

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 20, 2020- -5:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:40 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:

(20-652) Conference with Legal Counsel-Anticipated Litigation; Significant Exposure to Litigation (Pursuant to Paragraph (2) of Subdivision (d) of Government Code Section 54956.9); Number of Cases: One (As Defendant – City Exposure to Legal Action); Potential Plaintiffs: Greenway Golf Associates, Inc.

(20-653) Conference with Legal Counsel-Anticipated Litigation; Initiation of Litigation (Pursuant to Government Code Section 54956.9 Subsection (c)); Number of Cases: One (As Plaintiff – City Exposure to Legal Action); Potential Defendants: Greenway Golf Associates, Inc.

(20-654) Public Employee Performance Evaluation (Pursuant to Government Code Section 54957); Positions Evaluated: City Attorney – Yibin Shen.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Exposure to Litigation, staff provided information and Council provided direction with no vote taken; regarding Initiation of Litigation, 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; and regarding Performance Evaluation, Council conducted the City Attorney performance evaluation with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:49 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- - OCTOBER 20, 2020- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:06 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

(20-655) Mayor Ezzy Ashcraft suggested the resolutions of appointment [paragraph no. 20-660] be heard before the Consent Calendar.

Vice Mayor Knox White moved approval of moving the resolutions of appointment before 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.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(20-656) Proclamation Declaring October 2020 as Filipino American History Month.

ORAL COMMUNICATIONS, NON-AGENDA

(20-657) Former Mayor Trish Herrera Spencer, Alameda, discussed the Regional Housing Needs Allocation (RHNA) numbers; stated the Association of Bay Area Governments (ABAG) is being urged to adopt a methodology which results in a lower number of units for some Bay Area cities; urged Council to participate in the ABAG comment period and hearing on November 12th to reduce the amount of units for Alameda; discussed Alameda's susceptibility to liquefaction.

(20-658) Paul Foreman, Alameda, discussed a letter he submitted related to ABAG's Executive Board action from October 16th; stated the RHNA allocation methodology has been challenged and alternatives have been provided to reduce the allocation for surrounding cities; stated the average return of low-income housing via private development density bonus has been under 15%; urged Council to challenge the ABAG Board action at the November 4th Council meeting as an agenda item or Council Referral.

(20-659) James Downey, Alameda, stated the Posey Tube cleanup on October 15th was

poorly implemented; discussed garbage at the Posey Tube encampment; read an excerpt from the Boise decision; expressed concern about the current status of the Posey Tube encampment.

REGULAR AGENDA ITEM

(20-660) Resolution No. 15709, “Reappointing Troy Hosmer as a Member of the Civil Service Board.” Adopted;

(20-660A) Resolution No. 15710, “Appointing April Madison-Ramsey as a Member of the Civil Service Board.” Adopted;

(20-660B) Resolution No. 15711, “Reappointing Arnold Brillinger as a Member of the Commission on Persons with Disabilities.” Adopted;

(20-660C) Resolution No. 15712, “Reappointing Jennifer Linton as a Member of the Commission on Persons with Disabilities.” Adopted;

(20-660D) Resolution No. 15713, “Appointing Allison Mullings as a Member of the Commission on Persons with Disabilities.” Adopted;

(20-660E) Resolution No. 15714, “Reappointing Christine Chilcott as a Member of the Social Service Human Relations Board.” Adopted;

(20-660F) Resolution No. 15715, “Appointing Priya Jagannathan as a Member of the Social Service Human Relations Board.” Adopted; and

(20-660G) Resolution No. 15716, “Appointing Anthony Lewis as a Member of the Social Service Human Relations Board”. Adopted.

Mayor Ezzy Ashcraft introduced the nominees and the recent Planning Board appointee Xiomara Cisneros.

Councilmember Oddie moved adoption of the resolutions.

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.

The Clerk administered the Oath of Office to Mr. Hosmer, Ms. Madison-Ramsey, Ms. Mullings, Ms. Jagannathan, Ms. Cisneros and Mr. Lewis.

Ms. Madison-Ramsey, Ms. Cisneros, Mr. Lewis, Mr. Hosmer, Ms. Mullings, and Ms. Jagannathan made brief comments.

CONSENT CALENDAR

The City Clerk announced the Updates to the Police Department Manual [paragraph no. 20-664] and the Harbor Bay signal installation [paragraph no. 20-670] were removed

from the Consent Calendar for discussion.

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

Councilmember Vella seconded the motion.

Under discussion, Vice Mayor Knox White stated that he would vote no on De-Pave Park matter [paragraph no. 20-663].

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. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*20-661) Minutes of the Special and Regular City Council Meetings Held on September 15, 2020 and the Continued September 15, 2020 Special Meeting Held on September 22, 2020. Approved.

(*20-662) Ratified bills in the amount of \$1,985,604.60.

(20-663) Recommendation to Review and Provide Feedback on the Community Outreach Effort for the Future De-Pave Park Master Planning Efforts.

Note: The matter carried by the following vote: Councilmembers Daysog: Aye; Knox White: No; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(20-664) Recommendation to Authorize Interim Chief of Police In Consultation with the City Manager to Implement Pending and Future Updates to the Alameda Police Department Policy Manual to be Current with Best Practices and Statutory Requirements.

The Interim Police Chief gave a brief presentation.

Councilmember Vella inquired whether Alameda must be in compliance via implementation, not just policy adoption, by January 1, 2021.

The Interim Police Chief responded in the affirmative; stated the policy must be distributed, understood and followed by staff by the January 1, 2021 deadline.

Councilmember Vella inquired whether changes have been made to the training and techniques policy for use of force.

The Interim Police Chief responded the Department has been engaged in training this month; stated the training addresses the recent changes from the California legislature, including Senate Bill 230; training has been occurring and implemented.

Vice Mayor Knox White requested clarification on the changes made to policies related to shooting at moving vehicles and high speed pursuits in urban areas.

The Interim Police Chief stated that he shares the concern for shooting at moving vehicles; shooting at moving vehicles is rarely an effective Police tactic; there have been rare terrorist instances where vehicles have been used as weapons; the policy would allow Police to attempt to stop the driver of the vehicle; training has indicated shooting at vehicles is not a tactic in general, but allows for a narrow application, if needed; there has been significant language changes to bring Alameda in compliance consistent with State Police Officer Standard Training (POST) for high speed pursuits; staff has not loosed the rules and continues to have a narrow policy; room for supervisor discretion is needed; pursuits are not preferred in Alameda.

In response to Councilmember Oddie's inquiry regarding use of force, the Interim Police Chief stated the elements are covered elsewhere in the policies; staff will not legally be allowed to use force against non-violent protestors or anyone not breaking the law.

Stated Police policies are coming before Council without subcommittee findings; many people are concerned with the subcommittee formation method; chokeholds should be banned without exception; many cities have banned chokeholds and strangleholds; none of the best practices presented come close to the 8 Can't Wait policies; Officers can be trained to not use chokeholds and strangleholds; questioned how many moving vehicles used as weapons have been stopped by shooting officers; Jenice A, Alameda.

Stated the policies presented are bypassing the subcommittees; issues required to be put in effect by law should be put in when necessary; questioned how policies will be enforced when Alameda Officers provide mutual aid or when mutual aid is provided to Alameda; discussed a high speed chase in Alameda; questioned how staff will interact with the Sheriff, Oakland Police, and California Highway Patrol; Jay Garfinkle, Alameda.

Stated the timing of the matter is bad; a subcommittee has been created to review specific issues; making changes prior to subcommittee recommendations being provided is a bad look and negates work being conducted; doing the bare minimum related to use of force is not what has been requested by residents; a more specific and protective role for the policies is not being met; banning chokeholds and strangleholds is an obvious choice; none of the changes presented go far enough to protect people from Police violence; urged Council to wait until the subcommittees report back; expressed concern about the matter being placed on the Consent Calendar; Savanna Cheer, Alameda.

Expressed concern about the matter moving forward while subcommittees are still meeting; stated actions should pause until [subcommittee] recommendations return; policy changes allow a great amount of discretion, which is problematic; urged language be clear; stated Lexipol has been criticized for faulty policies; expressed concern about the use of Lexipol; noted vehicles being used as weapons are primarily used by white supremacists, which is not relevant to Alameda; Alexia Arocha, Alameda.

Mayor Ezzy Ashcraft stated the item has been agendaized since policy changes are required; the matter should have been placed on the Regular Agenda for discussion; Council meeting materials are published with a 12 day lead time; there are five subcommittees; one is addressing Police policies and procedures; inquired the method of coexistence for Council discussion and the subcommittee.

The City Manager responded Council took several actions in June and July; stated as laws are implemented, policy changes are brought to Council for approval; the approvals are unique as many Councils do not approve such policies; many of the policies are narrower or more restrictive; the Police Department is giving multiple presentations to the subcommittees in November; some of the policies may come back through the subcommittees for further enhancements; the policies move in the same direction as previous Council discussions and bring the City in compliance with State law.

Councilmember Oddie stated Council previously took out immigration status on Policy 402.1.1 biased-based policing; inquired whether the fix and protection is shown elsewhere.

Lieutenant Foster responded the policy changes to rank-protected class language is in line with the remainder of policies; stated immigration status is not listed as one of the protected classes; people who might be discriminated against, immigration status or others fall under protection for various other protected classes.

Mayor Ezzy Ashcraft inquired whether language in the presented policies affords protection based on immigration status.

Lieutenant Foster responded not immigration status; stated race and sexual orientation are covered.

Councilmember Oddie inquired whether there is a requirement to be consistent.

The Assistant City Attorney responded there are policies within the Alameda Police Department (APD) Policy Manual related to not taking action based on immigration status; stated none of the policies related to immigration status are before Council at this time; several provisions relate to not taking action based on a persons' immigration status; policies have been reviewed to ensure overall consistency with the City's sanctuary resolution.

Councilmember Oddie expressed concern about the removal of immigration status; expressed support for immigration status remaining in the policy if it is not required to be removed; stated immigration status is a known target tactic.

The City Manager stated the policy may be taken out and deferred to allow for additional research.

Mayor Ezzy Ashcraft inquired whether there is a means for the Police Policies and Procedures Subcommittee to review and comment on the policies.

The City Manager responded in the affirmative; stated there will be multiple presentations provided to the subcommittees in November; any policies may be reviewed by the subcommittees.

Councilmember Oddie stated more discussion is needed related to use of force; requested clarification about the inclusion of chokeholds and pain compliance techniques within the policies.

The Interim Police Chief stated there has been an Assembly Bill which bans the use of carotid and neck restraints, which have been removed from the policy and are not covered; there is a protection tactic to keep someone from swallowing harmful items.

Lieutenant Foster stated the protection tactic causes momentary discomfort without resorting to strikes or other use of force tools; the tactics used have less risk of causing injury to suspects and are important techniques used at a lower level of force to accomplish the goal of control and compliance in arrests.

Councilmember Vella stated Assembly Bill 392 was approved in the last year; there are a handful of policies which require further discussion and review; inquired whether some of the policy changes can be prioritized over the more administrative changes; expressed support for providing the prioritized policies to the subcommittees with a timeline; expressed concern about training implementation being due by January 1, 2021; stated tactics training needs to be reviewed by the chain of command to ensure compliance; there will be Northwest Region Training Center (NRTC) updates; inquired whether Alameda will be part of the NRTC update and whether the academy and tactics trainings will be updated.

The Interim Police Chief responded trainees are sent to basic Police Academy, which must be in compliance.

Councilmember Vella inquired how the City will address the issue of having policies which go beyond basic policy.

The Interim Police Chief responded academy graduates come to the City for two weeks of in-house training prior to field work; staff will work through basic training and then extend training in-house.

Councilmember Vella expressed concern about new trainees being factored into the updates; questioned whether the input provided might end up as the policy reality due to logistics in training; stated the use of force policy could benefit from a footnote or definition that the use of carotid holds is banned based off of State law; the questions received are due to ill-defined terms; cross-references will help; the pursuit of vehicles

policy discussion predated the Council discussion for subcommittees; expressed support for flagging policies being sent to the subcommittees for input and a timeline to aid prioritization.

Mayor Ezzy Ashcraft stated the subcommittees have been meeting, will continue to meet and will provide an update in November; Council will make final decisions on the recommendations presented in early 2021.

Councilmember Daysog stated the practical consideration is to move forward with the staff recommendation to incorporate State adopted policies; outlined State Police policies and procedures; stated Alameda needs to move forward in adopting the proposed changes; residents with concerns about how to improve or clarify the policies should not hold up adoption of the policies; the policies are State law; the policies can be improved with the input of the subcommittees; the best option is to approve the policies with ample time between now and December 31st; Council must be open to improving some of the policies with input from the subcommittees; expressed concern about holding off and closing the window for Police staff to be as best prepared as possible; expressed support for moving forward with the policies as recommended.

Vice Mayor Knox White stated that he is struggling with Policy #3 [APD Policy #300]; it is difficult to tell what has changed and what has not in some of the policies; Alameda training already bans chokeholds; policy changes can happen quickly; questioned whether there is a way to bring back required changes at the next meeting on the Consent Calendar and have the remaining policies go to the community policy groups for input before making changes; stated the staff report should consider the environment; noted the policies being provided are provided for 8,000 cities across the country and are problematic and unclear; the conversation is healthy; expressed support for a good, meaningful policy which will keep Officers and the community safe; stated that he will not support making policy changes for the sake of making changes; small and minor changes are okay; expressed support for moving forward the majority of the policy changes, which are small and minor text changes with no meaningful, actual changes; stated policies are often brought before Council for discussion and change; Policy #3 should be changed due to the carotid chokehold; expressed concern about the vehicle pursuit policy related to residential zones; stated the speeds of vehicles should be considered; when policies are loosened, courts make it more difficult to hold unacceptable behavior accountable; there are places in Alameda where driving fast is not wanted; some flexibility should be given to the policies; however, the policies should remain tight with concerted decisions made; the City has communication channels, which should be used to broadcast and discuss the policy changes coming forward; outlined a blog and social media post; stated the City should get back to being reasonable in talking to the community to ensure when policy changes are discussed and the public is engaged and able to participate; expressed support for sending the majority of policies to the subcommittees for further refinement; stated requested the motion be bifurcated if it includes removal of Council input on policies.

Mayor Ezzy Ashcraft expressed support for the City Attorney's Office and Police

Department staff's assistance in going through policies; stated some policies are time-sensitive and must be compliant by a certain date.

The City Manager stated staff has brought all changes to policies in an effort to be transparent.

Councilmember Oddie stated majority of policies are ministerial; stated other policies need further discussion; expressed support for moving forward the ministerial policies listed as: 100, 220, 338, 1059, 804, 340, 320, 328, 1000, 1002, and 1044; stated 402 could be ministerial if immigration status was not taken out.

Mayor Ezzy Ashcraft stated the policies left are: 300, 314, 468, and 402 due to immigration status.

Councilmember Oddie stated Council decided the policies would come before Council for review; Council discussion is not needed for the ministerial policies, which can be placed on the Consent Calendar or communicated back to Council; three of the four remaining policies deal with issues Council has discussed the past few months; expressed support for passing policies which comply with State law and the remaining policies going before the subcommittees for discussion and refinement.

Mayor Ezzy Ashcraft expressed support for Councilmember Oddie's suggestion; stated Council must move forward to comply with State law; controversial policies can be sent to the subcommittees; the propositions are not mutually exclusive.

Councilmember Vella stated the subcommittees have asked for significant amount of data in reviewing policies, notwithstanding the State law requirements; if Council approves the policies, the policies should be subject to review and input by the subcommittees.

The City Manager stated the subcommittees are able to review any of the policies.

Councilmember Vella inquired whether the subcommittees have been made aware of the timeline for changes and alerted that the proposals have been put on the agenda.

The City Manager responded the steering committee was informed that basic changes were coming forth based on State law; stated the policy manuals are approximately 700 to 800 pages long; the review process for manuals can take up to two years; the focus on specific policies is helpful.

Mayor Ezzy Ashcraft stated a return to Council by November 4th is not practical due to the short turnaround time for staff reports; in order for the subcommittee to review, meet and convene with a report back to staff takes time.

Councilmember Oddie moved approval of 11 policies [100, 220, 338, 1059, 804, 340, 320, 328, 1000, 1002, and 1044], and Policy #402 without striking immigration status

from the policy, as well as Policies 300, 468 and 314, while referring those as high priority items for the task force/community subcommittees, with a note that Council will want to see an amendment or footnote to Policy 300 noting the State ban on chokeholds.

Mayor Ezzy Ashcraft inquired whether all policies are being moved for approval, including some with caveats, to which Councilmember Oddie responded in the affirmative.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated staff is happy to work with the subcommittees and colleagues to provide legal advice at all levels.

Councilmember Daysog requested clarification that the motion moves all 15 policies forward.

Councilmember Oddie stated all policies are as-is, with the exception of not striking immigration status from Policy #402 and putting a note in Policy #300 about the State ban on chokeholds.

Vice Mayor Knox White seconded the motion; requested a friendly amendment that the motion include the caveat that this is not the end, rather it is a step that does not mean Council will not be taking future action related to 8 Can't Wait.

Councilmember Oddie accepted the friendly amendment to the motion.

Mayor Ezzy Ashcraft stated Council will take action once the subcommittee has reported back.

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.

(*20-665) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Chrisp Company for On-Call Striping and Signage, No. P.W. 02-20-08, in a Total Not to Exceed Expenditure of \$750,000. Accepted.

(*20-666) Recommendation to Authorize the City Manager to Execute a Three-Year Agreement with the Option of Two, One-Year Extensions, in the Amount of \$150,000 per Fiscal Year to NN Engineering Inc. for On-Call Transportation Planning and Traffic Engineering Consulting Services for a Total Cumulative Amount Not to Exceed \$750,000. Accepted.

(*20-667) Recommendation to Authorize the Purchase of Two Street Sweepers and One Backhoe Consistent with Revised Vehicle Replacement Policy in Amounts Not to Exceed \$597,928.28 from Tymco, Inc. and \$135,996.71 from PAPE Machinery. Accepted.

(*20-668) Recommendation to Authorize the City Manager to Purchase Light Emitting Diode Lamps and Fixtures from Wesco Distribution, Inc. in an Amount Not to Exceed \$243,833.92. Accepted.

(*20-669) Recommendation to Authorize the City Manager to Execute an Agreement with Bayside Stripe & Seal, Inc. for the Fiscal Year 2020-21 Sign and Striping Maintenance Project, No. P.W. 02-20-13, in an Amount Not to Exceed Amount of \$281,843. Accepted; and

(*20-669A) Resolution No. 15717, "Amending the Fiscal Year 2020-21 Capital Budget by Reducing Revenue and Expenditure Appropriations in Capital Improvement Program 91811 by \$328,524 and Increasing Revenue and Expenditure Appropriations for Capital Improvement Program 96011 by \$328,524." Adopted.

(20-670) Recommendation to Authorize the City Manager to Execute a Contract Amendment with Ray's Electric for the Signal Installation at Harbor Bay Parkway/North and South Loop Road and Harbor Bay Parkway/Penumbra Place and South Loop Road, No. P.W.04-19-23, in an Amount Not to Exceed \$280,890, for a Total Not to Exceed Expenditure of \$873,690; and

(20-670A) Resolution No. 15718, "Amending the Fiscal Year 2020-21 Capital Improvement Program Budget by Allocating \$200,000 in Transportation Improvement Fee Funds to the Capital Improvement Program 96012 to Construct Signal Installation at Harbor Bay Parkway/North and South Loop Road and Harbor Bay Parkway/Penumbra Place and South Loop Road Project." Adopted.

Councilmember Daysog inquired whether the City spent \$592,800 and realized an additional \$280,890 was needed or has the City not yet spent the initial \$592,800 and still realized the need for an additional \$280,890; stated that he has a problem with the City initially spending \$592,800 and realizing an additional \$280,890 is needed; noted the project may need to be re-bid if the calculations were incorrect.

The City Manager responded the additional \$280,890 was needed due to unseen issues as the project was ending; stated the project has gone over-time and was initially approved in 2019.

The City Engineer stated a short while after the project began, the contractor encountered issues with sand, which were incorrectly characterized at the initial evaluation; the City has spent a significantly higher amount of money on foundations; materials have already been ordered and the project is too far along to turn back; power source needs were not clearly communicated to Alameda Municipal Power (AMP), which requires significantly more trenching.

Councilmember Daysog stated the staff report is unclear on the current spending of the project; noted the clarification provided allows more understanding; stated staff will need to internally discuss procedures to take in order to catch these issues sooner rather

than later; while these issues do happen, the City should be careful with the public's money.

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

Mayor Ezzy Ashcraft stated the thoroughfare on Harbor Bay Business Park is very busy and can be scary; construction brings unknown details when digging begins.

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

(20-671) Recommendation to Establish an Alameda Youth Council/Commission.

The Public Information Officer and Venecio Camarillo gave a brief presentation.

Mayor Ezzy Ashcraft stated many Councilmembers have attended youth demonstrations; youth skills are apparent and demonstrations are well-run; outlined a silent demonstration; some demonstrations are multi-generational; noted the Youth Activists of Alameda members come from across the Island and communicate well; it is time for young people to be involved in the future of their community.

Councilmember Oddie stated the Alameda Youth Commission is a great idea; Council has engaged youth members outside of Council meetings; however, there is no mechanism for young people to provide an unfiltered opinion on issues in the City and the Youth Commission will provide the opportunity; outlined his experience as a member of youth in government; stated the Youth Commission will have an influence and a voice in policies; expressed support for the staff recommendation.

Councilmember Vella stated the matter gives staff direction to explore options; a balance is needed in order to have the right amount of members; meetings must be accessible to individuals and have a method of getting to and from City Hall; noted bus passes could be made available; expressed support for staff looking into barriers to accessibility, such as iPad's or other electronic devices and for staff creating meetings which as accessible as possible; outlined her experience watching youth staying late to speak on City issues, such as rent and tenant protections; stated there are many issues which impact the youth community; the Youth Commission will invite the youth perspective; noted youth voices provided help in banning flavored tobacco; stated youth voices are effective; expressed support for the staff recommendation.

Mayor Ezzy Ashcraft stated youth voices have also provided short videos on wearing a mask.

Councilmember Daysog expressed support for incorporating leadership council's from each school; stated the leadership council may nominate those to serve on the Youth Commission; student leadership councils tend to represent a breadth of the student body and interact with students.

Stated that he did not have the opportunity as a young person to be involved in different committees and commissions; some committees and commissions did not exist; outlined past Police violence incidents toward youths and the lack of youth commissions; discussed issues which impact young people; stated a youth-led venue may also benefit from having voices on the Planning Board, Social Services Human Relations Board or other boards and commissions; expressed support for the work of youth groups in Alameda: Rasheed Shabazz, Alameda

Vice Mayor Knox White expressed support for the staff recommendation; stated the previous Youth Commission was de-commissioned due to lack of youth staff; expressed concern about over formalizing the commission; stated a Brown Act body may not be the best way to engage and gain input; outlined a speech given at Island High School; noted youth groups are busy; stated Council and staff should identify a way to engage a youth-led official Council; the Alameda Unified School District (AUSD) has student school board members; questioned whether there are ways to partner with AUSD; expressed concern about Brown Act constraints being stifling and overly formal.

Mayor Ezzy Ashcraft stated that she is excited for the possibility of a Youth Commission; expressed support for less input from Council; stated some young people will not necessarily work within the framework of a youth leadership council; expressed support for information put out far and wide across the Island to allow many to apply; stated young people are serving on the policing subcommittees.

Councilmember Vella stated the scope should not be limited based off other elections; there are different types of leadership and some students lead on issues, yet do not attend high schools in Alameda; Council and staff should create a space where different voices can be heard.

Councilmember Oddie inquired whether a motion is needed.

The Recreation and Parks Director responded staff has received direction from Council and will meet with youth organizers to return with a clear framework.

Councilmember Oddie stated that he would like to ensure the Council direction includes providing members with transit and technology options.

Mayor Ezzy Ashcraft recessed the meeting at 9:10 p.m. and reconvened the meeting at 9:20 p.m.

(20-672) Public Hearing to Consider an Appeal of the Planning Board's Decision to Approve Use Permit No. PLN20-0160 to Allow the Operation of a Cannabis Retail Dispensary at 2416 Lincoln Avenue; and

(20-672A) Resolution No. 15719, "Denying Appeal and Approving Use Permit Application No. PIn20-0160, Subject to Modified Conditions of Approval, to Allow the Operation of a Cannabis Retail Dispensary at 2416 Lincoln Avenue." Adopted.

The Planning, Building and Transportation Director gave a presentation.

(20-673) The City Clerk announced Council will need to vote to suspend the rules to allow the Appellant and Applicant 5 minutes of speaking time.

Councilmember Oddie moved approval of allowing the appellant and applicant 5 minutes of speaking time.

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.

The Planning, Building and Transportation Director continued the presentation.

Gave a Power Point presentation: Enrico Meier, Project Appellant.

Stated there is a commitment to ensure the project is successful; discussed NUG's establishments and City relations; stated NUG is currently in Oakland, San Leandro, Sacramento and Redding; discussed letters of support; stated the presentation has a typo; the correct math had been provided regarding the amount of customers per month; the discussed the anticipated volume of customers being similar to the Sacramento location; stated the Sacramento location is similar in size and parking; NUG is able to handle the daily customer flow with no congestion; discussed images depicting the 600 foot radius; stated actual measurements have been made by City staff; double parking will not be allowed; the parking lot will be the primary parking location; alternative transit will be promoted at NUG; discussed local support; stated the project site has been in a state of disrepair for years; NUG is prepared to put significant capital investment into the building and improve the site; discussed illicit and regulated sales; stated illicit sales will continue unless people are able to obtain nice, high-end stores in accessible locations: Burch Greene, John Oram, and Robert Selna, Project Applicants, NUG Wellness.

Councilmember Daysog inquired how the applicant will prevent double parking.

Mr. Oram responded the entrance to the facility is on Lincoln Avenue; stated one security guard will be at the entrance; the site will have two security guards at all times; the second security guard will be focused on traffic flow in the parking lot, monitoring double parking and the safety and security of the surrounding neighborhood; every customer must register with the NUG system, which includes a good neighbor policy calling for no loud music, double parking, fast driving, or smoking on-site.

Councilmember Daysog inquired how NUG will prevent a person from reselling product to minors.

Mr. Oram responded the security guard responsible for walking the neighborhood and parking lot should be able to identify and monitor activity; stated should reselling be seen, the security guard will stop the transaction, report the name to management and the reseller will be blocked from entering the facility again; noted the point of sale system tracks customer purchases; unusual behavior in customer purchases can be flagged for follow up.

Mayor Ezzy Ashcraft inquired whether there is a limit to the distance a security guard can travel up the street.

Mr. Oram responded management requests the security guards use discretion; stated something down the block can be monitored; the primary objective is to monitor on-site; noted the two security guards are in radio contact with each other and store management.

Vice Mayor Knox White inquired whether the good neighbor policy and security plan is reviewed by the Police Department and whether the project falls within the approved zoning, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Oddie inquired whether any other businesses are required to have a plan to deal with double parking and whether other businesses are required to have security follow people who purchase opioids, to which the Planning, Building and Transportation Director responded in the negative.

Councilmember Oddie inquired whether cannabis is legal for adult and medicinal use in Alameda, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Oddie stated this product is a medicine and is permitted in Alameda.

Mayor Ezzy Ashcraft inquired how many parking spaces the Sacramento NUG location has, to which Mr. Oram responded the peak volume of clients would be 400; stated the Sacramento store is roughly the same square footage with six parking spaces and a bike rack.

Mayor Ezzy Ashcraft inquired whether staff considered courier and delivery service parking; inquired how delivery parking is handled.

The Planning, Building and Transportation Director responded NUG is not the first dispensary offering delivery in Alameda; stated delivery service did not change staff's analysis; evaluating a use permit with no parking is not uncommon for staff; the site for NUG in Alameda has five spaces, which is unique for the project area; staff provided conditions for use of the parking spaces.

The City Planner stated staff's study of the project noted the neighboring restaurant provides delivery services and is not unlike any other business on Park Street.

Discussed her experience working and living in Alameda; stated the project is a far better use of the building; the company is reputable; urged Council to continue the project: Kathleen Prior, Alameda Meals on Wheels.

Expressed support for the Alameda NUG project; stated the investment and confidence made by NUG is appreciated; NUG has incorporated neighboring practices in their planning; NUG is mitigating parking and traffic concerns; NUG is the only dispensary providing off-street parking; urged Council to deny the appeal of the Planning Board's unanimous decision and approve the use permit for the Alameda NUG dispensary: Kathy Webber, Downtown Alameda Business Association (DABA).

Expressed support for working with NUG; stated NUG has promised to share profits with Meals on Wheels; Meals on Wheels serves roughly 200 people per day at a cost of \$17,000 per month; NUG is helping Meals on Wheels in lieu of regular fundraising, which has been curtailed by the pandemic; urged Council to approve the permit: William Gibbs, Alameda Meals on Wheels.

Discussed support letters written for NUG; stated the dispensary will provide much needed vitality to Lincoln Avenue; expressed support for the renovation of the project site: Peter Kahl and Cindy, Spiesekammer.

Expressed support for the NUG project; stated this is a great time to see a new business come to the community and be a beacon of hope and inspiration: Madlen Saddick, Alameda Chamber of Commerce.

Stated that she is eager to see NUG open and beautify the block; the NUG building has been vacant for a long time; the renovations will be a tasteful improvement, leaving a lasting impression to all that visit the Island; NUG will provide increased security, foot traffic, community involvement and charm; the Planning Board has given the project two unanimous votes; urged Council to deny the appeal and allow NUG to move forward: Audra Wright, Alameda.

Councilmember Daysog inquired the required annual report from NUG and the result of not meeting standards within said report.

The Planning, Building and Transportation Director responded every operator and retail dispensary must have two valid permits: use permit and operators permit; stated the operators permit is issued by staff and the primary department is the Police Department; the permits are reviewed and must be reissued each year; the reissuance allows the City leverage and power to ensure operators are good neighbors.

Mayor Ezzy Ashcraft inquired whether the security guards are armed.

The Planner III responded cannabis business regulations allow, but do not mandate, security guards to carry firearms; stated the Police Chief can require any type of conditions for public safety and welfare; the dispensary on Webster Street has unarmed guards during business hours and use an armored truck when receiving shipments.

Mayor Ezzy Ashcraft expressed concern about an armed guard pursuing a sales transaction; stated the Police should be called regarding any illegal transactions.

Vice Mayor Knox White stated Council must follow the rules that have been set up; it is not fair to ask people to jump through hoops just to have capricious decisions made at the end; legal cannabis is a new thing and concerns are understandable; the previous Council set up rules and protections in a good way; outlined the one year operating license requirement; expressed support for denying the appeal and allowing the project to move forward.

Councilmember Vella moved approval of denying the appeal and approving the use permit application [adoption of the resolution]; stated Council spent time discussing and formulating the process for applications and locations; it would be unfair for the standard to be changed after many public meetings discussing the processes; the Planning Board put in a lot of time and consideration to the project.

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Oddie stated nothing has been presented that would make him support overturning the unanimous decision by the Planning Board; expressed concern about asking for more restrictions on different items that other businesses are not subject to; outlined security details of pharmacies; stated Council should be careful about the words used to describe products; cannabis was legalized by the voters of the State of California and is regulated by the State legislature; medicinal use has been permitted for over 20 years; expressed concern about describing cannabis as a drug and reinforcing stereotypes; expressed support for the motion.

Mayor Ezzy Ashcraft requested clarification that denying the appeal and approving the use permit is subject to the modified conditions of approval; noted the closing hour is an hour later than the ordinance allows, to which Councilmember Vella responded in the affirmative.

Councilmember Daysog stated the City has not properly characterized the built environment impacts of outfits such as medical marijuana dispensaries; the traffic impacts of dispensaries are more than realized; outlined his experience with traffic impacts of the Webster Street dispensary; stated the same traffic impacts could happen at the proposed project site on Lincoln Avenue; the project will be more of a burden to surrounding residents and restaurants than anticipated; the City should reexamine high vehicle activity policies; noted dispensary patrols diminish over time; stated reselling happens and the City should be aware; the project will not fit the neighborhood; expressed support for residents.

Councilmember Vella stated that she has not seen a single nefarious thing occur while walking past the dispensary on Webster Street; expressed concern about statements made regarding drug dealings without Police reports as backup; stated certain behaviors can improve during COVID-19, especially double parking; Council should act based off of data and policies set.

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: Abstain. Ayes: 3. Noes: 1. Abstention: 1.

(20-674) Recommendation to Receive an Update on Procurement Process for Alameda's Integrated Waste Franchise.

The Assistant City Manager and Public Works Coordinator gave a brief presentation.

Curtis Below, FM3 Research, gave a Power Point presentation.

Councilmember Daysog inquired whether a level of "satisfied" was included in the survey.

Mr. Below responded the question is structured to initially ask whether a customer is satisfied or dissatisfied with service, and as a follow up, the survey asks whether the level is very or somewhat; stated the aggregate is a total satisfaction number.

Councilmember Oddie inquired whether there is a location to drop-off used batteries should the office location be closed.

The Public Works Coordinator responded staff can explore alternative pickup resource options as a contract component.

Councilmember Oddie stated the drop-off is a benefit of an office location as well as bill-pay options; inquired whether staff is working with StopWaste on helping achieve goals of improving diversion rates at multi-family units.

Rob Hilton, HF&H Consultants, responded a combination of solutions is being looked at for multi-family generators, as well as commercial generators; stated a staff resource for

technical assistance is included in the staff report; waste needs are more complicated for commercial and multi-family environments.

Councilmember Oddie stated commercial and multi-family environments are new to sorting aspects; inquired whether StopWaste has been consulted for a camera system within bins as an enforcement aid.

Mr. Hilton responded a sister company to Alameda County Industries (ACI) conducted the camera system pilot program; good data has been produced from the program and can be introduced to the discussion; challenges with the program are related to costs; noted each camera within bins has its own cellular service with a monthly fee which will impact rates; there may be a targeted approach for using the program.

Mayor Ezzy Ashcraft noted customer education could be a less costly option; stated the camera in the bin is intriguing.

Councilmember Daysog inquired whether staff is requesting a sole source contract as opposed to issuing a Request for Proposals (RFP).

The Assistant City Manager responded the current matter provides an update; stated staff has explored a sole source option with ACI; an RFP could be issued, if needed; however, sole source negotiations are going well with ACI; there have been delays in reporting figures due to nearby fires affecting ACI staff members and more time is needed; the term for the contract will be shorter than 20 years; the rate structure is helped by a longer amortization time frame; staff does not anticipate an RFP process will be needed.

Vice Mayor Knox White stated bin placement does not always align with expectations; questioned whether there will be a way to address bin placement; stated ACI is receiving high approvals; noted the one section for improvement would be bin placement.

Mayor Ezzy Ashcraft noted that her personal experience with ACI's customer service has been top notch; stated many cities' providers are no longer accepting glass and are limiting acceptable items.

Councilmember Daysog stated that it is difficult for him to see a sole source contract provided even at a 10 year term; ACI does a good job, but the market should be tested.

(20-675) Recommendation to (1) Waive the Encroachment Permit Fees Through October 31, 2021 for the Commercial Streets Program; (2) Delay Short Term, Temporary, "Special Event" Street Closures Along Major Commercial and Side Streets; and (3) Accept the September 2020 Status Report on Transportation; and

(20-675A) Resolution No. 15720, "Authorizing the City Manager to Apply for and Receive Up To Seventy Five Thousand Dollars (\$75,000) in Alameda County

Transportation Commission (ACTC) COVID-19 Rapid Response Bicycle and Pedestrian Grant Program Funds to Enhance and Expand Alameda's Commercial and Slow Streets Programs; and Allocate up to \$75,000 in funds from Local Measure B/BB Bicycle and Pedestrian Funds (alternatively if more CARE funds are distributed, those funds could be used) for the Required Matching Funds, Should the Grant be Awarded." Adopted.

Councilmember Oddie inquired whether his recusal on the matter is required.

The City Attorney responded in the negative; stated the Fair Political Practices Commission (FPPC) recently revised regulations related to the public generally exceptions; noted the limited neighborhood effect states the City's decision affecting residential property is limited to specific locations encompassing more than 50 homes; stated the program is more than 50 homes; the decision establishes, amends or eliminates restrictions on parking, imposes traffic controls, or other measures to improve public safety; Councilmember Oddie may participate in the discussion.

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

Vice Mayor Knox White inquired whether the roll out for slow streets has been completed.

The Senior Transportation Coordinator responded the map discussed in May by Council has since been revised to add additional slow;

Vice Mayor Knox White inquired how the map from May compares to the current map.

The Senior Transportation Coordinator responded that she can look up the map details from May.

Vice Mayor Knox White stated that he remembers more streets than currently implemented; noted 72% of people are in favor of slow streets, which should be completed as approved.

The Senior Transportation Coordinator stated Versailles Avenue, Pacific Avenue, and San Jose Avenue have been completed; a little more still needs to be completed and more streets will be proposed beyond what was presented in May.

Councilmember Oddie stated Alameda Point Collaborative (APC) has noted there are no slow streets at Alameda Point; inquired the status of slow streets at Alameda Point.

The Senior Transportation Coordinator responded staff has received a request from APC for slow streets on Orion Street at Alameda Point; stated there is a bus route on Orion Street; staff is not putting slow streets on transit streets; staff is looking into other options for Alameda Point.

Councilmember Vella inquired how the update, review and timeline is provided to Council when changes are made; stated the pandemic has lasted several months and traffic is heavy for AUSD lunch pickup as well as for the Food Bank; expressed concern about the timeliness and bus routes which may be inactive.

The Planning, Building and Transportation Director stated the direction he is receiving is Council is supportive of the Slow Streets program and would like to see expansions; staff can provide an off-agenda report or provide a staff report for an upcoming agenda with the most current update and plans for expansion of the program; the update will include streets being considered; the Public Works and Planning, Building and Transportation Departments are feeling over-extended; staff can re-group and provide updates with a comparison to the main map provided in May.

The City Engineer stated there had been a concerted push in May and June to get the Slow Streets program rolled out; staff then diverted attention to commercial streets; expansion opportunities are possible for Slow Streets.

Mayor Ezzy Ashcraft expressed support for Slow Streets; stated communication is key and goes a long way when installing Slow Streets; expressed support for the recommendation to delay short-term, temporary, special event street closures along major commercial and side streets due to the County Public Health Officer prohibiting large gatherings; stated the City needs to keep COVID-19 numbers under control; residents must continue to protect themselves; outlined a swap meet at Alameda Point and a karaoke party at a yacht club; stated gatherings should not be happening now.

Vice Mayor Knox White stated that he listened to the Transportation Commission meeting status report; expressed support for the work done by City staff; Council provided direction for Slow Streets based on a map provided in May; expressed support for quicker communication to Council in the event decisions are made to delay Slow Streets.

Councilmember Vella stated communication improvements with Council and the public are needed during the pandemic; many people are excited for the reopening; there is still misinformation about permitted and non-permitted matters; the City needs to provide better communication for updates on permitted activities; activities are planned not just within the commercial districts but residential as well; there is ample information provided on the City's website; however, many people do not know to visit the City's website for information; better communication is a larger issue and a strategy is needed for the City as a whole; expressed support for an off-agenda update to Council; stated Council information is helpful and allows members to be on the same page, relaying the same information and message.

Councilmember Oddie expressed support for City staff; stated staff has been responsive to Council and the community; outlined merchant input on commercial street closures; expressed support for a pilot commercial street closure; stated there have

been concerns about Haight Avenue being a cut-through street and it could be a viable alternative for Slow Streets.

The Senior Transportation Coordinator stated that she has reviewed the Slow Streets map from May; staff implemented two short segments of Versailles Avenue and Pacific Avenue; staff brought an expansion of Phase 2 which included extending Pacific Avenue and adding Santa Clara Avenue; staff has since added a Phase 3 which completed Versailles Avenue and added San Jose Avenue; the map brought to Council in May still shows areas that are planned for future or under consideration, which have not yet been implemented; the City now has 4.5 miles of Slow Streets; future phases will link Slow Streets to allow more of a network; staff has not completed everything listed on the original map, but has moved forward significantly.

Councilmember Daysog moved approval of the staff recommendation, including adoption of resolution.

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

(20-676) The City Manager made an announcement regarding homeless and transportation updates from the Council goal-setting retreat; stated the City continues to meet with International Association of Fire Fighters (IAFF) and staff will provide an update in November with a possible resolution brought to Council by December; announced a community input survey has been provided for the Police Chief recruitment; stated there will be a flu shot clinic at the Alameda Hospital parking lot; this is the last meeting before the election; a third ballot drop box location has been installed in front of the Bay Farm library; stated voting locations are listed on the City's website.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(20-677) Vice Mayor Knox White made an announcement regarding an Interagency Liaison Committee (ILC) meeting; stated AC Transit is managing service during COVID-19 with bus cuts to ensure remaining service is working for those with the greatest need; the community may experience larger reductions in bus service; expressed support for AC Transit's efforts; discussed re-openings in San Francisco.

(20-678) Councilmember Daysog stated AC Transit is trying to hold off on cutting service to Alameda; made an announcement regarding an Oakland-Alameda Noise Forum meeting.

(20-679) Councilmember Oddie made an announcement regarding flu shots and a Health Care District liaison meeting; stated seismic construction is underway at the Hospital.

(20-680) Councilmember Vella outlined a district-wide strike at Alameda Health Systems Hospital, Alameda Hospital, Highland Hospital and San Leandro Hospital; made an announcement regarding a liaison meeting with East Bay Regional Parks District (EBRPD) and a Lead Abatement meeting.

(20-681) Mayor Ezzy Ashcraft made an announcement regarding accessible voting options and ballot drop boxes; stated City staff has been working hard under difficult circumstances during the pandemic; announced the opening of 20 playgrounds in parks; stated there are guidelines for park use; made announcements regarding Halloween and social distancing protocols and a COVID-19 testing and flu vaccine site.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:35 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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