

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 15, 2020- -5:30 P.M.

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

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(20-586) 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. Continued to September 22, 2020 at 5:00 p.m.

(20-587) Conference with Legal Counsel: Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: Application of Pacific Gas and Electric Company (U 39-E) for Approval and Recovery of Oakland Clean Energy Initiative Preferred Portfolio Procurement Costs; Court: Public Utilities Commission of the State of California; Case Number: CPUC Docket No. A.20-04-013

(20-588) Conference with Legal Counsel: Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: City of Alameda v. Pacific Gas and Electric Company under EL20-630” Petition for Declaratory Order, et al. and Conditional Complaint of City of Alameda, California under EL20-63; Court: Federal Energy Regulatory Commission; Case Number: FERC Docket No. EL20-63-000

(20-589) Conference with Legal Counsel: Workers’ Compensation Claim (Pursuant to Government Code Section 54956.95); Claimant: Employee – Fire Department; Claim Nos.: ALAZ-005283 and ALAV-004823; Agency Claimed Against: City of Alameda

(20-590) Conference with Legal Counsel: Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: National Urban League, et al. v. Wilbur L. Ross, Jr., et. al.; Court: United States District Court for the Northern District of California; Case Number: 20-cv-5799

(20-591) Conference with Legal Counsel: Existing Litigation; Requests for the City to participate as amicus in pending litigations (Pursuant to Government Code Section 54956.9); Case Name: Common Wealth of Pennsylvania, State of California, et. al. v.

Louis Dejoy, et al.; Court: United State District Court for the Easter District of Pennsylvania; Case Number: 2:20-cv-4096

(20-592) Conference with Labor Negotiators (Pursuant to Government Code Section 54957.6); City Negotiators: Eric J. Levitt, City Manager; Gerry Beaudin, Assistant City Manager; and Nancy Bronstein, Human Resources Director; Employee Organizations: International Association of Firefighters, Local 689 (IAFF); Under Negotiation: Salaries, Employee Benefits and Terms of Employment.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Site A, staff provided information, Council provided direction to continue the meeting to September 22nd at 5:00 p.m.; regarding Oakland Clean Energy Initiative and City of Alameda v. Pacific Gas and Electric, 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; regarding Workers' Compensation Claim, 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; these two worker's compensation claims were filed by a Firefighter who first joined the City on October 24, 2002; applicant experienced a neck injury on or about November 5, 2018, while participating in training; applicant also experienced a neck injury on or about August 11, 2014, while on a Fire engine; the Council authorized the City Attorney to settle the pending worker's compensation claims in an amount not to exceed \$100,000; regarding National Urban League, staff provided information and Council approved staff's recommendation 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 authoring and/or signing on to an amicus briefs to be filed in the above case to support the Plaintiff's efforts to forestall the Trump Administration's efforts to cut short, by as much as half the 2020 Census operations; among other harms, the Trump administration's decision would shorten the time period for the Census Bureau's non-response follow up (NRFU) efforts, which are critical to enumerate hard-to-count communities, such as racial and ethnic minorities; especially in the context of the ongoing COVID-19 pandemic, an abbreviated NRFU period will inevitably and disproportionately undercount communities of Color; the Council has authorized the City Attorney to author and/or sign amicus briefs in support of the plaintiffs in this case, in any trial or appellate court of competent jurisdiction; regarding Common Wealth of Pennsylvania, 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 City has been asked to join numerous other local jurisdictions by authoring and/or signing on to an amicus briefs to be filed in the above case to support the plaintiffs' challenge against recent changes to U.S. Postal Service policies; more specifically, the U.S. Postmaster General has adopted several policies that have delayed mail delivery, including: (1) eliminating overtime, (2) eliminating trips to postal sorting facilities to pick up mail for delivery, (3) removing mail sorting machines in certain localities, and (4) deprioritizing election

ballots from First Class Mail; reliable and timely mail is essential to administering elections and other core government operations, especially in light of the pandemic; experts estimate that for the first time, 3 in 4 voters will be eligible to vote by mail; States that have conducted primaries in 2020, during the pandemic, have seen a 400 percent or more increase in the use of mail ballots and a similar increase in rejected ballots, often due to delays in receiving the ballots; governments have also turned to a greater reliance on mail for operations such as to determining eligibility for public benefits and providing healthcare services; in the absence of reliable mail service, government workers and residents risk either access to the polls and essential services or greater exposure to COVID-19; the Council has authorized the City Attorney to author and/or sign amicus briefs in support of the plaintiffs in this case, in any trial or appellate court of competent jurisdiction; and regarding Labor, 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.

Following the announcement, Council voted to continue the Site A to September 22, 2020 at 5:00 p.m. by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5.

Adjournment

At 7:07 p.m., Mayor Ezzy Ashcraft continued the meeting to September 22, 2020 at 5:00 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- - SEPTEMBER 15, 2020- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:25 p.m. and Councilmember Oddie led the Pledge of Allegiance.

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

(20-593) Proclamation Declaring October 4 through 10 as Public Power Week 2020.

ORAL COMMUNICATIONS, NON-AGENDA

(20-594) Jay Garfinkle, Alameda, discussed the Closed Session report out; expressed concern for General Plan discussions proceeding; stated that he believes there has not been adequate notification and every resident should receive a letter detailing the processes; expressed support for deferring the matter until COVID-19 is under better control.

(20-595) James Downey, Alameda, discussed conditions of the dumping near Posey Tube; stated the condition has grown considerably worse over time; discussed a fire and vehicles at the site; stated the Posey Tube is a major thoroughfare for the Island; the matter is becoming a public health crisis; provided suggestions; urged Council to take decisive action.

(20-596) Kenneth Werner, League of Women Voters (LOWV), made an announcement regarding National Voter Registration Day; stated the LOWV has actively participated in the nationwide event; there is a higher than average number of registered voters; urged all eligible citizens to register and vote in every election; discussed potential ways to register.

CONSENT CALENDAR

The City Clerk announced the Local Communities Funding Act [paragraph no. 20-605] and the Development Impact Fees [paragraph no. 20-607] was removed from the Consent Calendar for discussion.

Vice Mayor Knox White 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.]

(*20-597) Minutes of the Continued July 14, 2020 Special Meeting, the Special Meeting, the Joint City Council and Successor Agency to the Community Improvement Commission Meeting, the Regular Meeting and the Special Meeting Held on July 21, 2020; the Special Meeting Held on July 25, 2020 and the Special Meeting Held on July 28, 2020. Approved.

(*20-598) Ratified bills in the amount of \$7,740,543.22

(*20-599) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending June 30, 2020 (Funds Collected During the Period January 1 to March 31, 2020). Accepted.

(*20-600) Recommendation to Authorize the City Manager to Execute a Fourth Amendment to the Service Provider Agreement with Cultivate, LLC to Increase Compensation by \$75,000, for a Total Aggregate Compensation Not to Exceed \$220,500, to Continue Providing Technical Planning Support to the City of Alameda General Plan Update through Plan Adoption. Accepted.

(*20-601) Recommendation to Authorize the City Manager to Execute a First Amendment to Service Provider Agreement with Douglas Herring & Associates to Increase Compensation by \$109,800, for a Total Aggregate Compensation Not to Exceed \$180,000, to Complete the Environmental Impact Report for the General Plan 2040 Update. Accepted.

(*20-602) Recommendation to Authorize Purchase of APX 4000 Portable Radios, in an Amount Not to Exceed \$86,659.92, from Alameda County East Bay Regional Communications System Authority. Accepted.

(*20-603) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Revel Environmental Manufacturing Inc. for Storm Drainage Trash Capture Device Maintenance and Improvements in an Amount Not to Exceed \$668,494, with Contingency. Accepted.

(*20-604) Resolution No. 15689, "Approving Tentative Map No. 8561 for the Subdivision of Eleven Lots on Approximately 12.07 Acres at the North Housing Site Located at 501 Mosley Avenue (PLN20-0099)." Adopted.

(20-605) Resolution No. 15690, "Supporting the Schools and Local Communities Funding Act on the November Ballot." Adopted.

The Public Information Officer made brief comments.

Councilmember Daysog stated that he does not support the split role tax approach; there is an argument that commercial and industrial were not meant to be part of Proposition 13 when it passed in 1978; small mom and pop businesses are affected; the School District stands to gain from the split role approach; Proposition 13 should remain in-tact as originally put together; there are other approaches to deal with funding.

Vice Mayor Knox White noted that he and Councilmember Vella were set to bring the matter forth as Council Referral; stated there were loopholes left in Proposition 13, which have unintentionally removed billions of dollars from schools.

Councilmember Vella stated Proposition 15 exempts all commercial property below \$3 million in value and provides a tax cut on business equipment that will benefit small businesses; there is misinformation related to harm for small businesses; outlined Disneyland's tax payments; stated large scale commercial properties, which have considerable wealth and equity will not be exempt from Proposition 15; expressed support for closing loopholes.

Councilmember Oddie stated times have changed since 1978; school districts used to be top 10 in the nation and now are ranked in the bottom 10 related to funding; there are many issues with funding, especially due to COVID-19; \$7 million would be good for the City and unfunded obligations; funding will help transit authorities stay afloat; the matter is overdue.

Councilmember Daysog stated small businesses will still be subject to taxes; many small businesses are tenants of larger properties; the matter will negatively impact small businesses; Council must be cognizant of the impacts especially in the current environment.

Councilmember Vella noted the tax is for commercial properties valued at \$3 million or over; stated relatively few specific business will pay the tax; 92% of the revenue generated will come from 10% of the properties in the State.

Councilmember moved approval of the staff recommendation and adoption of the resolution.

Councilmember Oddie seconded the motion.

Under discussion, the Public Information Officer stated a large portion of the revenue is generated from a small portion of commercial properties; properties are generally reassessed when sold; the assessed value is less than the market value for commercial properties; commercial properties are sold every 30 years on average; residential properties are generally sold every six years which can cause disparities.

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.

(*20-606) Resolution No. 15691, "Authorizing the City Manager to Accept up to \$140,000 in National Park Service Japanese American Confinement Sites Grant Program Funds." Adopted.

(20-607) Ordinance No. 3288, "Amending the Alameda Municipal Code by Amending Chapter XXVII (Development Fees) by Repealing Section 27-4 (Alameda Point Development Impact Fees) in Its Entirety.: Finally passed.

Expressed concern about the process; stated there is a letter from an attorney representing a company challenging the proceeding; urged input be provided in writing from the City Manager and City Attorney to determine the validity of the objection: Jay Garfinkle, Alameda.

Mayor Ezzy Ashcraft stated the matter is a final passage of an ordinance; noted the matter was on the previous Council meeting agenda for discussion and deliberation.

Vice Mayor Knox White moved final passage of the ordinance.

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.

REGULAR AGENDA ITEMS

(20-608) Resolution No. 15692, "Reappointing Thomas Saxby as a Member of the Historical Advisory Board." Adopted;

(20-608A) Resolution No. 15693, "Reappointing Adam Gillitt as a Member of the Public Art Commission." Adopted;

(20-608B) Resolution No. 15694, "Appointing Tierney Sneeringer as a Member of the Public Art Commission." Adopted;

(20-608C) Resolution No. 15695, "Reappointing Gerald Serventi as a Member of the Public Utilities Board." Adopted; and

(20-608D) Resolution No. 15696, "Reappointing Samantha Soules as a Member of the Transportation Commission." Adopted.

Councilmember Oddie moved adoption of the resolutions.

Vice Mayor Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft made brief comments related to the quality and quantity of applications received for Boards and Commissions.

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 Clerk administered the Oath of Office to Mr. Saxby, Mr. Gillitt, Ms. Sneeringer, and Mr. Serventi.

(20-609) Recommendation to Approve the De-Pave Park Vision Plan.

The Recreation and Parks Director and Kevin Conger and Arturo Fuentes-Ortiz, CMG Landscape Architecture, gave a PowerPoint presentation.

Councilmember Daysog inquired whether the image shown with greenery is depicted as a projection of 75 years in the future, to which the Recreation and Parks Director responded in the affirmative.

Discussed San Francisco Bay Keeper roles and expressed support for De-Pave Park; discussed wetland loss statistics; stated concrete conversions will create habitat for bay fish and wildlife and a public good for residents; De-Pave Park will accommodate over three feet of sea level rise; urged Council to approve the De-Pave Park Vision Plan: Cole Burchiel, San Francisco Bay Keeper.

Discussed providing input on the Vision Plan; stated the vision and staff leadership is impressive; this type of project shows how Alameda can embrace the water and accommodate sea level rise; expressed support for De-Pave Park: Ruth Abbe, Community Action for Sustainable Alameda.

Mayor Ezzy Ashcraft stated now is the perfect time to bring forth a project which addresses the impacts of climate change, including sea level rise.

Councilmember Oddie expressed support for the De-Pave Park project; stated the design is amazing; noted former Councilmember Matarrese advocated for the project; stated the Park has many great uses; the project will be eligible for Measure AA funding; the project will bring international recognition and put Alameda on the map; expressed support for the removal of Buildings 25 and 29.

Mayor Ezzy Ashcraft inquired whether Council must provide direction in order to pursue grant funding.

The Recreation and Parks Director responded a pre-application has already been submitted and upcoming meetings will be held with funders; noted the final grant application is due in October; stated should a resolution be required, the matter will return to Council.

Mayor Ezzy Ashcraft expressed gratitude toward CMG Landscape Architecture for providing services pro bono.

Councilmember Oddie moved approval of the staff recommendation.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Daysog stated Council will face a difficult decision about ways to save money; potential cuts could be active or passive recreational amenities; Council will be looking at De-Pave Park; the presentation and information provided is helpful to understand how to score De-Pave Park against other active or passive recreational amenities.

Vice Mayor Knox White expressed concern about the process related to proper engagement of neighbors and community; stated not having Alameda Point Collaborative (APC) listed as a stakeholder is concerning; without proper and engaging outreach to communities, Council is continuing harms, which he wishes to be stopped; the Measure AA grant is new and there is time; expressed support for the matter returning following substantial, engaging community input; expressed concern about selling people on the idea of the park and why it is good without authentic outreach; stated Council has been asking for better outreach and community engagement on projects; that he would like to ask some time be given to determine how to proceed forward and ensure the vision is flexible enough to allow engagement with the communities local to the Park prior to cementing a Vision Plan.

Mayor Ezzy Ashcraft requested clarification about the outreach goals and efforts.

The Recreation and Parks Director stated at the beginning of the process, staff had been looking at specific stakeholders around the ecological park concept; a list of stakeholders and groups has been developed, which includes APC as one of many; grant funders will know more input needs to happen; the Vision Plan is intended to be high level; the grant includes the Master Plan process, which will heavily involve the entire community and local stakeholders; should the October 2020 opportunity be missed, the next application window will be October 2021.

In response to Mayor Ezzy Ashcraft's inquiry regarding the due date, the Recreation and Parks Director stated October 23rd.

Mayor Ezzy Ashcraft stated the next meeting is October 6th; inquired whether the matter can return by that date.

The Recreation and Parks Director responded that she needs clarity about what would return to Council; stated that she can meet with APC and allow a group of constituents to review the project.

Mayor Ezzy Ashcraft stated that she does not want to delay the process; noted that she would like a report back at the October 6th meeting.

Councilmember Vella stated the goal of the project is to create an ecological park in line with advancing sea level rise and other goals listed in the Climate Action Plan; the presented plan is shown under the purview and constraints of the Climate Action Plan's goals; an explanation allowing input on the plan of the ecological park will show what needs exist from neighboring communities; expressed support for the list attached to the grant application being shared to inform Council about who is being reached out to; stated the Park embodies thinking outside the box and is not a traditional park; the use of funding for the Park will maximize opportunities; there is an opportunity to perform outreach and discover input within the confines of an ecological park; questioned the type of feedback needed for the next Council meeting; expressed concern about delaying the grant application process; stated the conversation and report back could occur after the grant application.

Vice Mayor Knox White stated that he does not want to delay the grant application; expressed support for community input about the Park vision; expressed concern about cementing the vision and unchangeable features; stated that he has difficulty supporting approval of the vision and application since a small group of people instead of the immediate community made the decisions.

Mayor Ezzy Ashcraft stated there is a distinction of the park being passive versus active, which has a certain specific purpose of addressing and mitigating sea level rise and climate change; outlined her participation in the Jean Sweeney Open Space Park design; expressed support for receiving input from the public; expressed concern about slanting the view of experts in the environmental protection and mitigation field; stated everyone benefits from the improvements proposed.

Councilmember Oddie stated the Vision Plan is part of the Town Center Precise Plan; noted the purpose of the referral was to find funding to create a Vision Plan, which allows grant funding to be found for the master plan; stated the master plan process will be heavily community intensive, similar to the process for Jean Sweeney Park; expressed support for the commitment from the Recreation and Parks Director ensuring a tremendous amount of community input; noted the Climate Action Resiliency Plan (CARP) includes sections devoted to how vulnerable populations are dealt with; stated sea level adaptation is one thing needed in order to help prevent massive negative impacts; the sooner the plan moves forward, the sooner the master plan can evolve and incorporate input from the community.

The Recreation and Parks Director stated the intent of the Vision Plan is to be malleable and changed; the grant application is being processed with the community input aspect included; expressed support for a shift in how community input is processed and conducted; stated staff is beginning the shift starting with projects, such as renaming Jackson Park.

Vice Mayor Knox White stated that he will be abstaining from the vote since the process did not involve people of color, low-income or living nearby; stated Council needs to question the general idea that when a project requires experts, there is no valuable input from the people living nearby who will use the space; expressed support for moving the item forward; stated that he cannot buy into the Vision Plan as proposed; the plan needs a stronger backbone from the broader community; plans become unending drum beats that move projects forward; outlined the need for funding; stated a decision is being made, which will have ramifications through the master planning processes; it is important to live up to the commitment made in June and July; the plan is centering people at the beginning; expressed concern about “important” stakeholders missing 90% of the community.

Councilmember Vella stated it is important for Council to move forward and take steps on wetlands projects at Alameda Point; the process is an early step to secure funding to perform in depth community engagement; expressed support for Council reviewing the list of who is included in the outreach process; stated Council can provide direction; expressed support a plan for engagement being included with the timeline; stated there are a number of opportunities to partner with Park neighbors; cautioned that the project is connected to climate goals and is a passive park, which deals with sea level rise; stated there is a limit to what the park can be within constraints; expressed concern for equity conversations delaying moving forward with a project to preserve space at Alameda Point; expressed support for the Vision Plan in the hopes of Council seeing the grant application and receiving an update on the outreach program timeline and community engagement process.

Councilmember Daysog stated that he will support the Vision Plan; noted the Recreation and Parks Commission and City Council will be looking at the range of passive and active recreational uses at Alameda Point; stated Council will have to make decisions on the Master Infrastructure Plan (MIP); expressed support for the presentation and information provided.

Mayor Ezzy Ashcraft outlined the staff recommendation; proposed the motion include information related to the community outreach process and timeline return to Council; requested clarification of the motion.

Councilmember Vella agreed to second the motion, including requesting information returning to Council.

Mayor Ezzy Ashcraft inquired whether the information would return to Council at the October 6th meeting, to which Councilmember Vella responded in the affirmative.

Councilmember Oddie expressed concern about overburdening of staff; noted the deadline for reports on the October 6th meeting is a week away.

The Recreation and Parks Director stated the report will likely be included in the October 20th Council Meeting; noted the time will allow staff to incorporate information and feedback.

Councilmember Oddie stated even though a Master Plan is created, the City will not go out and build; Council must still find a way to prioritize and fund the project; accepted the motion amendment.

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

(20-610) Recommendation to Approve Staff's Approach to Developing a City of Alameda Race and Equity Action Plan for the Organization, including Joining the Government Alliance on Race and Equity (GARE).

The Assistant City Manager gave a brief presentation.

Vice Mayor Knox White inquired whether staff is requesting Council to approve joining GARE and for the City to move forward with the Fair and Impartial Policing (FIP) implicit bias training or is the request for Council to approve \$75,000 for the general approach outlined.

The Assistant City Manager responded the work program attached to the staff report associated with GARE includes workshops; stated staff will pick from the menu of workshops in a logical order to deliver content to the organization and get into policies and procedures; there are department-specific efforts as well; noted there is a work program, GARE program and FIP with an estimated budget of \$75,000, which will return to Council for formal action.

Vice Mayor Knox White inquired whether the recommendation is asking Council to approve the specific work program, with flexibility for which workshops, and use of the FIP, to which the Assistant City Manager responded in the affirmative.

Councilmember Oddie expressed concern about the content included in e-mails received related to the FIP; stated issues have been raised about interviews with an online magazine, which show there has not been a change in behavior and there are issues with those running the training; questioned how Council should respond to the concerns.

The Assistant City Manager stated the implicit bias training received mixed reviews; there is an organizational approach to training employees, including implicit bias training; staff is still working to deliver implicit bias training; a work plan for the organization is being developed and implicit bias training is an important foundational piece; the selected training group brings the community into the conversation; there is

an opportunity to build relationships between the Police Department and the community with the FIP approach to implicit bias training.

Mayor Ezzy Ashcraft inquired whether the program has been used by any other cities in the area.

The City Manager responded the implicit bias training has been used extensively in Berkeley, which has seen success and change; stated the issues have been experienced in society for a long time; change will not occur overnight; favorable reviews have been heard from Berkeley and the program is still used; the training is not one-time and is integrated into the organization; should success be found, the program can extend outside of the Police Department.

Councilmember Daysog stated the goal is to put together a race and equity plan; the City will draw on resources such as GARE and FIP; GARE and FIP have the background and will help staff and other stakeholders put the process of the FIP action plan in at a cost of \$75,000; expressed concern about ensuring an evaluation component is included within the plan and having the resources identify how to go about evaluating the race and equity action plan once designed and implemented; stated the evaluation component will be important due to the potential need to change course through the process; outlined the importance of an evaluation process being included in the program; stated Council must ensure the process is performed professionally and is sensitive to different perspectives; in order for the program to work, Council must intentionally think through the evaluation process and track processes to make any needed adjustments.

Stated that she is concerned about the recommendations related to Fair and Impartial Policing training; declaring racism as a public health emergency did not proceed as initiated and is causing confusion; subcommittees have been formed to ensure the community can be heard, but plans are being presented without community input beforehand; the company selected for bias trainings are in cities where bias training has backfired; urged Council to look at how to re-route funds to ensure services are working for, not against, people: Alexia Arocha, Alameda.

Discussed the racial equity plan; stated the Government Justice Alliance for Racial Equity has been a helpful resource; FIP concerns will arise to similar to the independent investigation of the Mali Watkins incident; another research based organization is the Center for Policing Equity (CPE); he is unsure the extent of the issues in Alameda; urged Council to have an academic organization, such as CPE or other institutions, provide analysis: Rasheed Shabazz, Alameda.

Expressed concern about cutting off the community input; stated the committees formed to provide guidance on the topic are having their hands tied; urged Council to listen to the community before implementation: Cheri Johansen, Alameda.

Mayor Ezzy Ashcraft inquired whether the proposal hampers or precludes the public process put in place.

The City Manager responded the committees are working to bring an interim report back to Council in December; stated assembling the committees took time; one option would be to proceed forward with GARE and research the District Attorney's program; it is not a lengthy time between now and December; a change in dynamic going forward is being created for the organization as a whole; the fair implicit bias training could wait until December and be reviewed by the committees.

Mayor Ezzy Ashcraft discussed a meeting with District Attorney (DA) O'Malley; stated the training is similar to the Crisis Assistance Helping Out On The Streets (CAHOOTS) program; expressed support for Alameda's participation.

Councilmember Vella stated that she is generally supportive of the GARE program; expressed concern about the implicit bias training; outlined a National Public Radio (NPR) article related to an implicit bias study at New York University (NYU); stated the training does not necessarily change behavior; a common response in cities looking to change is implicit bias training; outlined concerns stemming from studies; stated implicit bias training can often displace other types of effective training; some Cities can ignore factors, which are external to policing but have greater impacts in overall results; the suggestion has been to find levels of intervention relative to overall office culture and for understanding reasons certain communities have more negative encounters with Police, such as poverty or housing policies that concentrate specific ethnic groups into designated areas becoming crime prone; outlined the bias which exists in the community; stated there are additional policies to review that cause a criminalization of survival; expressed support for holding back on the FIP and allowing the community process take place; stated there is value to GARE specifically because it is more geared at the overall cultural approach; noted that she will need to recuse herself should Council partner with the DA's Office; outlined her experience in representing law enforcement; stated items like the FIP takes away from broader goals; expressed support for the matter being brought forth for Council consideration; stated the timing is Council driven; program specifics can be worked out in the community led process; expressed support for input and feedback from the community led process relative to the types of public meetings being held.

Councilmember Oddie stated that he is fine with the GARE program; the process helps center communities of Color on the solutions and bringing forward suggestions; staff has brought forth suggestions for the DA's office and the FIP, which centers institutionalized law enforcement; expressed support for the committee task force solutions being presented instead of Council choosing; stated the Center for Policing Equity looks like a supportive process; Council must take community concerns seriously.

Councilmember Daysog stated Police are especially implicated in the discussion about race and equity in Alameda and across the nation; the process leading to the race and

equity action plan discussed must involve the perspective of an organization such as FIP; the organization does not have to be FIP; however, the perspective of the Police should be included; there is something special about the possible interaction between Police and Persons of Color having to do with issues of potential violence and harm that needs an organization which understands policing perspectives, procedures and policies; GARE may understand the broader questions regarding race, culture and equity; not including an organization that intentionally includes the Police perspective would weaken the race and equity action plan; he does not know if GARE has the subject matter expertise to be able to translate questions and answers with regard to race and equity into specific policies and procedures for the Police; he disagrees with the City Manager's recommendation to hold off on including FIP; holding off on FIP should only occur during the search for a program similar to FIP.

Vice Mayor Knox White expressed support for the openness, transparency, and commitment he witnessed in his conversation with the Interim Police Chief; stated that he is not the right person to decide between FIP or implicit bias as the correct process; expressed support for approving the financial aspect of the matter; stated conversations should occur with the proper subcommittees and steering committees; Council should hear the feedback from those conversations; he does not feel comfortable approving the program; he has read studies which show implicit bias training has not been useful; the City of San Francisco offers the training and has shown success; expressed support for ensuring Council hears more; stated there is still room for conversations about how to call out racist actions without accusing someone of being immoral and racist; conversations about racial inequity centered around policing are also occurring around land use and parks; there is a reason Police are the focal point due in part to the incident in Minneapolis and the aftermath; conversations might need to be held prior to implicit bias training to ensure all are on the same page related to the reasons why the training is being held; he has not gone through GARE programs, but has worked with multiple people who have; the City of San Francisco has made efforts to put many people through GARE programs; this will not be a one-time cost for the City; a commitment is being made; expressed support for the City joining GARE, approving the \$75,000, and directing staff return with community and Police groups feedback; stated the committees have not met and do not have work plans; there is no expectation to change course due to a current lack of feedback; expressed concern about suggesting there is a robust public process in the works; stated Council does not know what is happening until a public process occurs; expressed support for the matter with the caveat of the FIP and the public input process.

Mayor Ezzy Ashcraft stated Councilmembers received a spreadsheet with all members broken down by subcommittee; Berkeley has had positive results with GARE and it is good to know the results in San Francisco as well; Bay Area cities have common issues and similar sensibilities; expressed support for the proposed recommendations of moving forward with GARE and delaying the FIP portion until reports back from the subcommittees; she has not received details about the DA's program, but would like a foot in the door prior to the opportunity closing; she is proud of the work being done; roughly 200 members of the community expressed interest in the subcommittee;

expressed support for approving the \$75,000 expenditure and moving forward with staff recommendations.

Councilmember Vella stated the spreadsheet was sent out on September 7th; the committees met on September 8th; subcommittee members are listed on the City website; demographic and meeting information is also listed on the website; there is a digital divide resulting in not everyone knowing the information online; expressed support for an update and report back during City Manager Updates in advance of meetings.

Vice Mayor Knox White moved approval of the City joining GARE, moving forward in developing a work plan and approving the \$75,000 for the effort, including an effort to start engaging with City Police in consultation with Police Department and community enforcement subcommittees.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Oddie inquired whether the matter will return to Council before a program or contract is approved.

The City Manager responded staff will wait on the FIP until the subcommittee reports return.

Councilmember Oddie expressed concern about staff making a selection based on subcommittee input without a second set of eyes; stated the matter is sensitive and discussions should work quickly and intelligently; expressed support for ensuring the community input is followed.

Vice Mayor Knox White stated the motion is to allow staff the flexibility to hire the appropriate consultant in consultation with the committees; the motion may be amended to include Council approval if desired; however, the direction feels administrative; the matter may also return to Council as an informational item; he anticipates the committees will inform Council should a decision move forward that is not consistent with the recommendations.

Councilmember Oddie expressed support for amending the motion; stated that he would like to review the selection prior to confirmation; questioned the outcome if staff does not select the subcommittees' recommendation or if the committee recommends multiple selections.

Councilmember Vella stated \$75,000 is not a significant amount of money; should multiple suggestions be recommended, Council can review and discuss; a report back from the committee will occur in December; there is anticipation the report will include details about the \$75,000 recommendation; expressed concern over delaying the matter by requiring Council approval; stated Council has provided the direction to have the decision made in consultation with the subcommittees.

Councilmember Oddie withdrew his concern.

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.

Mayor Ezzy Ashcraft recessed the meeting at 9:35 p.m. and reconvened the meeting at 9:45 p.m.

(20-611) Introduction of Ordinance Amending the Alameda Municipal Code by Adding a New Article XVIV (Third-Party Food Delivery Services) of Chapter VI (Businesses, Occupations and Industries) Establishing a Temporary Limit on Charges Imposed by Third-Party Delivery Services During the Locally Declared State of Emergency Related to the COVID-19 Pandemic. Introduced.

The Development Manager gave a brief PowerPoint presentation.

Councilmember Daysog inquired how pervasive the response was from potentially affected businesses.

The Development Manager responded three out of four expressed major concerns about the fees.

Mayor Ezzy Ashcraft stated many people driving for Uber and Lyft are trying to make ends meet; she does not want to disparage the companies; inquired the model of compensation for drivers.

The Development Manager responded the model varies and can be complicated; stated some use an algorithm, which includes order size, distance driven, time of day and demand with a minimum amount paid; some use a bonus system which includes a minimum order fulfillment.

Councilmember Vella stated there is a weekly meeting of a restaurant subcommittee; discussed a meeting with DoorDash and small business owners; stated drivers are not compensated as employees, do not have paid sick leave, worker's compensation or social security; expressed concern about price gouging small businesses; and business owners having 40% taken out of profits; stated large companies are taking money and opportunity from the community and are not helping the individuals performing the labor of bringing food to customers; there is an interesting finding about where deliveries are being sent; it makes sense for Council to cap the fees; Council is taking steps to help small businesses; requested input from the City Attorney regarding the City of Santa Monica's approach of capping delivery fees and shifting funds to the consumer.

The City Attorney stated the City of Chicago is actively considering limiting consumer charges; the City of Santa Monica has said consumer charges are an issue, but has not taken final action; expressed concern about delivery apps taking in revenue from two sources: restaurants and customers; stated should the City adopt an ordinance that only limits the charge in one place and not the other, residents could face consequences, such as increased charges; UberEats is the one example where charges have increased for residents following a jurisdiction capping delivery charges; staff is recommending capping charges to both restaurants and freezing in place customer charges as of September 3rd.

Vice Mayor Knox White expressed support for the matter being brought for discussion; stated app based services are shifting revenues and income from people performing hard work to people that run apps; noted Proposition 22 on the upcoming ballot relates to paying app based staff; stated restaurant delivery will continue; the matter should not be overly controversial; expressed support for the will of the majority as long as the restaurants fees are capped; stated drivers will suffer in the end if the ability to charge fees is capped; the impact of the delivery services is huge; stated the fee should be clear and upfront.

Councilmember Oddie inquired whether tips go to the driver.

The Development Manager responded in the affirmative; stated most companies have stopped the practice of yielding tip garnishments from; staff has included a clause to ensure the practice is not allowed.

Councilmember Oddie stated that he would prefer Option 3: freeze the customer fees; businesses will likely cost shift; restaurants have expressed concern; the demand for service is present and the need will be met; Uber and Lyft threatened to pull out of California, which fell through; this is a temporary emergency ordinance.

Councilmember Daysog stated Alameda has a rare opportunity to set a freeze for both restaurants and customers; expressed support for the fee freeze for restaurants and customers.

Mayor Ezzy Ashcraft questioned the reason other progressive cities in the area do not cap fees; stated the cap seems like the right thing to do; some cities have bicycle delivery of food; creative alternatives could arise if Uber and/or Lyft pull out of the California market; urged residents to personally pick up to-go food orders as often as possible; those who cannot pick up orders need services such as these and the value should not be minimized; bold steps must be taken.

Councilmember Oddie moved approval of approving the emergency ordinance, setting the limit at 15% for fees charged at restaurants and freezing customer fees at the current rate per the recommendation of the City Attorney.

Mayor Ezzy Ashcraft inquired the current rate, to which the Development Manager responded the rate varies.

The City Attorney stated the matter placed before Council is a regular ordinance and the rates are frozen as of the date of the staff report publication to prevent gaining.

Councilmember Vella expressed concern about capping the fee for the consumer; stated many companies have hidden fees elsewhere; there are differences in ordering directly through a restaurant website versus DoorDash; inquired how the capping works and whether there are ways around the fee cap; questioned whether the matter may be bifurcated; expressed concern about price shifting; inquired whether Council can regulate such matters.

The City Attorney responded the ordinance contains a prohibition on charging a higher price than listed at the retail establishment; stated proposed language would include: "it shall be unlawful for a third party food delivery service to increase any fee, cost or commission or establish any new fee, cost or commission with respect to customers beyond those established on September 3rd 2020;" should Council desire additional flexibility, a provision could be added to allow the City Manager to implement additional administrative regulations to monitor gaining; staff is recommending broad prohibitions.

Councilmember Vella stated local companies are trying to coordinate with restaurants; inquired whether there is a way to distinguish local from third party companies.

Mayor Ezzy Ashcraft stated the goal is to protect both small businesses and residents impacted by the pandemic; it is possible smaller community-run delivery companies would not charge high percentages.

Councilmember Vella expressed concern about price gouging; stated that she wants to ensure the person providing service gets paid; inquired whether costs may be modified due to mode-shifting under the ordinance.

The City Attorney responded one additional exception included in the ordinance guards against unconstitutional takings; any company, whether in or out of town, has the ability to demonstrate proof that the limitations established constitute a unconstitutional taking; stated the provision ensures that companies have the ability for a fair return; any company able to demonstrate proof is able to seek an exemption from the City.

Councilmember Oddie stated another way to incentivize is for allowing a higher fee for companies that practice mode-shifting in Alameda.

Mayor Ezzy Ashcraft outlined the staff recommendation; expressed support for moving forward with the matter and modifying the ordinance at a later time should the need arise.

Councilmember Vella stated a 15% fee can be large for smaller orders; there is an inherent value in finding local delivery services; expressed concern about throwing out local services in the attempt at taking on bigger companies, which are price gouging; expressed support for keeping track of problematic effects on local delivery companies; stated the service is necessary and should not be cut-off.

Mayor Ezzy Ashcraft stated a stronger ordinance can be created based on actual documentation.

Councilmember Oddie expressed support for a second look at the ordinance in the future; outlined the difference between a large company like Lyft and a local startup delivery service.

Councilmember Vella seconded the motion, with a friendly amendment to include direction for staff to track and monitor and return to Council.

Councilmember Oddie accepted the friendly amendment.

Under discussion, Councilmember Vella stated third party delivery companies are not hurting for money and have spent \$180 million in trying to not pay workers; the ordinance is a strong statement.

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.

(20-612) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Various Provisions of Article VIII (Sunshine Ordinance) of Chapter II (Administration) Concerning Special Meetings, including the Setting and Noticing of Such and Other Meetings. Introduced.

The Assistant City Attorney gave a brief presentation.

Councilmember Vella moved approval of the staff recommendation, including introduction of the ordinance.

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.

CITY MANAGER COMMUNICATIONS

(20-613) The City Manager made an announcement regarding meetings of the steering committees, subcommittees and task force; stated a report is due in December; final recommendations will be placed on the agenda after the first of the year in time for budget discussions; staff will provide a more thorough report and update in October

2020; announced staff has been working on the Posey Tube encampments; an encroachment permit was issued by Caltrans for garbage bins to be placed at the location; staff is looking into the issue of vehicles being parked at the site and providing services to individuals; announced the Chamber of Commerce Economic Forecast will be on September 25th at 11:30 a.m. via Zoom.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(20-614) Resolution No. 15697, "Amending Section 6 of Resolution No. 15382, which Adopted Rules of Order Governing City Council Meetings." Adopted. (Mayor Ezzy Ashcraft and Councilmember Oddie)

Councilmember Oddie made brief comments.

Vice Mayor Knox White stated this is a common sense approach; expressed support for the referral and for encouraging concise presentations.

Mayor Ezzy Ashcraft stated encouraging concise presentations is not disparaging, it is encouraging a positive of brevity.

Councilmember Oddie moved approval of the Council Referral [including adoption of the resolution].

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.

COUNCIL COMMUNICATIONS

(20-615) Vice Mayor Knox White announced that many members of Fire Department staff have been off on mutual aid fighting wildfires; stated wildfires are an unfortunate annual occurrence; expressed gratitude for staff.

(20-616) Councilmember Oddie announced Jean Nader gave a Stopwaste presentation.

(20-617) Stopwaste June 2020 Topic Brief: Sustainable Landscapes. (Councilmember Oddie)

Councilmember Oddie made brief comments.

(20-618) Mayor Ezzy Ashcraft made an announcement regarding the Plan Bay Area report from the Association of Bay Area Governments (ABAG) Regional Planning

Committee; discussed housing needs and the Regional Housing Needs Allocation (RHNA) numbers.

(20-619) Consideration of Mayor's Nominations for Appointments to the Civil Service Board, Commission on Persons with Disabilities, Golf Commission, Housing Authority Board of Commissioners (HABOC), Planning Board, and Social Service Human Relations Board.

Mayor Ezzy Ashcraft made brief comments related to the selection process and nominees; nominated Ben Finkenbinder for the Golf Commission; Bashir Hadid, Elizabeth Kuwada, Sandra Kay, Kenji Tamaoki and Vadim Sidelnikov for the HABOC; and Ron Curtis and Xiomara Cisneros for the Planning Board.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:58 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- - SEPTEMBER 15, 2020- -7:01 P.M.

Mayor Ezzy Ashcraft convened the meeting at 10:50 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 ITEM

(20-620) Recommendation to Authorize the City Manager to Negotiate and Execute a \$100,000 Contract with Block by Block to Help in the Economic Recovery Efforts from COVID-19 in Alameda's Business Improvement Areas; and Negotiate and Execute an Amendment to the Agreement with Creative Build Inc. to add \$103,970 to Provide Extended Hours of Operation for the Day Center and Related Support Services.

The Community Development Analyst gave a brief presentation.

Mayor Ezzy Ashcraft stated outreach is important; people need to go out to unhoused individuals and establish rapport, trust, and relationships; noted that she has submitted an inquiry to Supervisor Wilma Chan related about setting aside number of rooms for Alameda unsheltered individuals; stated having hotels available is vital; sites must be supervised; there is room for everybody; expressed support for services.

Councilmember Daysog stated that he does not support safe parking; the limited money available should be focused on putting people into shelters; outreach programs should also be funded; expressed support for the matter.

Councilmember Vella moved approval of the staff recommendation.

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.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:58 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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