

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - SEPTEMBER 1, 2020- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:33 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

(20-557) Councilmember Oddie requested the Coronavirus Relief Funds [paragraph no. 20-580] and the Grant Program [paragraph no. 20-581] matters be combined.

There was no objection from Councilmembers.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(20-558) Alexia Arocha, Alameda, expressed concern about the lack of transparency in the process related to the community led subcommittees; stated there has been no way to know the amount of community input based on how entries were solicited; expressed concern about the lack of criteria; discussed Police shootings; urged Council to defund the Police and reroute funding to other services.

(20-559) Nexus, Alameda, discussed homeless encampments increasing in size, being environmentally unsanitary and being unsafe; urged Council to provide a plan to eliminate and reduce waste.

CONSENT CALENDAR

Councilmember Daysog requested the on-call architectural services contracts [paragraph no. 20-571] be removed from the Consent Calendar for discussion.

Mayor Ezzy Ashcraft requested the Otis Drive safety improvement contract [paragraph no. 20-572] be removed from the Consent Calendar for discussion.

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

Councilmember Oddie seconded the motion, which carried by 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.]

(*20-560) Minutes of the Special Meeting Held on June 29, 2020; the Special and Regular City Council Meetings Held on July 7, 2020; and the Continued July 7, 2020 Special City Council Meeting and Special City Council Meeting Held on July 14, 2020. Approved.

(*20-561) Ratified bills in the amount of \$20,570,705.69

(*20-562) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending March 31, 2020 (Funds Collected During the Period October 1 to December 31, 2019). Accepted.

(*20-563) Recommendation to Authorize the City Manager to Execute a Second Amendment to the Agreement with Avineon, Inc. Extending the Term of the Agreement by Thirteen Months and Increasing the Compensation by an Amount Not to Exceed \$40,840 for an Aggregate Compensation Amount Not to Exceed \$135,740 to Provide Geographic Information System Curriculum Development Support, Fiber Network Mapping, Geographic Information System Support for Future Needs, and 911 Reporting Areas Enrichment. Accepted.

(*20-564) Recommendation to Accept the Work of Valentine Corporation for Encinal Boat Launch Facility Project No. P.W. 04-19-19. Accepted.

(*20-565) Recommendation to Authorize the City Manager to Execute a 12-Month Service Provider Agreement with Harris & Associates, a California Corporation, for Reimbursement Audit Services for Infrastructure Improvements to be Financed by Community Facilities District No. 13-1 (Alameda Landing Public Improvements) in an Amount Not to Exceed \$134,900. Accepted.

(*20-566) Recommendation to Authorize the City Manager to Execute a One Year Agreement with Operation Dignity to Provide Mobile Outreach Services for Alameda's Unsheltered Population in an Amount Not to Exceed \$122,400. Accepted.

(*20-567) Recommendation to Authorize the City Manager to Make Overpayments to the State Department of Health Care Services Concerning the Ground Emergency Medical Transportation Program. Accepted.

(*20-568) Recommendation to Authorize the City Manager to Execute a Second Amendment to Agreement with Blue Flame Crew for Operation and Maintenance of the Doolittle Landfill for an Amount Not to Exceed \$15,000 Annually for Fiscal Years 2020-21, 2021-22, and 2022-23, for a Total Three Year Expenditure Not to Exceed \$91,443.81, Including Contingency, and for a Total Five-Year Expenditure Not to Exceed \$472,070.75. Accepted.

(*20-569) Recommendation to Authorize the City Manager to Execute Four Five-Year Agreements to Interface Engineering, Inc., Pragmatic PE, Inc., Schaaf & Wheeler Consulting Civil Engineers, and Syska Hennessy Group, Respectively, for On-Call Mechanical Engineering Services in an Amount Not to Exceed \$100,000 Annually for Each Agreement, and for a Total Five-Year Cumulative Amount Not to Exceed \$500,000 for Each Agreement. Accepted.

(*20-570) Recommendation to Authorize the City Manager to Execute Four Five-Year Agreements to Advance Design Consultants, Inc., Borrelli and Associates, Inc., Salas O'Brien Engineers, Inc., and TJC and Associates, Inc., Respectively, for On-Call Electrical Engineering Services in an Amount Not to Exceed \$100,000 Annually for Each Agreement, and for a Total Cumulative Five-Year Amount Not to Exceed \$500,000 for Each Agreement. Accepted.

(20-571) Recommendation to Authorize the City Manager to Execute Six Five-Year Agreements to Byrens Kim Design Works, Group 4 Architecture, Research + Planning, Inc., Interactive Resources Architects + Engineers, The KPA Group, RMW Architecture & Interiors, and Sally Swanson Architects, Inc., Respectively, for On-Call Architectural Services, in an Amount Not to Exceed

\$150,000 Annually for Each Agreement, and for a Five-Year Total Cumulative Amount Not to Exceed \$750,000 for Each Agreement.

Councilmember Daysog expressed concern about the cumulative cost; stated there are too many potential firms.

The Interim Public Works Director stated the contracts provide the most options for the Department and it is nice to have options; noted firms are used on-call, which allows staff to contact other firms should one be busy; stated the intent is to quickly find resources needed to execute projects.

Mayor Ezzy Ashcraft inquired whether the maximum amount has ever been reached for proposed contractors.

The Interim Public Works Director responded the amount appropriated has never been exceeded; stated the capital program is robust and demands the resources.

Mayor Ezzy Ashcraft requested clarification for the reasoning behind multiple contracts.

The Interim Public Works Director stated the City maintains in-house engineers which provide design work; some resources need to be leveraged with specialized disciplines; some capital projects require specialized disciplines on an on-call basis; going through the process now will allow the resources to be available for projects when needed versus soliciting services for each project; the matter allows staff to efficiently roll-out projects.

The City Manager stated the process is similar to a Request for Qualifications (RFQ) and provides options to ensure qualified architects are available; the matter is contingent on projects being appropriately budgeted; current spending authority may not be exceeded.

Councilmember Daysog stated the City is not at a place where the luxury of options can be enjoyed; Council must be judicious in selecting service providers; there is no magic number of providers.

In response to Councilmember Oddie's inquiry regarding the selection method, the Interim Public Works Director stated there are times where larger projects will require a mini-solicitation within the group of providers; stated quotes are requested from providers; noted some firms provide specific expertise.

Mayor Ezzy Ashcraft inquired whether the mini solicitations help the City determine the best cost, to which the Interim Public Works Director responded in the affirmative.

In response to Vice Mayor Knox White's inquiry, the Interim Public Works Director stated the contracts will not be encumbered until a project comes forth which needs service; the amount paid to the provider comes from the project budget.

Vice Mayor Knox White inquired whether the RFQ specified the amount of firms intended to be selected, to which the Interim Public Works Director responded the City remained silent.

Vice Mayor Knox White moved approval of the staff recommendation.

Councilmember Oddie 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.

(20-572) Recommendation to Authorize the City Manager to Execute a Contract with Redgwick Construction Company for Construction of the Otis Drive Safety Improvement Project, in an Amount Not to Exceed \$854,117.50; and

(20-572A) Resolution No. 15685, "Amending the Fiscal Year 2020-21 Capital Improvement Budget by Allocating \$100,000 in Local B/BB Paratransit Fund to Capital Improvement Program Fund 91818 to Construct the Otis Drive Safety Improvement Project." Adopted.

Mayor Ezzy Ashcraft expressed support for the matter; stated that she recalls a proposed roundabout for the intersection at Grand Street and Otis Drive; noted the intersection has been the site of a traffic fatality; stated the roundabout is too expensive; expressed support for providing direction to staff to investigate the cost of building a roundabout on Otis Drive, which will return to Council as a follow-up action in the event additional funding can be found; noted there is less street traffic due to the pandemic, a number of cars drive fast on City streets; stated a roundabout would help slow traffic.

The Senior Transportation Coordinator stated the Central Avenue project consists of three roundabouts.

Mayor Ezzy Ashcraft stated that she is optimistic in finding funding for the possibility of a roundabout on Otis Drive.

Councilmember Daysog stated the proposed conversion of Otis Drive from four lanes to three lanes is incorrect; the project is being converted from four equal lanes to two equally divided lanes; the third lane is a left-turning lane; housing is being considered for part of South Shore; questioned the effect and impact of housing on Otis Drive west-bound traffic ; expressed support for more information related to the housing project proposal; expressed concern about the characterization of lane numbers.

Councilmember Vella inquired whether there is public comment, to which the City Clerk responded in the negative.

The Senior Transportation Coordinator stated the east-bound traffic reports for Otis Drive show less than 15,000 trips; the proposed road diets work well at 15,000 and up to 25,000; staff is confident there is more than enough space for a road diet; the center turn lane allows for smoother traffic and does not impact operations; staff has not calculated the potential of a Shoreline Drive project.

Councilmember Oddie inquired whether a motion can include Mayor Ezzy Ashcraft's comments.

Mayor Ezzy Ashcraft responded that she is happy to have her comments taken as direction to staff; stated that she does not want to condition her approval of the project on the roundabout aspect; inquired the best Council process to provide direction.

The Interim Public Works Director responded the direction has been noted.

The City Attorney stated Council may conduct two votes: the first on the main proposal and the second on direction to staff.

The City Manager noted regulations might not allow roundabouts to be within a specific distance of traffic signals.

Vice Mayor Knox White stated that his recollection of the Planning Board's approval for the project design includes direction for prioritizing a roundabout.

Mayor Ezzy Ashcraft stated a letter was received from the City Engineer about a roundabout being too costly.

The Interim Public Works Director stated the roundabout is part of the subsequent construction and funding phase.

The Senior Transportation Coordinator stated the first phase of the project entails a restriping; noted the project has received a \$175,000 grant for interim protective features; stated the roundabout cost of \$800,000 is not funded at this time; the consultant has analyzed the roundabout and found the feature is feasible even with the 4th of July parade; a roundabout will still be considered as a long-term goal.

The City Manager stated the details provided allow Council to make two motions.

Mayor Ezzy Ashcraft expressed support for the roundabout staying with the project.

The Interim Public Works Director stated the roundabout is part of the project and is part of the subsequent funding and construction phase.

Mayor Ezzy Ashcraft stated Council can emphasize the roundabout as something that should be supported.

Councilmember Oddie moved approval of the staff recommendation [including adoption of the resolution].

Councilmember Vella 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.

Councilmember Oddie moved approval of affirming Council's desire to eventually see a roundabout at the intersection of Grand Street and Otis Drive as funds become available.

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.

(*20-573) Resolution No. 15686, "Ratifying the Proclamations of the Director of Emergency Services and Continuing the Declaration of the Existence of a Local Emergency in Response to the COVID-19 Pandemic, Consistent with Government Code Section 8630(c)." Adopted.

(*20-574) Ordinance No. 3284, "Amending Uncodified Ordinance No. 3275 to Extend the Time that Tenants Must Repay "Deferred Rent" from 210 Days to 395 Days Following the City Council's Rescission of the Local Emergency." Finally passed; and

(*20-574A) Recommendation to Receive an Update Regarding City Council's Request for Information on Status of Tenant Payment of Rent and Rent Relief Program and Outreach to Tenants Regarding Eviction Protections. Accepted.

(*20-575) Ordinance No. 3285, "Authorizing the City Manager or Designee to Execute an Amendment to the Lease with Williams-Sonoma, Inc., a Delaware Corporation, Acting for and on

Behalf of Williams-Sonoma Stores, Inc., a California Corporation, for Building 169, Suite 102, Located 1680 Viking Street at Alameda Point, Extending the Term for an Additional 12 Months with One 12-Month Extension Option, Removing Overflow Parking from the Leased Premises, and Providing One (1) Month of Rent Abatement.” Finally passed.

REGULAR AGENDA ITEMS

(20-576) Public Hearing to Consider COVID-19 Related Response and Enforcement Activities; and

(20-576A) Urgency Ordinance No. 3286, “Amending the Alameda Municipal Code By Adding a New Article 24-13 (Public Health) Providing for Enforcement of Alameda County Health Officer Orders and Directives.” Adopted.

The Planning, Building and Transportation Director and Recreation and Parks Director gave a Power Point presentation.

Vice Mayor Knox White inquired whether staff is assuming there will be people walking down the street administering citations for people not wearing masks.

The Planning, Building and Transportation Director responded in the negative; stated the next phase is focused on businesses within commercial areas and encroachment permits, not focused on people walking down the street; businesses will not be cited at first sight, initial discussions will be conducted first.

The Recreation and Parks Director stated the same will be conducted for parks, with a focus on large groups rather than individuals.

Vice Mayor Knox White inquired whether the ordinance allows for the ability to enforce Public Health Orders from an administrative, versus criminal, process.

The City Attorney responded in the affirmative; stated the ordinance provides that violations of County Health Orders generally would be a violation of the Municipal Code which opens enforcement opportunities as administrative citations and civil enforcement actions, which are deemed as unlikely.

Councilmember Oddie inquired whether the beach and other larger commercial property areas would be covered.

The Planning, Building and Transportation Director responded all areas designated as commercial areas throughout the City will be covered.

The Recreation and Parks Director stated further conversation with East Bay Regional Parks District (EBRPD) is needed in order to flesh out the beach coverage details; stated the beach will fall under the purview of the ordinance.

Councilmember Oddie expressed concern about racially disparate reporting; inquired the level of intensity allowed for reporting.

The Planning, Building and Transportation Director responded staff's current plan is to ensure a secure containment system is in place in order to be permitted to cut hair outside; stated the containment system has not yet been defined; discussed use of mesh enclosure systems; stated

warnings will be issued if an enclosure system is not used until citation or permit revocation need to be used for enforcement.

Mayor Ezzy Ashcraft stated COVID-19 is to be taken seriously; wearing a mask helps; the impact of COVID-19 is extensive.

Councilmember Vella inquired whether issued citations will be tracked and made public.

The Planning, Building and Transportation Director responded warnings will be tracked and record will be kept of citations issued.

The City Attorney responded citations are likely public record; stated the Planning, Building and Transportation Department is free to track items regardless of public record.

Councilmember Vella inquired whether Council could require tracking.

The Planning, Building and Transportation Director responded in the affirmative; stated tracking is critical as part of the three-strike game plan.

Councilmember Vella inquired whether Council can request the tracked information be shared in order to monitor any disparate impacts, to which the Planning, Building and Transportation Director responded in the affirmative.

In response to Councilmember Vella's inquiry, the Recreation and Parks Director stated citations are issued to individual people similar to business owners; Code Enforcement should request identification or check names in order to cite individuals.

Mayor Ezzy Ashcraft inquired whether cited individuals would go into the tracking system, to which the Recreation and Parks Director responded in the affirmative.

The Planning, Building and Transportation Director stated staff is requesting direction from Council related to parameters; the situation is new and ever-changing; there will be challenges in citing individuals.

The Recreation and Parks Director stated the threat of citation is a possible deterrent; hopefully, citations will not need to be issued; the matter should be taken seriously.

In response to Councilmember Vella's inquiry regarding compliance, the Planning, Building and Transportation Director stated staff is working on a handout that includes simple rules for commercial business operation; rules must be clear enough so that anyone may understand; solutions to violations will be clear; staff is set to educate and help people follow the rules; the handout will be updated as the situation evolves.

Councilmember Daysog outlined a potential citation scenario; inquired whether citations can be issued at a moment's notice.

The Planning, Building and Transportation Director responded the issuance of on-site citations would be a heavy-handed approach; stated staff is not recommending heavy-handed approaches.

Councilmember Daysog outlined a potential citation scenario within the Park Street business area; inquired whether a citation would be provided on-site.

The Planning, Building and Transportation Director responded staff will focus on businesses in commercial districts, not individuals.

Councilmember Daysog outlined a potential citation scenario within the business district; inquired whether citations will be issued to restaurant owners.

The Planning, Building and Transportation Director responded in the negative; stated the tables must meet placement guidelines and standards; there are instances where masks within groups are not necessary; staff's focus will remain on business compliance, not individuals.

Councilmember Daysog stated the focus will stay on businesses; the City is not having staff drive around in compliance enforcement cars looking to cite individuals.

The Planning, Building and Transportation Director expressed concern about citing individuals; stated staff can take a more aggressive approach should Council desire.

Councilmember Daysog stated that he raised the scenarios to satisfy the understanding that staff will approach business sources that may attract instances of COVID-19; he is satisfied with the approach proposed by staff; inquired the threshold for large groups gathering.

The Recreation and Parks Director responded groups of more than 12; stated the Order allows social bubbles of up to 12 people; current park ambassadors are approaching large groups not wearing masks or being socially distant; utilizing staff with more presence may create a better response; warnings will be issued as the first step.

Stated citations or fines cannot be enforceable; businesses need to provide reasonable accommodations, especially for medical exemptions; discussed lawsuits as a result of businesses not being accommodating; urged Council to support businesses; discussed Council's duties and mental harassment: Lisa Buena, Alameda.

Stated the circulations are not based in science; data has shown the virus is not transmittable outdoors; children under eight years old are not known to be vectors; urged regulations to be grounded in science; discussed the increased rates of suicide and overdoses; stated it is important to show leadership: Katya Sedgwick, Alameda.

Expressed concern for the fundamental premise of the ordinance; stated there has been no discussion of data, statistics or analysis which support such a drastic measure; many are questioning the credibility of public health institutions; urged Council to consider the necessity of the matter; discussed a statement from the Police Chief and County Sherrieff: Elizabeth Adelstein, Alameda.

Stated the matter is a proposal in search of a problem and is a threat to people; there have been approximately 300 cases in Alameda over the course of six months; the public wants to get outside; the focus on business is not included in the ordinance; the discussion is without foundation; the City will be open to lawsuits: David Greene, Alameda.

Mayor Ezzy Ashcraft stated Mayors have been asked to provide messaging; expressed support for all members of the medical and public health profession; stated there is a real pandemic; Alameda's per capita infection rate is on the lower end of the County; other cities are looking to implement response and enforcement activities; expressed support for holding the COVID case numbers down; stated messaging has been consistent for mask efficacy from County Public Health and at the State level; Council must help stop the hard times by taking the virus seriously; the cost of compliance is

low; staff handling enforcement will provide masks if needed; masks should be worn in public; expressed support for Code Enforcement during lunch and dinner hours; expressed support for people following rules to help not spread COVID-19; social distancing of six feet is scientifically based on the distance the virus travels; the virus is very transmittable; outlined when to wear masks; transmissions within the County has been a result of large gatherings and social groups of a particular age; noted many people who contract COVID-19 are asymptomatic.

Councilmember Oddie stated many are weary of the pandemic; as more businesses open, more people will be at risk; the matter is similar to debating helmets for motorcycle riders and bicycle riders; the line is drawn when individual freedoms infringe upon the health of other individuals; it is important to consider being flexible when dealing with citations; expressed concern about Code Enforcement Officers being called about people of Color living life within their social bubble at the park and using sprinklers to deter use of parks; expressed support for the general idea of keeping Alameda safe, for minimizing exposure and infections, and for businesses; stated businesses will not survive if the economy does not open.

Councilmember Vella stated it is difficult to conduct contact tracing, especially related to outdoor activities; the goal is to keep per capita rates down; discussed relatives who have had COVID-19; stated her child cannot wear a mask due to age; young people are susceptible to the virus; noted that she has an underlying condition; stated there is a lot to consider; expressed support for not using a heavy hand relative to punishment; stated the goal is to maintain best practices; expressed support for helping people be compliant; expressed concern about enforcement in parks; stated providing information is helpful; large gatherings have occurred multiple weekends in a row; expressed concern about disparate effects on cultural groups that might be within their own social bubble which do not have access to an outdoor space and are using parks for outdoor activities; stated that she does not want Code Enforcement Officers to attempt to figure out difficult situations; providing masks and discussing the situation would be a better approach; expressed concern about racial attacks; stated business districts are different; businesses owners should be informed of best ways to be compliant; compliance should be enforced for businesses; there will be an imbalance if some businesses flout regulations with no repercussions and other businesses are compliant; Officers need to be able to provide guidance on how to be compliant; Council should be able to check-in to see which businesses are receiving multiple warnings and ensure proper protocol is followed; compliance is the crux of the goal; there are additional matters which Council has put forth in order to help businesses; Council has the right to ask businesses to be compliant and uphold County Health Orders; she has concerns about enforcement in parks, which should be looked into in partnership with EBRPD.

Mayor Ezzy Ashcraft expressed support for issuing a warning first; stated refusal or ignorance should not yield free passes and allow for continued violation; transmission can happen in larger groups and messaging should be sensitive; allowing multiple warnings could help spread and transmit COVID-19.

Councilmember Vella expressed support for signage at parks being displayed in multiple languages; expressed concern about people from out of town using parks; stated the City Attorney's office should review protocol to avoid civil rights violations.

Mayor Ezzy Ashcraft expressed concern about reports of groups of 40 people playing soccer most evenings; outlined an experience at Lincoln Middle School field; stated COVID-19 is not a political issue and affects everyone.

Vice Mayor Knox White stated that his hope and expectation is to write zero citations; expressed support for the program not being a response to complaints; staff should have a program in place

and address any disparate impacts; outlined outdoor activities which result in people not being socially distant; stated closing activity courts could be more effective than citing 50 people; closures would be unfortunate because people enjoy the exercise; activities must be done safely; expressed support for the ordinance as-written; stated that he would like to add a weekly report of citations issued with key demographic information and warning steps; expressed support for zero citations being issued and for working with people; stated this is an important tool which should be used when necessary.

Councilmember Daysog stated the ordinance language is too open-ended and should be targeted toward non-compliant behaviors, especially within commercial areas; there is a case to be made to deal with non-compliance among large groups and open spaces; expressed support for further definition and the ordinance being more targeted; stated that he will only support language to the effect of: "penalties would only be triggered for non-compliance in defined commercial corridors and applicable only to business owners and/or their representatives who have repeated non-compliance;" the heart of the issue is repeated non-compliance on the part of commercial business owners; the initial reading of the ordinance focuses on individuals, which leaves the matter open-ended; there is a natural trade-off in what City Hall has done in order to help businesses re-open; should the City encourage re-opening with the possibility of putting some at-risk, it is fair to ask business owners to be fully compliant in the task of ridding COVID-19; in the future, there may be a time to cite individuals, but the success should be demonstrated on a more targeted approach first and then be expanded if needed.

Mayor Ezzy Ashcraft stated the matter is about personal responsibility and the virus is not only transmitted by business owners.

Councilmember Daysog moved approval of the ordinance with modification to Section 24-13.3 "penalties" to state: "penalties triggered under this section are only for non-compliance in defined, commercial corridors including Park Street, Webster Street, South Shore, Alameda Landing, Marina Village, commercial area of Nob Hill, Harbor Bay Shopping Center, High Street and Encinal Avenue, and applicable only to business owners and/or their representatives who have demonstrated repeated non-compliance."

The motion failed for lack of a second.

Vice Mayor Knox White moved approval of the staff recommendation [including adoption of the urgency ordinance], with direction to report weekly on the use of the program and return with a Consent Calendar item on enforcement procedures.

Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Oddie inquired whether businesses, peoples' names or demographic information will be public on citations.

Vice Mayor Knox White responded the information should remain anonymous; the goal is not to shame people; expressed support for demographic information, such as age and race being retained.

Councilmember Oddie stated there will be issues if 90% of the citations issued be to people of Color; inquired whether the golf course is included in the motion.

The Recreation and Parks Director responded in the affirmative; stated as a business, the golf course has to comply.

Councilmember Oddie inquired whether the golf course will be treated as a business or a park.

The Recreation and Parks Director responded the golf course will be treated as a business.

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.

Mayor Ezzy Ashcraft called a recess at 9:36 p.m. and reconvened the meeting at 9:50 p.m.

(20-577) Recommendation to Adopt the 2020 Alameda Point Master Infrastructure Plan (MIP) Amendment and Direct Staff to Work with the Recreation and Park Commission on Recommendations Regarding the Alameda Point Sports Complex;

(20-577A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter XXVII (Development Fees) by Repealing Section 27-4 (Alameda Point Development Impact Fees) in Its Entirety. Introduced; and

(20-577B) Resolution No. 15687, "Amending Master Fee Resolution No. 12191 to Revise Fee." Adopted.

The Community Development Director made brief comments.

Angelo Obertello, Carlson, Barbee & Gibson, Inc. gave a Power Point presentation.

Councilmember Oddie stated a \$5 million payment from Alameda Point Partners (APP) is going towards the Sports Complex; inquired the outcome of the funding provided should the City decide to proceed with the Sports Complex differently.

The Community Development Director responded the City currently has \$1 million on deposit from APP for the Sports Complex; stated a portion of the funds could be used for a consultant and public engagement; if Council wishes to replace the Sports Complex with a smaller version or other regional amenity, funding would be directed towards the designated project.

Vice Mayor Knox White inquired whether the Main Street design will allow design changes to go forward more quickly to implement the lower road.

Mr. Obertello responded one objective is to allow for logical implementation of segments of Main Street as development projects build frontages; stated the ultimate desired segment is complicated to deliver due to elevation and bike and trail facilities; interim conditions were being introduced that turned out to be concerning and potentially unsafe; the phase implementation allows a logical step in delivering the ultimate improvement; the MIP amendment also relates to the Climate Action Resiliency Plan (CARP) to protect Alameda Point which is more of a community-wide solution; Alameda Point could link into other flood protection measures along the northern shoreline; the City now has the flexibility to capture those efficiencies.

Vice Mayor Knox White stated most of Site A Phase 1 infrastructure has been built; inquired whether the costs have been removed for all of West Midway.

Mr. Obertello responded in the negative; stated the West Midway costs are still within the MIP amendment; the removal of the programs are related to relocating collaborative housing and agreements with RESHAP.

Vice Mayor Knox White inquired whether Site A will not pay for the update, to which Mr. Obertello responded in the affirmative.

Vice Mayor Knox White inquired whether from now on, new benefits are apportioned to every acre.

Mr. Obertello responded the City will need to determine the process through evaluation or land sale valuations; stated the cost per acre has been spread evenly across all remaining developable acres.

Vice Mayor Knox White inquired whether new street designs have been consistent with lane width and road design policies.

Mr. Obertello responded in the affirmative; stated a fair amount of items integrated in the amendment are in part due to the Transportation Commission's approval of the reuse cross-sections; planning for the recommendations has been included.

Councilmember Oddie inquired whether developable acres include Northwest Territories De-Pave and Enterprise Parks, to which Mr. Obertello responded in the negative.

The Community Development Director stated staff is requesting direction to work with the Recreation and Parks Commission on the Sports Complex; noted there are four recommendations in the staff report.

Councilmember Daysog stated that he understands costs change over time; expressed concern about the Sports Complex; stated the discussion should not be limited to whether or not to continue with the Sports Complex or a variation; the discussion should be in the context of other open space or recreational items; the Sports Complex had been one of the benefits the residents of Alameda support; the Sports Complex would be the result of sacrificed time during military base conversion; previous Sports Complex groups are not as active as they once were; however, the interest does not diminish the importance of the Sports Complex; noted De Pave Park has not had the same amount of interest as the Sports Complex; expressed concern about doing away with any significant part of the Sports Complex; stated the developers will contribute to the Complex; the Bus Rapid Transit (BRT) and Ferry Terminal are not a community benefit even though categorized as such; there will be substantial impacts, which require substantial mitigations; a lot of effort went into the Sports Complex and it is disheartening to see it on the chopping block.

Councilmember Vella moved approval of the four staff recommendations. including conversations not centered around the pandemic and the Recreation and Parks Commission in the robust community process; stated needs change over time; there is a lot more to Alameda Point than a Sports Complex including affordable housing; expressed support for the work that has gone into ensuring the backbone infrastructure is funded and projects are financially feasible; stated the goal is a holistic development of Alameda Point, which meets the communities growing and changing needs; expressed support for the work and guidance that has gone into each plan.

Mayor Ezzy Ashcraft stated the Sports Complex has been discussed as a community benefit; the primary goal in redeveloping Alameda Point is to replace the 18,000 jobs lost when the Navy Base closed, to provide housing and to agree to accommodate formerly homeless individuals; 25% of the housing has been affordable; Council must recognize reality; the price tag has grown and sea level rise requires more focus and energy; expressed support for the advancements in infrastructure

improvements and for the Recreation and Parks Commission taking a look at the Sports Complex; discussed a recent Recreation and Parks Commission meeting; stated the process will be public; developers will not be off the hook; getting projects to pencil out is a struggle; continuing to create homes and employment centers is desired; expressed support for the motion.

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Knox White expressed support for the MIP amendment; stated that he would like the amendment to acknowledge flexibility around how things changing; approval should include the caveat that future cross-sections and lane widths will be insistent on the current lane width current and future policies to ensure projects move forward in the same direction; the City has done a great job of getting affordable housing; the City is also approaching the housing cap; expressed concern about adding costs to the MIP at a time when there is less housing to cover costs; stated increasing backbone infrastructure is important; expressed support for focusing on open space sections; stated that he has not been a fan of the Sports Complex; the Complex has been designed as a regional Sports Complex with the idea of regional sports teams being brought to the complex; questioned whether Alameda is the place for such a complex; regional complexes should be placed in areas that connect with retail areas, which allows for economic spin-off; expressed support for the Recreation and Parks Commission looking into the Sports Complex; the question posed should be: "what does the City not have and what is to be achieved in the space provided;" there are many additional unfunded costs; expressed concern about the \$67 million in additional park spending; stated many developments return because costs are too high and create difficulties in moving forward; expressed support for amending the motion to have the matter return for more conversation related to parks in general; he questions whether all parks must be funded by the MIP; amendment has many good things; however, there are concerns related to costs.

Mayor Ezzy Ashcraft inquired whether Vice Mayor Knox White supports having the Recreation and Parks Commission consider the questions raised around how much park space is needed.

Vice Mayor Knox White responded in the affirmative; expressed concern about there being difficulty to say no to parks; stated part of the issue is the economic impacts of requiring parks and other items, such as mitigations, sea level rise and traffic; providing a framework of things to think about in moving forward would be fairer.

Mayor Ezzy Ashcraft stated Council would be asking the Recreation and Parks Commission to provide input to assist Council in making a more informed decision; noted that she is intrigued by Vice Mayor Knox White and Councilmember Daysog's comments.

Councilmember Daysog stated that he is okay with three of the four issues; the fourth item, a discussion related to the Sports Complex, should be more global and involve other discussions revolving around passive or active recreational uses for Alameda Point; it is possible the Recreation and Parks Commission will pose cost savings due to other projects.

Councilmember Vella expressed support for the matter going to the Recreation and Parks Commission; stated Council must look at the costs relative to all recreation and open space proposals at Alameda Point; expressed support for receiving the recommendations from Recreation and Parks Commission and looking at the cost relative to all recreation proposals; stated that she accepts the motion amendment to broaden the conversation to reflect the combination of costs relative to recreation proposals.

Vice Mayor Knox White inquired whether the traffic flexibility amendment is also accepted.

Councilmember Vella responded in the affirmative.

Councilmember Oddie stated that he understands costs change; many people have been excited about the Sports Complex; however, Site A has changed many times since construction began; expressed support for the Recreation and Park Commission's input to evaluate alternatives; expressed concern about using \$1 million towards consultant fees; stated that he supports the inclusion of De Pave Park and will not support a plan which removes De Pave Park; noted De Pave Park is a CARP project; expressed support for the motion, as long as De Pave Park stays.

The Community Development Director stated staff agrees the MIP should be updated every three to five years and should capture active transportation; the MIP is intended to be a living document, should be updated and is conservative; stated De Pave Park is shown, as well as the Sports Complex, until Council decides otherwise; costs per acre are shown between backbone infrastructure and community amenities; there will be time to run a parallel process between the Recreation and Parks Commission and the community to return to Council with staff negotiating minimum land purchase prices focusing on the costs of the backbone infrastructure; staff can then return to Council with proposals for development, including negotiating community amenities; the MIP has data needed to provide informed recommendations; should Council adopt the MIP amendment and direct the Recreation and Parks Commission to look at all community amenities around parks and open space, staff can accommodate the process and be able to understand and make informed recommendations to Council.

Councilmember Daysog inquired whether sea level rise is the major mechanism driving the significant increase in costs for the Sports Complex.

Mr. Obertello responded the costs are more related to site-wide benefits; stated Sports Complex cost increases are more related to the planning of park contents and cost experiences the City has had with implementing other park projects; costs are consistent with the amount included in the Development Impact Fee (DIF) analysis provided last year.

Vice Mayor Knox White stated that he is unclear about the motion.

Councilmember Vella stated that she supports moving forward with De Pave Park; the Recreation and Parks Commission should provide a recommendation to Council based on overall costs; De Pave Park has needs related to the CARP and should be considered, but should be part of the overall conversation so that one park is not carved out with a separate pot of money.

Mayor Ezzy Ashcraft expressed support.

Councilmember Oddie stated that he thought the conversation had previously been had with the Recreation and Parks Commission; that he will fight to ensure De Pave Park stays if the matter returns with the Park removed.

On the call for the question, 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.

(20-578) Urgency Ordinance No. 3287, "Amending Uncodified Ordinance No. 3275 to Provide that any Agreement Between a Landlord and a Tenant Concerning Repayment of "Deferred Rent" Must Limit a Landlord's Remedy for a Tenant's Breach of the Agreement to Money Damages and, as to a Tenant's Failure to Pay the Deferred Rent in the Agreement, Expressly Waive the Landlord's Right to File an Unlawful Detainer Action to Recover Possession of a Tenant's Rental Unit or for Any Unpaid Rent that was the Subject of the Agreement." Adopted.

The City Attorney gave a brief presentation.

Councilmember Oddie moved approval of the ordinance.

In response to Councilmember Daysog's inquiry, the City Attorney stated the matter does not necessarily relate to the 13 month repayment period; outlined a landlord and tenant agreement repayment process; stated a tenant may repay in advance of the 13 month period; the ordinance acts as a tenants' protection from eviction and the landlords' remedy would be money damages; the voluntary agreements could potentially be longer or shorter than 13 months.

(20-579) Mayor Ezzy Ashcraft stated a motion is needed to consider additional items after 11:00 p.m.; noted the remaining items for consideration.

Councilmember Oddie moved approval of Council continuing the meeting to consider all matters except the rules of order referral [paragraph no. 20-583] and Stopwaste briefing [paragraph no. 20-584] and be finished 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.

Councilmember Daysog inquired whether there has been input provided from small "mom and pop" landlords.

The Community Development Director responded in the negative; stated the direction provided from Council was to prepare an ordinance to provide protections to tenants entering into agreements to ensure a level playing field; the matter was not brought to the landlord community.

Mayor Ezzy Ashcraft inquired whether funding through small business grants has been made available to landlords.

The Community Development Director responded residential landlords were not a category of businesses included in the small business grant relief program; property management companies were included; the rent relief program is being paid directly to landlords to cover tenant rent.

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.

REGULAR AGENDA ITEM AND COUNCIL REFERRAL

(20-580) Resolution No. 15688, "Amending the Fiscal Year 2020-21 Budget to Accept \$1,003,970 in State Coronavirus Relief Funds and Amend the Fiscal Year (FY) 2020-21 Budget to Increase Revenue and Expenditures Appropriations by \$903,970 in the General Fund and by \$100,000 in the Human Services Fund in Order to Offset Costs Associated with the City's Response to the COVID-19 Pandemic; and Recommendation to Approve a Report on City Activities and Expenditures Related to the COVID-19 Emergency. (City Manager)." Adopted.

(20-581) Consider Creating a Grant Program for Park Street (Downtown Alameda Business

Association-DABA) and Webster Street (West Alameda Business Association-WABA) to Adapt the Configuration of Park and Webster Streets, including Potential Temporary Street Closures. (Mayor Ezzy Ashcraft and Councilmember Oddie)

For the resolution, the Human Resources and Acting Finance Director gave a Power Point presentation.

The City Manager stated staff is comfortable with either approach; noted a full time Finance Director is set to begin work this month.

For the Referral, Mayor Ezzy Ashcraft and Councilmember Oddie gave a brief presentation.

Councilmember Daysog inquired whether his recusal is needed for this matter.

The City Attorney responded Councilmember Daysog lives near one portion of Webster Street; stated the public generally exception likely applies to this discussion and Councilmember Daysog may participate without recusal.

Vice Mayor Knox White expressed support for the matter; questioned the need to provide free parking to replace parking that is not free, which is counter to transportation goals; expressed support for the funding to fully go towards business districts and business grants; stated not enough money was raised during the previous round of business grants; the City has two goals in supporting the commercial district: building foot traffic and ensuring full storefronts; now is the time to go further with funding; the budget has brought in more money than predicted; Council should take advantage of the funding while possible.

Councilmember Oddie expressed support for including an extension of the COVID-19 permit to October 2021, or earlier, if the pandemic ends and for allowing merchants who park in front of their stores to have an alternate parking location on open days; stated the discussion preempts concerns raised by merchants opposing street closure.

Mayor Ezzy Ashcraft inquired whether merchants have allocated parking lots to ensure front of business parking is available for customers; stated that her preference is to allocate some of the funding to address homelessness similar to Oakland's Housed Program; addressing homeless concerns does have an impact on the business community; discussed business town hall meetings; stated the Block by Block program provides safe and sanitary environments to support outdoor services; the City is contracting with Village of Love; inquired whether the program would occur in addition to the contract.

The Community Development Director responded Block by Block is a different program; stated Village of Love runs the day center, safe parking and Federal Emergency Management Agency (FEMA) trailers; Block by Block is an ambassador program which provides enhanced cleanup and manages the interface between homeless and business communities; launching the pilot program will be helpful as more business is being conducted outdoors and would reduce the friction of the interface with ambassadors and extra cleaning; Block by Block is a different provider which operates in a number of cities throughout the country and would be something new.

Mayor Ezzy Ashcraft stated that she understands Village of Love to be more than just a day center; Village of Love has an outreach van which provides transportation to the day center; more resources could be used.

Councilmember Vella stated the Village of Love program is limited to Monday through Friday from

9:00 a.m. to 5:00 p.m.; expressed support for the program expanding into the evening hours; stated the hotline for the program is: (510) 522-HOME; people can call for resources for the unhoused; expressed concern about the limited program hours, which do not capture the needs that occur on weekends and after-hours for businesses and restaurants, which provide service in evenings; expressed concern about the cost of expanding services; stated that she supports the proposal; there is nothing preventing Council from dipping into reserves in the future; other budget allocations are being presented in October; expressed support for knowing costs to expand the program; stated the limited hours only allow the surface to be scratched; many issues and needs do not arise until the weekend or after-hours; it is important to bring this matter forward; expressed support for a focus on bike parking and not car parking; noted Bike Walk Alameda (BWA) provided suggestions; stated that she would like staff to work closely with BWA to ensure business districts are as safe as possible in line with Vision Zero and goals for safe access for pedestrians and those on bicycles; future Council discussions will circle around pick-up and parking; expressed support for focusing on compliance within business associations; stated as business associations provide funding, compliance information and updates are provided to businesses; there is a focus on restaurants; however, there are a number of businesses within the districts; expressed concern about outside shared space being taken by neighboring businesses; as the program progresses, there needs to be a focus on enough communal space for all to operate; expressed concern about having a first come first served basis.

Councilmember Oddie noted the referral includes a suggestion which allows for parklets in front of vacant properties to allow space for retailers.

Mayor Ezzy Ashcraft inquired whether the matter requires two votes.

The City Attorney responded in the affirmative; stated Council may vote on the staff recommendation first and the Council Referral second.

Councilmember Oddie moved approval of the staff recommendation allocations [adoption of the resolution]: \$250,000 reimbursement [of the General Fund], \$250,000 non-reimbursable, \$300,000 economic development relief as grants to the [business] associations per the referral and taking out parking as deferred to another time and \$203,970 for homeless assistance, etcetera.

Councilmember Daysog inquired whether Council is remaining silent on the \$900,000 from reserves and is only considering State funds, to which Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Vella seconded the motion.

Under discussion, Vice Mayor Knox White stated that Council is missing an opportunity to take money received and look at providing grants to businesses which are struggling; expressed support for considering providing grants in the motion.

Mayor Ezzy Ashcraft stated Council is off to a good start; more data can be collected.

Councilmember Oddie inquired how much the Block by Block program would cost.

The Community Development Director responded running the pilot program between now and December would cost \$100,000; requested clarification of whether the Block by Block program or Village of Love program would be considered.

Councilmember Oddie stated \$100,000 of the \$250,000 General Fund reimbursement could be left open until more information is provided regarding Block by Block and Village of Love; expressed

support for placing \$150,000 in the grant fund instead of reimbursing [the General Fund], while still saving \$100,000 for either Block by Block or Village of Love.

Mayor Ezzy Ashcraft inquired whether a portion of the proposed \$503,000 funding would be used by the Block by Block program.

The Community Development Director responded in the affirmative; stated there is \$203,000.

Mayor Ezzy Ashcraft expressed support for more information being provided regarding the programs.

Councilmember Vella stated that she understands the designated funding will go towards homeless; expressed support for staff returning with options for either the Block by Block program or a combination of that and expanding the hours for homeless outreach.

Mayor Ezzy Ashcraft stated that she would like a framework provided; evenings and weekends need to be covered; Block by Block sounds like a good program; however, a place is needed for people to go willingly; the day center will help as a place for people to go, but it is only open Monday through Friday from 9:00 a.m. to 5:00 p.m.; Block by Block could provide staffing for the off-hours; the two programs could be compatible working together.

Councilmember Oddie amended his motion to move approval of \$203,970 for a combination of additional homeless assistance and have staff return with options on the best areas to spend the funding; Council will allocate the funding, but staff will provide more information on programs with the goal of providing service seven days a week.

Councilmember Vella expressed support for a report back on the status of applications for Alameda Strong, including both residential renters and small businesses; stated a discussion can be held if Council still sees a need to supply additional grant funding.

Councilmember Oddie stated there is no reason not to place \$250,000 into the small business relief grant program if the General Fund will be reimbursed; more funding is needed for grants; funding should not all be spent on day one.

Mayor Ezzy Ashcraft stated funding needs to be spent by the end of the year and there are needs which require funding; noted Councilmember Oddie modified his motion; inquired whether Councilmember Vella seconds the modified motion.

Councilmember Vella 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.

Vice Mayor Knox White stated the Council Referral includes important material, including extending the permit expiration.

Mayor Ezzy Ashcraft expressed support for more bike parking; inquired whether direction to staff may be provided to look for areas to add more bike parking in downtown districts; stated more people are out on bicycles; the goal is to have riders journey to businesses, which requires bike parking.

Councilmember Oddie expressed support for adding free bike parking.

Vice Mayor Knox White inquired where funding is being pulled from for free bike parking.

Councilmember Vella expressed support for staff working with BWA and all business districts to discuss locations for bike parking; stated the information and feedback can be used when designing parklets; some parklets take over original bike parking leaving less space for bike parking; the shift has affected everybody.

Mayor Ezzy Ashcraft stated that she has seen creative parklet solutions for bike parking; expressed support for hearing from experts in the area and being provided with cost estimates.

Councilmember Oddie expressed support for Mayor Ezzy Ashcraft's comments; stated street closure is to be considered at the next meeting; inquired whether there is concern about the COVID-19 permit expiration date.

Councilmember Vella responded the matter is included in the referral.

Councilmember Vella moved approval of the referral, adding consideration of adequate bike parking.

Councilmember Oddie seconded the motion, with the following amendment: defer parking pass and loading zones to the upcoming discussion on street closures.

Councilmember Vella accepted the amendment to 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.

CITY MANAGER COMMUNICATIONS

(20-582) The City Manager announced day centers and safe parking have gone up in the last week; stated 11 people are signed up for safe parking; the Posey Tube area, has been cleaned recently; the property falls under Caltrans; Caltrans has policies about what will and will not be done related to homeless encampments; the Public Works Department has been working on increasing trash cleanups in the areas; announced six Firefighters returned from wild land fires and four remain.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRAL

(20-583) Consider Adoption of Resolution Amending Section 6 of Resolution No. 15382, which Adopted Rules of Order Governing City Council Meetings. (Mayor Ezzy Ashcraft and Councilmember Oddie) Not heard.

COUNCIL COMMUNICATIONS

(20-584) Stopwaste June 2020 Topic Brief: Sustainable Landscapes. (Councilmember Oddie) Not heard.

(20-585) Consideration of Mayor's Nominations for Appointments to the Civil Service Board, Commission on Persons with Disabilities, Golf Commission, Historical Advisory Board, Housing

Authority Board of Commissioners, Planning Board, Public Art Commission, Public Utilities Board, Social Service Human Relations Board and Transportation Commission.

Mayor Ezzy Ashcraft provided brief comments about the nominees and nomination process; nominated Thomas Saxby for reappointment to the Historical Advisory Board, Registered Architect seat; Adam Gillitt for reappointment and Tierney Sneeringer for appointment to the Public Art Commission; Gerald Serventi for reappointment to the Public Utilities Board and Samantha Soules for reappointment to the Transportation Commission.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:52 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 1, 2020- -5:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:35 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:

(20-550) Conference with Legal Counsel: Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: City of Alameda v. Union Pacific; Court: Superior Court of the State of California; Case Number: RG18920939

(20-551) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Site A at Alameda Point; Persons Negotiating: Eric J. Levitt, City Manager; Debbie Potter, Community Development Director; Michelle Giles, Redevelopment Project Manager; and Lisa Maxwell, Assistant City Attorney; Negotiating Parties: City of Alameda and Alameda Point Partners: Under Negotiation: Price and Terms. Not heard.

(20-552) Conference with Legal Counsel: Existing Litigation (Pursuant to Government Code Section 54956.9); Requests for the City to participate as amicus in pending litigations (Pursuant to Government Code Section 54956.9); Case Name: Duncan v. Becerra; Court: State Court of Appeal for the 9th Circuit; Case Number: 19-55376

(20-553) Conference with Legal Counsel: Anticipated Litigation (Significant exposure to litigation pursuant to paragraph (2) subdivision (d) of Section 54956.9); Number of Cases: One (As Defendant – City Exposure to Legal Action)

(20-554) Conference with Legal Counsel: Potential Litigation (Initiation of litigation pursuant to Government Code Section 54956.9, Subsection (c); Number of Cases, One (As Plaintiff-City of Alameda Initiating Legal Action)

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Union Pacific, staff provided information and Council approved staff's recommendations by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5: the case involves an ongoing eminent domain litigation against Union Pacific, where the City seeks to acquire approximately 1.56 acres of abandoned Union Pacific Railroad right-of-way on the northwest side of Tilden Way on either side of Blanding Avenue; the property will be used for the Cross Alameda Trail to the Miller-Sweeney

Bridge and into Oakland; the parties have reached a tentative agreement to finalize the eminent domain process without trial, whereby the City would pay approximately \$1,538,875, agree to release Union Pacific from future liability from the City, and to certain use restrictions consistent with environment conditions of the site; the Council authorized the City Attorney to resolve the litigation consistent with the tentative agreement; regarding Duncan v. Becerra, staff provided information and Council provided direction 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 has been asked to join numerous other local jurisdictions by authorizing and/or signing on to an amicus briefs to be filed in the case to support the State of California's existing prohibition, codified at Government Code Section 313110, against the possession of large capacity magazines (LCM) that hold more than 10 rounds of ammunition; a divided panel of the 9th circuit held that Section 313110 violated the 2nd amendment; the amicus brief seeks to support the State of California, in part, because the decision is contrary to prior 9th Circuit precedent from six other Circuits all holding that various LCM restrictions are constitutional; additionally, the Section 31310 prohibition against LCMs does not prevent the use of handguns or other weapons in self-defense and leaves open alternative channels for self-defense in the home; the Council has authorized the City Attorney to author and/or sign amicus briefs in the case, in any trial or appellate court of competent jurisdiction; and regarding Anticipated Litigation and Potential Litigation, staff provided information and Council provided direction with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:45 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- -SEPTEMBER 1, 2020- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:32 p.m. and Councilmember/Commissioner Daysog led the Pledge of Allegiance.

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

Absent: None.

CONSENT CALENDAR

Vice Mayor/Commissioner Knox White moved approval of the Consent Calendar.

Councilmember/Commissioner Vella seconded the motion, which carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor/Chair Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*20-555 CC/20-023 SACIC) Minutes of the Joint City Council and Successor Agency to the Community Improvement Commission Meeting Held on July 7, 2020. Approved.

(*20-556 CC/20-024 SACIC) Recommendation to Accept the Third Quarter Financial Report for the Period Ending March 31, 2020. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:33 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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