; she is unclear on the requested timeframe; City staff typically issues the RFP; funding is identified prior to issuing an RFP; the RFP process will require the correct kind of consultant; an RFP response is due in about a month; an interview panel is selected and a contract must be drafted; the process is roughly three months long.

Councilmember Oddie inquired whether September would be a reasonable time to return with bids and a budget request.

The City Manager stated that the Recreation and Parks Director can include the request in the mid-cycle budget for consideration.

Councilmember Oddie stated that he would like the RFP issued.

Councilmember Vella expressed concern about delaying DePave Park.

Mayor Ezzy Ashcraft stated direction to staff can include the consultant cost in the mid-cycle budget for consideration; noted that the timeline for the project is tight.

Councilmember Oddie expressed support for an RFP deadline.

Mayor Ezzy Ashcraft stated the Recreation and Parks Director will deliver once direction is provided.

Councilmember Oddie stated that there are many projects for the Recreation and Parks Director; expressed support for a date being included in the budget request.

Councilmember Vella expressed support for the item to return in a timely manner.

Mayor Ezzy Ashcraft stated should the item be included in the budget, the project can return in the Fall.

Councilmember Vella stated direction should include background work as well.

Mayor Ezzy Ashcraft stated background work is needed in order to include an item in the mid-cycle budget.

Vice Mayor Knox White stated that he is unclear about the RFP; there will be engineers and consultants hired at some point.

Mayor Ezzy Ashcraft inquired whether Council is beyond the scope of item.

The City Attorney responded Council can give direction related to timing; Council should avoid budgeting or deciding to budget for an engineer; Council can present a deadline for a project milestone.

Mayor Ezzy Ashcraft expressed concern about date certain provisions.

The City Attorney stated Council may provide prioritization.

Vice Mayor Knox White stated that he would like the motion clarified; stated that Council cannot make a decision based on funding; he would like to know what is not being done; questioned whether a proposal with funding and a timeline can be provided for moving the project to the next phase.

The City Manager stated that Council can request a consultant come back as a priority based on funding.

Councilmember Daysog expressed support for prioritizing DePave Park; stated there is long-standing community support; the item has been prioritized; the RFP should be issued efficiently; expressed support for moving forward.

The Recreation and Parks Director stated that she is happy to bring back a plan on DePave Park and include the steps needed, funding, and timeline to Council in June or July; more funding sources for the aquatic center might be known at that time; decisions can be made related to staffing for projects; an update can be provided based on staffing and potential delays related to budget approvals; other projects will be delayed

should focus shift to DePave Park; that she can research an RFP process of this type; there is no funding attached to issuing an RFP.

Councilmember Oddie expressed support.

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

CITY MANAGER COMMUNICATIONS

(20-139) The City Manager made an announcement regarding the Coronavirus and the Cross Alameda Trail event.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(20-140) Consider Directing Staff to Provide Health Insurance to Part-Time Employees Working Over 20 Hours per Week in Time for Fiscal Year 2020-21. (Councilmember Oddie) Not heard.

(20-141) Consider Providing Direction to Staff on Handling Late Rent Payments. (Councilmember Oddie) Not heard.

COUNCIL COMMUNICATIONS

(20-142) Councilmember Vella discussed the Lead Abatement meeting last week, a Girl's Inc. event, and the Cross Alameda Trail event.

(20-143) Councilmember Oddie requested the meeting be adjourned in memory of Frank Munoz.

(20-144) Councilmember Daysog announced Nick Cabral's birthday.

(20-145) Mayor Ezzy Ashcraft made an announcement regarding the Cross Alameda Trail event; discussed the League of California Cities meeting discussion on housing; and an Alameda Healthcare District Board meeting and discussion addressing Coronavirus.

ADJOURNMENT

(20-146) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting with a moment of silence in memory of Frank Munoz at 11:44 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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