

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JUNE 2, 2020- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:06 p.m.

Roll Call – Present: Councilmembers Daysog, Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 5. [Note: The meeting was held via WebEx.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(20-359) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Alameda Theatre, Located at 2317 Central Avenue, Alameda, CA; City Negotiators: Eric J. Levitt, City Manager; Lisa Maxwell, Assistant City Attorney; Debbie Potter, Community Development Director; and Nanette Mocanu, Assistant Community Development Director; Negotiating Parties: City of Alameda and Alameda Entertainment L.P.: Under Negotiation: Price and Terms.

(20-360) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 300 Island Drive, Alameda 94502; City Negotiators: Eric J. Levitt, City Manager; and Michael Roush, Chief Assistant City Attorney; Negotiating Parties: City of Alameda and Greenway Golf: Under Negotiation: Price and terms of lease.

(20-361) Public Employee Performance Evaluation (Pursuant to Government Code Section 54957); Position Evaluated: City Manager – Eric Levitt.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Alameda Theatre, and 300 Island Drive, staff provided information and Council provided direction and no vote was taken; regarding Performance Evaluation, Council conducted performance evaluation and no vote was taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:01 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL  
TUESDAY- -JUNE 2, 2020- -6:59 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:14 p.m. and led the Pledge of Allegiance.

ROLL CALL - Present: Councilmember Daysog, Knox White, Oddie, Vella and Mayor Ezzy Ashcraft – 5. [Note: The meeting was conducted via Zoom.]

Absent: None.

AGENDA ITEMS

(20-362) Urgency Ordinance No. 3281, “(A) Declaring the Existence of a Local Emergency in Response to Civil Unrest; (B) Ratifying the City Manager’s Decision to Order a Curfew on June 1 and 2, 2020 (Ending at 5 a.m. on June 3); (C) Provide Direction Extending, Modifying, or Discontinuing the Curfew; and (D) Authorize Staff to Take Further Action to Implement This Declaration.” Adopted.

The Assistant City Manager gave a brief presentation.

The City Manager stated the issue is difficult; restricted rights cause serious issues that need to be looked at carefully; he recommends Council provide narrow direction.

The City Attorney stated that he has reviewed the legality of the City Manager’s declaration and that it is fully compliant with all applicable laws.

Councilmember Daysog stated that he received a letter; inquired the City’s response to people who can only shop after 8:00 p.m.

Mayor Ezzy Ashcraft inquired whether businesses are also covered by the curfew.

The City Attorney responded in the affirmative; stated businesses will not be open after 8:00 p.m.

Councilmember Oddie inquired the interplay of the City’s curfew expiring while still under the County curfew.

The City Attorney responded unless the County order changes or a judicial decision alters the order, the County order purports to apply to all incorporated cities and unincorporated County areas; stated the County order would still apply within the City of Alameda; an 8:00 p.m. curfew would still apply even if Council discontinues the local curfew.

Councilmember Oddie inquired whether Council would be forfeiting the authority of the City Manager and Police Chief without a curfew.

The City Attorney responded in the negative; stated the City Manager will remain the Director of emergency services; any California officer could enforce the curfew within the County; law enforcement decisions are made by the Police Chief, which allows discretion of resource deployment; noted, pursuant to mutual aid, Alameda County Sheriffs will also have jurisdiction of enforcement of the order.

Councilmember Vella stated Alameda is not the only City grappling with the inquiries raised by Councilmember Oddie; inquired whether other cities are challenging the authority of the County ordinance; expressed concern about overall enforcement of the curfew and for those confused about the City versus County curfew.

The Police Chief responded the more restrictive order would rule; stated there is a significant public safety concern occurring related to looting and burglaries; should Council not extend the local curfew order, the Police Department would continue to operate under the County order until its expires on June 5<sup>th</sup>.

Mayor Ezzy Ashcraft inquired whether Council could delegate to have staff figure out the best course of action.

The City Attorney responded Council may provide direction to authorize staff to take necessary actions to further and implement the declaration of local emergency with a report back to Council.

Councilmember Vella inquired whether staff will follow up on the implications of other cities which are challenging the County order.

The City Attorney responded that he is not aware of any cities being prepared to file legal challenge; stated certain local jurisdictions and officials believe the order does not apply and the matter is being monitored; continuing dialogue is happening with the County on the topic.

Vice Mayor Knox White stated Council is in an awkward position; that he has struggled with the matter; expressed concern about the County Sherriff implementing a curfew on the County level with little input for such a long period of time; expressed support for receiving a report of any Police action in Alameda related to the curfew order by tomorrow morning; stated a significant action being taken.

Councilmember Vella inquired whether Council could adopt the emergency declaration and not continue the curfew; requested clarification of how long the emergency declaration would be in effect.

The City Attorney responded the emergency declaration does not currently contain an end date; stated Council may set an end date or allow staff to bring back a

recommended end date; noted should Council adopt the emergency declaration and direct staff to discontinue the curfew, Council must decide whether to allow staff to reinstitute a curfew in the future, if needed, or direct staff not to institute a curfew in all circumstances.

The City Manager stated that he recommends the longest period for a declaration of emergency for this event to be through June 16<sup>th</sup>, the next scheduled Council meeting.

Stated there is not enough data to make an informed decision; there are concerns about burglaries and looting; expressed concern about decisions being made without data; stated that she does not support extending the curfew: Elizabeth Douglas, Alameda.

Stated that he does not support extending the curfew; there is no basis of fact for any emergency in the City; the community should be encouraged to come together and heal; urged being better; discussed defunding and demilitarizing the Police Department: Josh Wyen, Alameda.

Public Comment Read into the Record:

Urged Council to consider reflecting the curfew through June 5<sup>th</sup>: Linda Asbury, West Alameda Business Association (WABA).

Urged Council to rescind the curfew order immediately; stated curfew orders do not keep people safer; discussed opposing Police violence; urged Council to oppose the curfew: Rob Szykowny, Alameda.

Vice Mayor Knox White stated that he appreciates understanding the reasoning behind the declaration; inquired whether the incidents with Alameda Police Department could be discussed.

The Police Chief responded the Department did not know of any upcoming violence, crime or looting within the City; stated concerns were raised; outlined incidents of looting Sunday evening, including arrests; stated the Department is determined to keep the City safe; incidents from the previous night were significantly lower; many surrounding cities are still experiencing incidents.

Vice Mayor Knox White inquired whether mutual aid is available.

The Police Chief responded cities in need make a request through the Office of Emergency Services of Alameda County and authorization for deployment of mutual aid resources are provided; stated an Oakland request made within the County resulted in 14 Alameda Officers sent on Friday night, and 12 on Saturday; no officers were provided Sunday night due to activity in Alameda.

Vice Mayor Knox White inquired whether Alameda was unable to provide or receive aid on Sunday.

The Police Chief responded a request was made for mutual aid; stated Berkeley briefly provided Police for about an hour.

Vice Mayor Knox White stated curfews are a significant event and should not be taken lightly; the Alameda Police Department has been stretched, like surrounding cities; expressed support for extending the state of emergency through June 16<sup>th</sup>, allowing the City Manager to declare a curfew on a day-by-day basis based on significant upcoming dates, and a report being submitted in the morning following any curfew related actions; stated that he hopes actions will not be necessary; Council not extending to match the County curfew is a signal to not over-enforce the County curfew; the curfew decision was made too quickly with little input; more input and notification is needed prior to County actions.

Councilmember Oddie quoted Benjamin Franklin: “those who give up essential liberty to purchase little temporary safety deserve neither liberty nor safety;” noted New York implemented curfew for the first time since 1943; stated curfew decisions are not taken lightly; outlined a Supreme Court decision related to Governor Newsom’s limitation on churches; stated Alameda has ceded the authority of a public health department to the County; the City has not ceded its authority to the County on public safety; expressed concern for the Sheriff exerting authority over the City of Alameda; stated Alameda is a sovereign and Charter City, which is not subject to the County; that he is not supportive of giving up any authority to the County Sheriff; the Sheriff has a history of being heavy handed; expressed support for giving the City Manager and Police Chief temporary authority to keep the City safe; expressed concern about the matter being prone to litigation; stated Alameda only has five ways on and off the Island and is not inundated by access; expressed concern about a two-week duration; stated there will be upcoming days of protest and unrest and the declaration being extended until Sunday morning is understandable; expressed support for the staff recommendation; stated that he trusts City Officials and he is an Alamedan.

Councilmember Vella stated a number of other cities are considering various curfews and whether or not the County should have jurisdiction over cities; actions being taken are a fast-slide into fascist scenarios; expressed support for the City Manager’s implementation of the curfew; however, she is opposed to curfews; stated that there has been no explanation of why curfews are viewed as effective; the shelter in place order conflates the issue and fewer people are out; expressed concern about the number of exemptions under the curfew, namely people going to and from work; stated many people of color are terrified of being pulled over; tensions are heightened; curfew may give cause to specifically pull over people of color; a number of business owners have secured their business due to fears; Council should move from a place of data; should a curfew be imposed, it needs to be data-based with actual information; that she is frustrated Council is taking extreme steps to protect property when the conversation should be about Black Lives Matter; noted much of the unrest is due to governments failing to hold people accountable for police brutality and actions that are not just; expressed support for the declaration of emergency; stated that she does not support

further curfews; more direction and guidance needs to be provided; expressed support for knowing which factors will be looked at for enforcing curfew and for more information on how the curfew will be helpful in deterring crime; stated that she does not condone vandalism or looting; her number one concern is the safety and protection of human life; that she does not want to spend Police resources on enforcing the County Sheriff's curfew order; noted that she would like to know about citations being given and resources spent.

Councilmember Daysog stated these are historic times; the looting and mayhem in neighboring cities indicates that the City needs to be safe; expressed support for the emergency declaration until June 16<sup>th</sup> and the curfew; stated there is an opportunity to look at the curfew on a case-by-case basis; many business owners around Webster Street have concerns about activities occurring in neighboring cities and Alameda should have the flexibility to respond at a moment's notice; a curfew is a resource; the event in Minneapolis is tragic; Alameda's Police force understands how to respond to situations in a culturally appropriate manner as possible; Council owes residents the action of being as proactive as possible in allowing the curfew; noted that he would like everyone to be safe; stated the curfew can be implemented on a case-by-case basis for the right reasons.

Mayor Ezzy Ashcraft stated personal liberties are being balanced; that she has zero interest in protecting looters; that she does support peaceful protests; there have been burglaries at cannabis dispensaries in neighboring cities with one involving an armed carjacking; citizens could be hurt; personal safety of residents and local businesses must be considered; businesses and merchandise has not been prioritized over personal safety; the City is looking at allowing businesses to open again; Council is ensuring the City is safe for residents, visitors, workers and business owners; noted that she received correspondence inquiring about getting tough; stated that the City has been working very hard to keep everyone safe during the COVID-19 crisis; City officials have implored for Federal aid, but it has not been received; the decision to implement a curfew was not taken lightly; expressed support for the curfew being as brief as possible; expressed support for Vice Mayor Knox White's comments and for peaceful protests.

The City Manager stated the factors considered in deciding the curfew were: 1) Council was set to meet in two days, 2) vandalism was occurring in surrounding cities, Targets in Alameda was a potential site for looting, and 3) other surrounding cities were implementing curfews; the decision was difficult to make; liberties are the foundation of the country; the declaration of emergency is needed in the event more public safety resources are needed and allows the City to document needs for reimbursement from the federal government through the County; the Council could not provide authority to implement curfew or limit the City Manager to implement a curfew for more than two days.

Councilmember Vella inquired how the curfew will create more safety and how those travelling under the exemption will be encountered safely; stated that she would like

actions taken to ensure no hassle, detainment, or citations occur; the decision to cede authority to three unelected people is a major decision; inquired whether a special City Council meeting may be held in one week to discuss extending the declaration of emergency.

Mayor Ezzy Ashcraft stated there is a Council Referral on the agenda for the regular meeting related to special meetings; inquired who is likely to be pulled over during a curfew order.

The Police Chief responded matters encountered in the past couple months have been uncharted territory; stated the current matter is also uncharted territory; this is the first occurrence of a curfew in his 31 year career; everyone is still learning how to handle situations; civil unrest has occurred prior, but not to the current extent; much of the activity dropped when the curfew was implemented; his role is to provide public safety for people and property in Alameda, which will continue with or without curfew orders; the Police Department always tries to do the right thing and practice constitutionally sound policing, which includes not profiling and not violating civil rights; noted tickets have not been written since the curfew has been issued; only a couple of citations have been issued based on the County Health Order; stated education and compliance with the order is the primary goal; fewer calls and fewer cars on the road assists with response times, but does not prevent crimes; stated a curfew will not prevent crime, but crime may be reduced due to the curfew.

Vice Mayor Knox White inquired whether an emergency urgency ordinance meeting would require 24-hour notice.

The City Attorney responded there are two ways to discuss an emergency ordinance: 1) a 24-hour notice, or 2) a one-hour notice with enough severity; stated both instances must be found to have serious public health and safety concerns which require Council to meet under the circumstances.

Vice Mayor Knox White expressed support for adding special meetings later in the week on Thursday and possibly Friday to have an hour of space reserved to discuss a potential curfew; stated the meetings can be cancelled if needed; noted Thursday is the next likely day for a curfew order; stated that he is not confident the County has authority and would prefer the City of Alameda and Council to take action; Council should proactively solve concerns.

Mayor Ezzy Ashcraft inquired what would be accomplished by a special meeting should the County curfew order remain in effect until Friday at 5:00 a.m.

The City Attorney responded Council could call an emergency meeting with 24-hour or one-hour notice; stated should Council wish to schedule an emergency meeting, it will be helpful for staff to provide emergency basis to justify the calling of an emergency meeting; time may be reserved if there is not enough factual basis at this time to call an emergency meeting within 48-hours.

Vice Mayor Knox White inquired whether the discussion of the curfew could be continued to a date and time specific, on Thursday.

The City Attorney responded in the affirmative; stated the item may be continued to a time certain.

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(20- ) Vice Mayor Knox White moved approval of adding an extra minute of speaking time.

Councilmember Oddie seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

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Councilmember Vella inquired the actions Council may take to challenge the authority of the County Sheriff to implement a curfew.

The City Attorney responded Council could agendaize the item as soon as possible for Council to direct the Attorney's office to take legal action.

Mayor Ezzy Ashcraft requested clarification whether the inquiry is in relation to the curfew in place until Friday morning, or an extended curfew.

Councilmember Vella responded if Council votes not to extend the curfew and not recognize the existing curfew.

The City Attorney stated Council may take a vote to convene in closed session and discuss the potential initiation of litigation.

Councilmember Oddie expressed support; stated there is still fear among people of color doing day-to-day things; expressed concern about what can be relayed to people to help the fear of untoward thing happening; stated emotions are heightened and a strong law enforcement policy is being implemented; questioned what he should tell people of color driving in the City after 8:00 p.m. to help navigate being pulled over.

The Police Chief responded valid concerns can be discussed; stated it does not matter what is said, what matters is what is done; the Alameda Police Department has not been involved in a shooting in 15 years; outlined calls and arrests made per year; stated there has been less than 1% of excessive use of force per year; the Department is not perfect and mistakes will be made, but things are being done right; things that are wrong, will be fixed.

Councilmember Oddie stated people need to stop calling police on people of color for engaging in regular activities.



Mayor Ezzy Ashcraft inquired whether Council would like to call a special meeting to possibly bring litigation and should the City Manager have narrow direction; stated Thursday and possibly Friday will be pivotal days; noted the County curfew extends until Friday morning; inquired whether a special meeting could be considered if the current curfew is extended.

Councilmember Oddie inquired whether the curfew is for five days, with the discretion to go to seven days.

Mayor Ezzy Ashcraft responded the County curfew is in effect until 5:00 a.m. Friday, June 5<sup>th</sup> unless rescinded earlier.

The City Manager stated that he understands the order to be in effect until 5:00 a.m. Friday; other cities have a curfew through June 8<sup>th</sup>.

The Assistant City Manager stated the curfew order has been attached to the staff report; outlined the order: "the order shall remain in effect until June 5<sup>th</sup> at 5:00 a.m. or unless rescinded earlier due to restoration of public order and safety."

Vice Mayor Knox White stated the County Sheriff took the authority and used it; noted the order could be extended at the Sheriff's will.

Mayor Ezzy Ashcraft inquired whether Council could state a special meeting would be called if the County order is extended.

Vice Mayor Knox White moved approval of declaring a state of emergency for the next two weeks; granting staff the ability to identify two additional days for curfews; should more than two days be engaged, an emergency Council meeting would be called; deprioritizing enforcement of the County's curfew unless the City has declared a curfew in the City; stated the state of emergency allows the City to collect needed funds from costs incurred.

In response to Mayor Ezzy Ashcraft's inquiry regarding the additional two days, Vice Mayor Knox White stated the memorial service is on Thursday and the funeral is in Houston on June 9<sup>th</sup>; City and regional Officers have stretched resources; the end goal is not to prove the City should have done something; expressed support for the City Manager and Police Chief taking the decision seriously.

The City Manager requested clarification that the extension would be no more than two days cumulatively, to which Vice Mayor Knox White responded in the affirmative.

Mayor Ezzy Ashcraft inquired whether Council consideration would not be needed, to which the City Manager responded in the affirmative.

Councilmember Daysog inquired whether the motion means that the current curfew ends Friday morning at 5:00 a.m. and could be extended for two cumulative days.

The City Manager stated the City's curfew ends Wednesday morning at 5:00 a.m.; should a curfew be ordered Wednesday and Thursday, the authority to enact another curfew would cease until returning back to Council.

Councilmember Daysog expressed support for the motion.

Councilmember Oddie seconded the motion and requested a friendly amendment of the curfew being until Thursday or Friday morning when the County order expires to give the City Manager discretion; stated that he would want Council to discuss any actions taken after Friday morning; expressed concern about an "open season" on Alameda with no curfew while the County curfew is still in effect.

Under discussion, Councilmember Vella requested the motion be bifurcated; expressed support for deprioritizing stops when a curfew is not active in Alameda and the emergency declaration.

Vice Mayor Knox White accepted the request to bifurcate the motion.

The City Clerk stated the urgency ordinance both declares the emergency and has curfew language; noted the curfew language is in the ordinance, which requires one motion.

Councilmember Vella stated enforcement should be deprioritized only if under a County curfew with no City curfew.

Councilmember Daysog expressed concern about the need to coordinate with the County on a variety of items related to public safety and for things not being easy; stated that he would support a positive phrase.

The City Manager stated that he understands the direction on the emergency declaration, but that is unclear on the number of allowed curfew days.

Vice Mayor Knox White stated Council is ratifying Section 4: "The City Manager's June 1<sup>st</sup> curfew order is ratified, Council extends the curfew until June 3<sup>rd</sup> 5:00 a.m.;" inquired whether there can be a separate vote on Council giving authority as a second ordinance.

The City Attorney responded the curfew language should be voted on first to indicate consensus on curfew details, followed by an overall vote on the ordinance with curfew language removed should there not be consensus.

The City Manager stated two Councilmembers are questioning whether the vote could be split by taking the curfew out of the ordinance to vote, and then a vote to amend the

ordinance without the curfew language allowing a second vote adding the curfew language.

Vice Mayor Knox White amended the motion to approve the emergency declaration as-written, allowing the current curfew to extend through 5:00 a.m. tomorrow.

Councilmember Oddie inquired whether Section 4 of the ordinance will have a period after "City Council," to which Vice Mayor Knox White responded in the affirmative.

Councilmember Oddie seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Vice Mayor Knox White moved approval of amending the ordinance to provide the City Manager with the authority to institute no more than two nights of curfew from 8:00 p.m. to 5:00 a.m. during the extent of the state of emergency.

Councilmember Daysog seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether the two days are consecutive or any, to which Vice Mayor Knox White responded any two days, consecutive or not.

Councilmember Oddie requested the motion be amended adding the following: unless there is further authorization from the Council.

Vice Mayor Knox White and Councilmember Daysog accepted the amendment.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: No; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

Councilmember Vella moved approval of Police prioritizing and enforcing non-curfew related incidents and reports when there is no City of Alameda curfew in place.

Vice Mayor Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether the motion is within the authority of Council.

The City Attorney responded Council provides overall policy direction and the Police Chief undertakes his enforcement duties consistent with his obligations under State and local law; recommended Council's policy preference would be that the City prioritizes use of resources to enforce laws other than the County's curfew order to the extent reasonable; use of resources would allow for that, consistent with the Police Chief's law enforcement discretion.

Councilmember Vella and Vice Mayor Knox White amended the motion to the City Attorney's recommendation.

Councilmember Daysog requested a friendly amendment to the motion as follows: unless there is a call for mutual aid, when Alameda Police will travel outside of Alameda; stated the current motion does not allow for mutual aid to be given.

Councilmember Vella stated a call for mutual aid could still be responded to; expressed support for prioritization of responding to non-curfew related calls in Alameda and for resources being spent on responding to other reports; the motion does not include a request for mutual aid.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Councilmember Oddie moved approval of scheduling a special closed session to discuss legal issues regarding the County Sheriff's order.

Councilmember Vella seconded the motion.

Under discussion, the City Attorney stated Council may direct staff to initiate litigation; however, the soonest staff can initiate is tomorrow; the curfew order expires on Friday; the timing for the special closed session meeting is unclear.

Councilmember Oddie stated that he hopes the order is removed by next week; it is possible the City can join in other cities challenges.

Mayor Ezzy Ashcraft stated that she would like to remain mindful of the amount of work City staff is juggling; the motion is significant; preparing for a special closed session tomorrow would create a lot of work.

Councilmember Oddie amended the motion to approve the special closed session be scheduled Thursday.

Councilmember Vella accepted the motion amendment.

Councilmember Daysog stated now is not the time to go after the County Sheriff; Council must work with the Sheriff through mutual aid and the motion counters said approach; he does not support the motion.

Mayor Ezzy Ashcraft stated that she would like to wait and see what happens after the significant dates occur; expressed concern about blanket orders; having a closed session this week is too soon.

Vice Mayor Knox White stated that he is willing to schedule a closed session should the current curfew go beyond Friday at 5:00 a.m. with the idea that the meeting could be cancelled should the curfew not be extended; staff resources should not be strained into a conversation at the time of significant events; expressed support for discussing the item in two weeks at the next closed session.

Councilmember Oddie stated that he is willing to agree to schedule the closed session Thursday if the Sheriff order is extended for any length of time; this is a constitutional issue; conducting the discussion will be good.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

### ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 9:11 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- - JUNE 2, 2020 - -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 9:21 p.m.

ROLL CALL - Present: Councilmembers Daysog, Knox White, Oddie, Vella, and Mayor Ezzy Ashcraft – 5. [Note: The meeting was conducted via Zoom.]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(20-363) Proclamation Declaring the Month of June 2020 as Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month.

(20-364) Proclamation Declaring the Month of June 2020 as Elder Abuse Awareness Month.

(20-365) Mayor Ezzy Ashcraft read a proclamation declaring June 2, 2020 as Rosemary Carol Riley Day.

ORAL COMMUNICATIONS, NON-AGENDA

(20-366) The Police Chief discussed a social media post with a video depicting Alameda Police Officers attempting to detain an African American citizen;.

The following public comment was read into the record:

(20-367) Janet Gibson, Alameda, discussed the Great Plates Delivered program operations in Alameda and Alameda County.

CONSENT CALENDAR

The City Clerk announced the resolution amending the salary schedule for part-time classifications [paragraph no. 20-371] has been removed from the Consent Calendar for discussion.

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

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and

Mayor Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*20-368) Minutes of the Special and Regular City Council Meetings Held on May 5, 2020. Approved.

(\*20-369) Ratified bills in the amount of \$2,742,928.36.

(\*20-370) Resolution No. 15655, "Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000 for the Alameda Library." Adopted.

(20-371) Resolution No. 15656, "Amending the Salary Schedule for Part-Time Classifications Effective June 7, 2020 to Reflect Changes to the City of Alameda Minimum Wage and to Maintain Adequate Differentials Between Part-Time Job Categories." Adopted.

Urged an understanding of consequences of the resolution based on the City's treasury; stated raising the minimum salary to \$15 has become an opportunity to raise all salaries for City employees: Jay Garfinkle, Alameda.

The Human Resources Director stated the majority of costs, \$150,000, comes from raising the minimum wage; compaction with other positions has been reviewed; some salaries are being moved and adjusted; not all positions will receive a salary increase; there have been adjustments to salary bands; the increases to Recreation and Parks Department positions will only occur should work be available.

Councilmember Oddie moved approval of the staff recommendation.

Vice Mayor Knox White seconded the motion.

Under discussion, Councilmember Daysog stated the compaction impacts seem high; inquired whether the increases were calculated on a pro-rated basis and how the differential has been calculated.

The Human Resources Director responded staff looked at keeping the salary ranges aligned; stated staff has performed several minimum wage increases without many adjustments to other salary ranges; there needed to be adjustments; there is an expense should all increases be provided.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(\*20-372) Resolution No. 15657, "Authorizing the Commencement of Proceedings for the Formation of a Community Facilities District (CFD), Designating Consultants, Approving a Deposit/Reimbursement Agreement, and Authorizing and Directing Certain Related Actions For the Alameda Marina Project." Adopted.

### REGULAR AGENDA ITEMS

(20-373) Public Hearing to Consider an Amendment to the Fiscal Year 2019-20 Community Development Block Grant Action Plan and Authorize the City Manager to Negotiate and Execute Related Documents, Agreements and Modifications.

The Housing Authority Management Analyst gave a brief presentation.

The Community Development Director noted proposed providers from Building Futures, Family Law Center and the Food Bank are available.

Vice Mayor Knox White inquired what assumes an impact has been made to an applicant's salary; stated that he is unclear whether the salary is being used to determine whether an applicant is above or under the Area Median Income (AMI) due to COVID-19; requested clarification of the intention.

The Housing Authority Management Analyst responded for CDBG purposes, the income is at the time of receiving the benefit, which is post-COVID; stated pre-COVID status will be reviewed to verify there is a significant change or substantial loss of income.

Mayor Ezzy Ashcraft inquired how the funds for rent relief work with the funds being raised and allocated in the community fund, Alameda Strong; stated the rent money will be paid directly to the landlord up to \$3,500; inquired whether the programs are parallel.

The Housing Authority Management Analyst responded rather than advertising two separate programs, consistent messaging will be used with a single portal and application, which will be processed and administered on the back-end; stated those that do not qualify for CDBG funds can be referred to the Alameda Strong program; the process for applicants will be seamless and the end goal is to ensure the tenant gets their rent paid.

Mayor Ezzy Ashcraft inquired whether or not there would be duplications in payment from both Alameda Strong and rent relief, to which the Housing Authority Management Analyst responded in the affirmative.

Mayor Ezzy Ashcraft stated the number of domestic violence calls for the month of April 2020 had increased 41.5% over April 2019; noted those booked for domestic violence are not detained due to COVID shelter in place orders and are allowed to return to the same residence; stated the emergency shelter program is important.



The Community Development Director stated that she would like to ensure the motion includes the request for Council to appropriate funds for Fiscal Year (FY) 2019-20 to allow funds to be spent.

Councilmember Oddie moved approval of the staff recommendation, with the appropriation of the money in FY 2019-20.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(20-374) Recommendation to Consider Providing Direction to City Staff to Draft Charter Amendment Related to Article 26 (Measure A). (City Council Subcommittee)

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(20-375) Vice Mayor Knox White moved approval of not counting the minutes of the subcommittee presentation time against the 9 minutes of Council speaking time.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

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Mayor Ezzy Ashcraft and Councilmember Oddie gave a presentation.

The Planning, Building and Transportation Director stated staff supports the Subcommittee recommendation; it is time for the voters of Alameda to be given the opportunity to answer the question about building multi-family housing; the State density bonus has allowed for multi-family housing to be built; based on Council's affordable housing, climate action, and transportation goals, staff has found the portion of the Charter to run contrary to everything attempting to be accomplished; given the challenges faced in 2020 and the challenges needing to be addressed going forward, the question posed should ask whether this is good for Alameda; the issue has been discussed as part of every housing project that comes through the system.

Councilmember Oddie inquired the practical impacts on affordable housing and other neighborhoods of repealing Section 26-1.

The Planning, Building and Transportation Director responded Section 26-1 is in the City Charter; stated the multi-family prohibition is also throughout the zoning ordinance; if Alameda voters agree to remove the Section from the Charter, then, from a practical perspective, nothing changes until the Planning Board and City Council take action to amend the zoning code where necessary to allow multi-family housing; large property in Alameda can use State law to circumvent Measure A through a waiver that provides a density bonus; a parcel of 10,000 square feet or less in Alameda, within a multi-family zoning district, does not allow for anything larger than a duplex to be built; staff will

begin to look at multi-family zoning districts and allowing people to create a second or third unit; staff anticipates fewer density bonus projects moving forward should the repeal occur; currently, every major project has used the density bonus process as a way to get around multi-family prohibitions; every project has additional market-rate units and the percentage of affordable units goes down as a result; developers are invoking State density bonus to get a waiver for the multi-family prohibition and defaulting into a 20% larger project; the City has been unable to get a Housing Element certified for 20 years due to Measure A; the first Housing Element was certified in 2012 due to great effort by the Planning Board and City Council; there are new guidelines for housing in 2020; the repeal will help the City in the long-run.

Mayor Ezzy Ashcraft expressed support for the ability to gain more grant funds; stated Alameda is trying to do the right thing.

Councilmember Vella inquired how much time is needed for the Environmental Impact Review (EIR).

The Planning, Building and Transportation Director responded the EIR is required when zoning amendments are conducted; stated zoning amendments allow changes to individual pieces of property; zoning is already in place the removal of Measure A from the Charter does not change environmental conditions; should the voters remove Measure A from the Charter, there is no change to what can be done on the property, the subsequent zoning amendments are what will change actions; multi-family housing will not be allowed everywhere in the City; appropriate places will be chosen; a typical EIR takes six to nine months.

Urged Council to place a full repeal of Article 26 on the November ballot; stated Article 26 and the ban on multi-family housing has a racist impact; discussed a letter submitted outlining the history of Article 26; stated the policy is important in creating racial and economic equity in the community: Grover Wehman-Brown, East Bay Housing Organizations.

Discussed his experience as a member of the Alameda Planning Board; stated that he is familiar with Article 26 and its impacts on residential development; urged Council to place an amendment striking Article 26 from the Charter on the November ballot; provided three reasons to strike the Article: 1) it is inappropriate to codify something more appropriately placed in the zoning ordinance, 2) Alameda and the State are in the midst of a housing crisis, and 3) the nation is in the midst of tremendous turmoil, specifically around the issues of State violence against black citizens: David Burton, Alameda.

Urged Council to support the delay of Section 26-3 until 2022; stated any revision of Article 26 should be part of a larger, well-analyzed planning process to determine the changes needed to the City's development rules; expressed support for repeal of Section 26-1; stated the General Plan revision and Housing Element update needs to

occur before any ballot measure: Chris Buckley, Alameda Architectural Preservation Society (AAPS).

The following public comment was read into the record:

Urged Council to defer any further consideration of repeal or modification of Article 26 until after the restrictions related to COVID-19 are reduced; stated any consideration of changes to Measure A should be deferred until part of the City's comprehensive planning process: Dolores Kelleher and Floyd Brown, Alameda.

Urged Council to reschedule the discussion of changes to Measure A to allow citizens to address Council in person; discussed the pandemic; noted there is a County-wide curfew in place; stated discussion and input should precede any City Council action regarding Measure A: Elizabeth Tuckwell, Alameda.

Urged Council to support the delay of Section 26-3 until 2022; stated the delay will allow the Council and community to complete a planning and environmental review process prior to crafting a ballot measure; placing the repeal of Section 26-1 on the November 2020 ballot is premature: Karen Lithgow, AAPS.

Urged Council to delay an election on a Charter Amendment eliminating Article 26; stated now is not the time to alter Article 26 due to pandemic, civil unrest, and economic downturn; the matter is significant and should not be considered without public attention and open discussion: Elizabeth Greene, Alameda.

Expressed concern about the focus on removing Measure A; discussed population density and quality of life; stated Alameda is an Island; urged Council to keep Measure A: Maria Perales, Alameda.

Urged Council to not take action to revise Article 26; stated the issues are complex and the process is not democratic at this time due to shelter in place and other issues; the Housing Element has been certified by the State to meet housing needs until 2023; a revision to Article 26 is not time-sensitive: Pat Lamborn, Alameda.

Stated now is a time to exercise patience; involving members of the community in discussion is part of public duty; urged Council to be prudent, thoughtful and democratic; stated the matter is too important to rush a conclusion: Gretchen Lipow, Alameda.

Stated it is inappropriate to ask citizens to consider changes to the development guidelines without presenting a thorough review and public discussion related to the impact and consequences of the changes; consideration of changes does not need to happen immediately; urged Council to postpone any decision on the matter until in-person attendance of Council meetings: Steve Aced, Alameda.

Stated removal of Article 26 is long overdue; discussed institutionalized racism in housing; urged Council to consider putting both Sections 26-1 and 26-3 before voters in November 2020: Laura Thomas, Renewed Hope Housing Advocates.

Stated there is no need to rush the matter; expressed concern about changes to Measure A; stated Mare Island is beautiful; urged no changes to Measure A and not having the matter on the November 2020 ballot: Ann Quintell, Alameda.

Urged Council to delay discussions on Article 26 until the 2022 election; stated voters cannot engage with the public and the matter is important; the City has met the State housing quota until 2023; there should be no rush to make a permanent decision: Patsy Baer, Alameda.

Urged Council to postpone an election to eliminate Article 26 until a full and robust discussion can be openly conducted; discussed the impacts of the pandemic affecting housing; stated there are projects which a carbon negative: Birgitt Evans, Alameda.

Expressed support for removal of Article 26 being placed on the November 2020 ballot; stated Article 26 is in conflict with State law and regional housing objectives; historic homes are protected; urged real solutions to the housing crisis be found; stated all housing policies should exist in the Alameda Municipal Code, not the City Charter: Zac Bowling, Alameda.

Urged Council to draft ballot measures to repeal Sections 26-1 and 26-3; stated there has been economic uncertainty and a housing crisis; racial injustice cannot be remedied without creating more affordable housing; bringing the matter to the voters will be democratic and allow public participation; COVID-19 is not a reason to postpone: Jono Soglin, Alameda.

Stated businesses will not move to Alameda if jobs are in nearby cities; urged Council to make Alameda business friendly; changing Measure A will not achieve a desired end goal: Jim Strehlow, Alameda.

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(20-376) Councilmember Oddie moved approval of discussing the remaining items on the agenda and concluding by 11:55 p.m.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

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Councilmember Daysog stated Measure A, especially Sections 26-1 and 26-3, is urban planning by sledgehammer; Measure A is still needed; outlined the history of Measure A; noted Measure A was put together by residents to preserve the built environment; stated the City of Alameda has become a more diverse place than before Measure A

was put into place; African Americans were 2.6% of Alameda in 1970, 4.2% in 1980, 6.7% in 1990, 6.2% in 2000 due to the closure of the Base; 6.4% in 2010, and 7.1% in 2020; the amount of African Americans has increased since Measure A; Measure A has not stopped the increase of racial and ethnic minorities; noted Alameda has a higher percentage of African American population than San Francisco; stated apartments are still being built with Measure A; the Housing Element had finally been approved by the State; expressed support for keeping Sections 26-1 and 26-3 as an effort to preserve Alameda history and to build wisely in the future; stated the matter is not simple; previous effort by the people put Section 26-1 on the ballot; any changes to either Section should be processed at the same level of effort and not as an abuse of power by the Council; even with Measure A, the City has become a stronger and more diverse place than before; there is no reason to undo Measure A; Alameda has limited space and inadequate street infrastructure; the discussion is valuable.

Councilmember Oddie stated it is important to not impugn motives; it is impossible to circulate petitions at this time; preserving heritage is the battle cry of the confederacy; expressed concern about meeting noticing due to COVID; stated the matter was placed on a regular meeting in order to have adequate notice; he has learned to empathize and discovered a lack of trust; the proposal allows Council to build more trust; noted a long planning process would be needed if Council could be allowed to repeal Section 26-3; expressed support for going through the planning process, building Council trust, resulting in an item placed on the ballot that passes; stated there is still time; the current meeting allows Council to request staff bring back ballot language; expressed support for hearing arguments for repealing Section 26-1; stated there is a fundamental unfairness for properties purchased before and after Measure A; the affordable housing percentage will increase without Section 26-1; expressed support for guidelines with the planning process; stated the matter has had a disparate racial impact and the intent was to reduce economic diversity; economic diversity has been lost with the rent crisis; expressed support for discussing the item in an open, fair and civil way to engender trust and reduce division.

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(20-377) Due to technical difficulties, the meeting was recessed at 11:01 p.m. and reconvened at 11:10 p.m.

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Councilmember Vella stated that she would like to know the plan for meaningful community engagement; there have been a number of difficulties with technology and a number of residents are part of the digital divide and do not receive information; many community members do not know when meetings occur; she does not think Section 26-1 is controversial; there are many people on both sides of the matter that see no issue with Section 26-1; a lot of work needs to be done on Section 26-3; expressed support for any work being done in a manner that is engaging, welcoming and informational; many people of color do not know about meetings and their voices are not being heard; expressed support for having a process for meetings and conversations about an EIR and any legal challenges which may arise; stated that she would like to understand the

costs of legal challenges to City-sponsored ballot measures and to ensure the matter stands up to superficial legal challenges; expressed concern about having Charter amendment conversations at special meetings with less notice; stated that she is the one Councilmember that was not able to participate in a subcommittee; expressed support for clarifying motions; stated that she is not trusting of the process; that she would like to know the plan, when meetings will occur, who will be involved and how groups are being informed of the process and decisions; changes to the Charter are important; in the midst of a pandemic, most decisions should follow a process and timeline.

Vice Mayor Knox White stated that he has been engaged in the matter for 18 years and has heard from both sides; the pandemic is a public health crisis that has a housing connection; a number of letters received suggest a pause until housing is an issue again; many housing issues need to be addressed and fixed; there is an opportunity to place the matter before the largest voting blocks in Alameda history; allowing as many people as possible to weigh-in on the issue is transparent; many important decisions will be voted on in the November 2020 election; stated one of the highlights from the Color of Law is related to density and use of density to impact housing; should Section 26-1 be repealed and Section 26-3 not be repealed, the piece of the law put in place to make it difficult to build housing would remain; it is more important to repeal Section 26-3 than Section 26-1 to impact housing; that he is not willing to support spot zoning; expressed support for removing zoning sledgehammers from the Charter, engaging the public in the planning process, considering a full repeal of Article 26 on the November ballot.

Mayor Ezzy Ashcraft stated that she would like full Council support to move forward in removing Section 26-1; an outright ban on multi-family housing does not belong in the Charter; expressed support for needing a robust discussion; noted the discussion has been persistent for 20 years; stated the pandemic has shown how horrendous the housing crisis is; expressed concern about the abuse of power statement; stated as a matter of perception, use of power could be dereliction of duty; she takes her role as Mayor very seriously; this is a pivotal time in history; Council has the power to do something better; people do have the chance to engage in the public process; the matter is time-sensitive; housing is a human right; the previous vote for Measure A had been misguided and has had an impact on the City; expressed support for not letting perfect be the enemy of good; stated modifications should be bifurcated; messages need to be made simple and straightforward; the opportunity to vote on the matter should be provided; outside walking tours with social distancing will eventually be available; expressed support for taking Section 26-3 out of the Charter; questioned what Section 26-3 will be replaced with in zoning ordinances; stated the process will not happen overnight; stated Section 26-1 does not belong in the Charter; Council will be directing staff to return to Council with potential ballot language; expressed support for a measure repealing Section 26-1.

Councilmember Oddie moved approval of adding a measure to repeal of Section 26-1 to the November 2020 ballot.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

Vice Mayor Knox White moved approval of directing staff to remove Sections 26-2 and 26-3 from the City Charter.

There being no second, Vice Mayor Knox White rescinded the motion.

Mayor Ezzy Ashcraft stated Council has directed staff to place ballot language repealing Section 26-1 before the people in November 2020.

Councilmember Oddie inquired whether Section 26-2 is needed if Article 26-1 be repealed; stated that he understood Section 26-2 relates to Section 26-1 not Section 26-3; Section 26-2 exempts the Housing Authority from Section 26-1.

The Planning, Building and Transportation Director responded staff will return and advise Council whether or not Section 26-2 should stay; further analysis will be conducted to understand whether Section 26-2 should remain if Section 26-3 be kept.

(20-378) Recommendation to Consider Providing Direction to Staff to Prepare Charter Amendment Ballot Measure(s) and Potentially Determine the Election Dates when the Measure(s) will be on the Ballot.

The City Clerk gave a brief presentation.

Vice Mayor Knox White inquired whether Council is able to place items on the 2022 ballot or would the matter fall under another Council purview.

The City Clerk responded the provided elections date options are for information and to relay timing; stated if the Council pay item is placed on the 2022 ballot, the implementation date would change.

Vice Mayor Knox White stated that he wants to ensure clarity for the current Council's ability to place things on the 2020 ballot; inquired whether changing his or her to they/their has been considered for Section 2-16 under gender neutral references to allow the descriptors to be fully de-gendered.

The City Attorney responded Council could direct a measure be placed on a future election date; however, any future Council would have the right to withdraw the measure; staff in the Attorney's office is willing to take direction related to terms used in de-gendering.

The City Clerk responded the language in the staff report is language that is currently in the Charter, not proposed language.

Councilmember Vella inquired whether a hold for an agenda item will be placed for future Council to either affirm, amend or deny the ballot measure, should any be placed on future election dates.

The City Attorney responded there is no legal requirement to offer an agenda item to a new Council; staff can perform the request if desired or the new Council can direct staff to bring an item forward.

Councilmember Vella inquired whether Council can indicate the item is currently being declined, but request to have the item return.

The City Attorney responded Council may choose to not take action and direct staff to bring the item back at a date specific.

Councilmember Oddie inquired the reason Section 22-7 and 22-8 are included; questioned whether the item is related to Council pay.

The City Clerk responded the Sections were selected as general cleanup; noted per-diem amounts are set by the State and hours listed in Section 22-8 are not what the set City hours have been.

Councilmember Vella expressed support for bifurcating the discussion; expressed support for moving cleanup language forward; suggestion Council to take a vote on each item.

Mayor Ezzy Ashcraft inquired whether each item could be taken as: A [Cleanup], B [City Prosecutor], C [Council pay], D [Section 7-3], and E [Article 26], to which the City Clerk responded in the affirmative; stated E was the previous agenda item and has been addressed.

Vice Mayor Knox White moved approval of directing staff to return with language for section A, cleanup language, for the November 2020 ballot, with the direction to use "they and their."

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Vella stated that she would like to ensure to include removal of "his/her" terms.

Councilmember Oddie expressed support for staff to use the Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ) caucus at the League of Cities' model language for gender neutral language samples.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.



Councilmember Oddie moved approval of directing staff to bring back ballot language for the City Prosecutor and to add language related to the discretion of the City Prosecutor.

The City Attorney stated the correspondence indicates the current language requires the City Attorney to prosecute all local law violations; noted proposed language would add State Law violations; stated the correspondence suggests adding the phrase: “exercise the prosecutorial discretion” due to the requirement of federal and State constitutional law.

Vice Mayor Knox White seconded the motion.

Under discussion, Councilmember Vella stated it would be helpful for the public to have clarity related to the change; she would like clarification whether additional funding for the position will be needed; she has received questions asking why the City would prosecute versus the District Attorney.

The City Attorney stated the existing City Charter can be read as authorizing or requiring the City Attorney to prosecute all local law violations; the proposed language would authorize the City Attorney to prosecute State law violations; earlier last year, Council authorized the City Attorney’s Office to engage in the activity with the consent of the District Attorney; the intent of the ballot language is to memorialize the authorization to the extent the consent of the District Attorney is withdrawn; staff does not anticipate a need for additional staffing to do work which is already being undertaken.

Councilmember Vella stated the item will need a robust communication plan with the community; many people do not understand the matter; engaging and informing the community will be difficult.

Councilmember Oddie inquired whether the Council should also decide which items will be put together.

The City Clerk responded in the affirmative; provided an example of combining the cleanup language, with Council pay or City Prosecutor.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Regarding Council pay, Councilmember Daysog stated the Subcommittee recommended staff return to Council with a discreet number; there have been concerns from residents; that he would not benefit from this matter and would only accept the current rate of pay; Council pay is earned based on the amount of work; expressed concern about the November 2020 ballot being loaded.

Vice Mayor Knox White moved approval of having the item return later in the summer to place on the ballot in 2022.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Abstain; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Abstention: 1.

The City Clerk stated Council has provided previous direction to add the Mayor into the language related to Council interference.

Vice Mayor Knox White moved approval of placing the item on the 2020 ballot.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Vella inquired whether Councilmember Daysog's request for a discreet number on Council pay was been part of the motion or whether staff will provide alternatives.

Vice Mayor Knox White responded staff may present alternatives.

Councilmember Daysog stated that he will support the motion.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

The City Attorney requested direction be provided whether Council desires each ballot item to remain separate or combined specifically.

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(20-379) Vice Mayor Knox White moved approval of allowing 15 more minutes for discussion.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

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Mayor Ezzy Ashcraft expressed support for Section 7-3 and the City Prosecutor matters to stand alone as a ballot items.

Councilmember Daysog moved approval of keeping the items separate on the ballot.

Vice Mayor Knox White seconded the motion, with the following amendment that A [cleanup] and B [City prosecutor] be combined, and D [Section 7-3] and E [Article 26] be stand alone.

Councilmember Daysog accepted the amendment to the motion.

Under discussion, Councilmember Vella requested clarification of each item being combined and the letters represented.

Mayor Ezzy Ashcraft requested the motion be restated.

Councilmember Daysog moved approval of combining A and B as one set of ballot measures, and D and E will standalone.

Vice Mayor Knox White seconded the motion.

Under discussion, Councilmember Oddie stated that he supports combining all as long as E is standalone.

Vice Mayor Knox White expressed support for the proposal.

Councilmember Vella stated all should be separate if not combined.

Councilmember Oddie expressed support for having two initiatives; stated the items are cleanup.

Vice Mayor Knox White stated A, B and D are all cleanup language; E should not be connected with anything else and should be standalone.

Councilmember Daysog expressed support.

Councilmember Vella expressed support.

Councilmember Daysog made a substitute motion to move approval of items A, B and D being combined and E being separate.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(20-380) Resolution No. 15658, "Approving a City Council Handbook and Code of Conduct." Adopted.

The City Manager gave a brief presentation.

Councilmember Oddie stated the City Clerk has traditionally been the Parliamentarian.

Mayor Ezzy Ashcraft inquired whether the City Clerk is willing to continue the role, to which the City Clerk responded in the affirmative.

Vice Mayor Knox White moved approval of the staff recommendation.

Councilmember Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft outlined a Section on page 6 related to effective problem solving.

Councilmember Oddie inquired whether the motion includes Council comments, to which Mayor Ezzy Ashcraft responded in the affirmative.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

#### CITY MANAGER COMMUNICATIONS

(20-381) The City Manager stated the Slow Streets program has expanded into Phase 2; COVID testing sites are being looked into for Alameda; the current activity level is low with no incidents.

#### ORAL COMMUNICATIONS, NON-AGENDA

(20-382) Katherine Allen, Alameda, inquired about laws giving citizens the ability to protect themselves and their property against those in violation of the law.

#### COUNCIL REFERRALS

(20-383) Consider Amending Sunshine Ordinance Section 2-91.4 (f) Pertaining to Special Meetings. (Councilmember Vella)

Councilmember Vella made brief comments on the referral.

Mayor Ezzy Ashcraft expressed support for staff or the City Attorney to look into the item and bring back information for Council consideration; stated that she is unclear what is being asked of the Open Government Commission (OGC).

Councilmember Vella stated the OGC is looking at the Sunshine Ordinance; expressed support for staff looking into different possible noticing requirements; direction provided could be simple; Charter discussions would either require 10 day notice or be announced at a regularly agendized meeting.

Mayor Ezzy Ashcraft stated more nuances need to be addressed.

The Chief Assistant City Attorney stated staff can either have the discussion with the OGC first or staff can bring proposed language back to Council to address Councilmember Vella's concerns.

Mayor Ezzy Ashcraft stated the allotted time for Council discussion has passed.

Vice Mayor Knox White moved approval of continuing the matter to the next Council meeting.

Councilmember Oddie expressed support for the item being placed at the beginning of the next meeting.

Vice Mayor Knox White expressed support.

Councilmember Oddie seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether a Council Referral may be placed at the beginning of an agenda.

The City Attorney stated Council may continue the item to 6:59 p.m. at the next Council meeting.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

#### COUNCIL COMMUNICATIONS

None.

#### ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:15 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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