

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -DECEMBER 1, 2020- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:02 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.

Consent Calendar:

Councilmember Oddie moved approval of the Consent Calendar.

Vice Mayor Knox White seconded, 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.]

(\*20-728) Recommendation to Approve Eric J. Levitt, City Manager, Lisa N. Maxwell, Assistant City Attorney, and Debbie Potter, Special Projects Analyst, as Real Property Negotiators for Site A at Alameda Point. Accepted.

The meeting was adjourned to Closed Session to consider:

(20-729) 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, Special Projects Analyst, Michelle Giles, Redevelopment Project Manager, and Lisa Nelson Maxwell, Assistant City Attorney; Negotiating Parties: City of Alameda and Alameda Point Partners; Under Negotiation: Price and Terms

(20-730) Conference with Legal Counsel Existing Litigation (Government Code Section 54956.9); Case Name: DeFigueroa, Ileana v City of Alameda, et al.; Court: Superior Court of California, County of Alameda; Case Number: RG1890266

(20-731) Conference with Legal Counsel Workers' Compensation Claim (Pursuant to Government Code § 54956.95); Claimant: Employee - Fire Department Claim Nos.: ALAX-005105; ALAX-005551; and ALBA-005460; Agency Claimed Against: City of Alameda

(20-732) Conference with Legal Counsel Existing Litigation (Government Code Section 54956.9); Case Name: City of Alameda v. Union Pacific (Sweeney); Court: Superior Court of California, County of Alameda; Case Number: RG18921261

(20-733) Public Employee Performance Evaluation (Pursuant to Government Code § 54957); Positions Evaluated: City Clerk – Lara Weisiger

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Real Property, staff provided information and Council provided direction with no vote taken; regarding DeFigueroa, staff provided information with no vote taken; regarding Workers' Compensation, staff provided information by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5; these three workers' compensation claims were filed by a Firefighter who first joined the City on February 26, 2001; applicant filed a claim for a knee injury suffered on February 22, 2017 after stepping down from a fire engine; applicant also filed a claim for a cumulative injury to the knee as of January 1, 2017; in addition, applicant suffered cumulative trauma to the heart as of February 18, 2020; applicant is already retired from service with the City; the Council authorized the City Attorney to settle the pending workers' compensation claims in an amount not to exceed \$125,000; regarding Union Pacific, staff provided information and Council provided direction 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; regarding Performance Evaluation, the City Council conducted the performance evaluation for the City Clerk.

#### Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:02 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND  
SUCCESSOR AGENCY TO THE  
COMMUNITY IMPROVEMENT COMMISSION (SACIC)  
TUESDAY- -DECEMBER 1, 2020- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:18 p.m. and Councilmember/Commissioner Oddie led the Pledge of Allegiance.

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

Absent: None.

CONSENT CALENDAR

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

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

(\*20-734 CC/20-027 SACIC) Recommendation to Accept the Fourth Quarter Financial Report for the Period Ending June 30, 2020. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, SACIC

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

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

Mayor Ezzy Ashcraft convened the meeting at 7:20 p.m.

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

Absent: None.

AGENDA CHANGES

(20-735) The City Clerk announced the Council Referral Project Stabilization Agreement [paragraph no. 20-761] matter will not be heard and will be on the January 19, 2021 Council meeting as a Regular Agenda item.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(20-736) Erin Fraser, Alameda, discussed Council budget directions related to the Alameda Police Department (APD) ballistic armored tactical transport response vehicle; stated funds have been used to maintain the vehicle; a report is being prepared to outline the risks and benefits of selling the armored vehicle; discussed correspondence submitted to Councilmembers; urged Council to sell the vehicle.

(20-737) Ruth Abbe, Alameda, expressed gratitude for Councilmember Oddie's accomplishments.

(20-738) Toni Grimm, Alameda Renters Coalition, urged Council extend the City's emergency moratorium on rent increases until the end of local emergency period; stated the COVID-19 pandemic has not subsided and there is need to extend the moratorium.

(20-739) Jenice Anderson, Alameda, discussed the APD armored vehicle; expressed concern about lack of plans to sell the vehicle and maintenance costs; urged the rent increases be frozen during the pandemic.

(20-740) Seth Marbin, Alameda, discussed the APD armored vehicle; urged the recommendations from the Police and Racial Equity Steering Committee be made public and that rent increases be frozen during the pandemic.

CONSENT CALENDAR

Mayor Ezzy Ashcraft announced the rent relief program [paragraph no. 20-748], the amendment to the Memorandum of Understanding [paragraph no. 20-752], and the third amendment to Development Agreement [paragraph no. 20-755] have been removed from the Consent Calendar for discussion.

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

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

(\*20-741) Minutes of the Special and Regular City Council Meetings Held on November 4, 2020. Approved.

(\*20-742) Ratified bills in the amount of \$6,176,212.11.

(\*20-743) Recommendation to Accept and File Various Community Facilities Districts (CFD) Reports for Fiscal Year (FY) Ending June 30, 2020, including: CFD No. 03-1 (Bayport Municipal Services District); CFD No. 13-1 (Alameda Landing Public Improvements); CFD No. 13-2 (Alameda Landing Municipal Services District); CFD District No. 14-1 (Marina Cove II); and CFD No. 17-1 (Alameda Point Public Services District). Accepted.

(\*20-744) Recommendation to Accept the Development Impact Fee (DIF) and Fleet Industrial Supply Center (FISC)/Catellus Traffic Fee Report. Accepted.

(\*20-745) Recommendation to Accept the 2013 Local Library Bond Measure Annual Report. Accepted.

(\*20-746) Recommendation to Accept the Police and Fire Construction Impact Fee Annual Report. Accepted.

(\*20-747) Recommendation to Accept the Annual Review of the Affordable Housing Ordinance and the City's Affordable Housing Unit Fee Consistent with Section 27-1 of the Alameda Municipal Code; Accept the Annual Affordable Housing Unit Fee Fund Activity Report; and Find that: 1) Unit/Fee Requirements Set Forth in Local Law Remain Reasonably Related to the Impacts of Development, and 2) the Affordable Housing Units, Programs and Activities Required by Local Law Remains Needed to Support the Production of Affordable Housing in the City. Accepted.

(20-748) Recommendation to Modify Rent Relief Programs Offered at Alameda Point in Response to the Covid-19 Pandemic to Allow Loan Conversion Applicants to be Eligible for the Newly Approved Assistance for Non-Profits and Spirits Alley Businesses and to Allow Recipients of Business Assistance Grants to be Eligible for the Alameda Point Programs with the Obligation to Repay the Business Assistance Grant.

Councilmember Oddie inquired whether the moratorium on rent increases could be applied to the matter; stated there should be a discussion to agendaize the matter prior to December 31, 2020 should it be deemed appropriate.

The City Attorney responded the direction provided by Councilmember Oddie is too unrelated to the matter being discussed; stated staff has received comments.

Councilmember Oddie moved approval of the staff recommendation.

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.

(\*20-749) Recommendation to Authorize the City Manager to Execute Two Use Agreements with the Alameda Soccer Club for the Alameda Point Soccer Fields on Lexington Street for a Term of Ten Years with an Option to Extend the Term for Ten More Years and the Hornet Soccer Field for a Term of Five Years, Subject to the City's Right to Terminate the Agreement at Its Discretion; and Adoption of Resolution Authorizing the City Manager to Enter into Use Agreements with the Alameda Soccer Club for the Alameda Point Field and the Hornet Field at Enterprise Park. Accepted.

(\*20-750) Resolution No. 15724, "Authorizing Fiscal Year-End Budget Amendments to Facilitate Closing Fiscal Year (FY) 2019-20." Adopted; and

(\*20-750A) Resolution No. 15725, "Amending the FY 2020-21 Budget." Adopted.

(\*20-751) Resolution No. 15726, "Amending the Fiscal Year (FY) 2020-21 Operating and Capital Budgets Due to the COVID-19 Pandemic." Adopted.

(20-752) Resolution No. 15727, "Approving an Amendment to the Memorandum of Understanding between the City of Alameda and the International Association of Firefighters, Local 689, Extending the Term through December 19, 2023." Adopted.

The Human Resources Director gave a brief presentation.

Discussed economic variables of the labor contract; urged Council to wait; stated it is not the time to negotiate with International Association of Firefighters (IAFF): Kevin Kearney, City Auditor.

Expressed concern about the matter; urged Council not to grant the extension; stated the cumulative raises for IAFF since 2014 have been 20.7%; discussed fiscal health, Grand Jury report findings and campaign contributions from IAFF; urged Councilmembers Vella and Oddie to recuse themselves from the matter: Former Mayor Trish Spencer, Alameda.

Expressed concern about budget impacts from the IAFF contract; stated the financial impacts of the contract should be provided from the City Auditor and City Treasurer; expressed concern about Council's participation in drafting the memorandum and campaign contributions from IAFF; urged Councilmembers Vella and Oddie to recuse themselves and for the matter to be postponed until 2021: Jay Garfinkle, Alameda.

Urged Councilmembers Vella and Oddie recuse themselves from the matter: Carmen Reid, Alameda.

Councilmember Vella requested the City Attorney to address conflicts of interest; stated there are reporting requirements for campaign contributions; inquired the requirements for Councilmember recusal based on campaign contributions.

The City Attorney responded there is no State or local law requirement which mandates Councilmember recusal due to campaign contributions; stated Councilmembers may voluntarily choose to recuse on matters.

Councilmember Vella requested clarification of Council's role in drafting the staff report.

The City Manager stated no Councilmember was involved in drafting the staff report; noted that he received direction from Council in Closed Session; stated the matter is a two-year extension; IAFF is scheduled to receive a 2% increase based on the salary survey in January 2021; should the matter be approved by Council, the 2% will become 0% causing a \$174,000 savings for the fiscal year and a \$348,000 savings for the calendar year; the 2% increase will move to 2022; outlined agreement increases and averages; stated IAFF pays an additional 2 to 4% into their pension, which would continue for the two-year extension; should Council not approve the matter, the City would need to renegotiate in one year.

Councilmember Oddie inquired whether the 2 to 4% is on top of an 11% employee contribution, to which the City Manager responded in the affirmative.

Councilmember Oddie inquired whether the contribution of 4% for other post-employment benefits (OPEB) would continue for another two years under the agreement.

The Human Resources Director responded in the affirmative; stated IAFF employees pay an additional 6% to CalPERS and up to an additional 4% to the City's OPEB liability; IAFF employees pay into the OPEB liability between 2 and 4%.

Councilmember Oddie inquired whether the Balance Revenue Index (BRI), which created a floor and ceiling for increases based on the City's financial performance, has been taken out the two-year extension, to which the Human Resources Director responded in the affirmative.

Councilmember Oddie inquired whether IAFF is foregoing a 2% increase and receiving 0%, to which the Human Resources Director responded in the affirmative.

Councilmember Oddie inquired the increase for other Firefighter units.

The Human Resources Director responded other Fire units will receive a 2% increase; stated Police Officers will receive 4.5% and miscellaneous employees will receive 2%.

Councilmember Oddie questioned the general opposition to Firefighter salary increases; stated Firefighters have a First Amendment right to provide campaign contributions; discussed other potential future recusals for Councilmembers.

Mayor Ezzy Ashcraft requested clarification on the difference in percentage increase in pay for public safety members.

The Human Resources Director stated the negotiated agreement with public safety units is based on a salary survey; agreements identify which agencies are surveyed and the language indicated an increase between 2 to 5%; noted the Police were 4.5% below market and will receive the increase; stated Fire was above market and would have received 2% to help equalize salaries.

Councilmember Daysog stated the Council should extend a voting opportunity to the incoming Councilmember; the matter is a topic for Alameda's budget; expressed support for including the incoming Councilmember in the discussion; stated there are good things within the extension

agreement including omission of the BRI formula and a 0% increase for the coming year.

Councilmember Vella stated that she has inherited many contracts voted on by previous Councilmembers; expressed concern about the timing aspect since a scheduled increase is due to IAFF in the next month under the existing contract; stated it is important to know whether or not the 2% increase will be paid; causing delay solely to allow a new Councilmember to vote on the matter may not be the more prudent approach due to the existing increase; expressed support for moving the matter forward as planned; stated a delay would cause timing issues.

Councilmember Daysog moved approval of postponing the matter until the January 5, 2021 Regular Council Meeting.

The motion failed for lack of a second.

Vice Mayor Knox White stated the matter did not occur randomly and is not being rushed through; the matter has been discussed previously and is the culmination of long conversations and negotiations; expressed concern about changing course after good faith negotiations have occurred.

Vice Mayor Knox White moved approval of the staff recommendation and associated resolution.

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

(\*20-753) Resolution No. 15728, "Setting the 2021 Regular City Council Meeting Dates." Adopted.

(\*20-754) Resolution No. 15729, "Adoption of Resolution to Amend the Fiscal Year (FY) 2020-21 Budget in the Commercial Revitalization Fund to Provide \$100,000 in Matching Funds for the Alameda County CARES Grant Program." Adopted.

(20-755) Ordinance No. 3291, "Approving a Third Amendment to Development Agreement By and Among the City of Alameda, TL Partners I, LP, and Alta Buena Vista Owner, LLC Governing the Del Monte Warehouse Project Located at the Northeast Corner of the Intersection of Sherman Street and Buena Vista Avenue to Extend the Completion Deadline for the Clement Extension Improvements by One Year and Authorizing the City Manager, or Designee, to Grant an Additional One Year Extension without Further Action by the City Council or Planning Board." Finally passed.

The City Manager recused himself from the matter.

Councilmember Daysog stated that he will be voting no on the matter to remain consistent.

Vice Mayor Knox White moved approval of final passage of the ordinance.

Councilmember Oddie seconded 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.



## REGULAR AGENDA ITEMS

(20-756) Verbal Status Update by the Police Reform and Racial Equity Steering Committee and City Staff.

The City Manager gave a brief presentation.

Alphonso “Al” Mance, Cheryl Taylor and Jolene Wright of the Steering Committee gave a presentation.

The Police Chief made brief comments.

Councilmember Oddie expressed gratitude for the work put into the presentations and for moving in a positive direction.

The City Manager noted the community and Steering Committee have put a lot of time and work into the matter so far; expressed support for Police Department staff providing as much information as possible to the Steering Committee; stated the environment has been very cooperative and respectful.

Councilmember Vella expressed gratitude for the time spent by the Steering Committee; stated that she has learned much as a Councilmember; noted the format has been awkward and intense, but much information has been provided; expressed support for the forthcoming recommendations.

Mayor Ezzy Ashcraft requested clarification about the next steps in the public process; noted the discussions between Alameda Police Department (APD) staff and Steering Community members have been thoughtful with hard-driving questions.

The City Manager stated staff is tentatively planning on having reports brought to Council in February 2021; Council will be able to provide direction based on the recommendations given; staff will be meeting this week to discuss the public input and engagement process; discussions may continue based on the February meeting.

Ms. Wright stated the Steering Committee has discussed more proactive public engagements, including surveys and outreach to community based organizations, social service providers, other relevant commissions and posting more virtual community forums in order to provide more organic feedback; noted the biggest setback the Steering Committee experiences is the low level of access to technology for those in communities that are most affected; stated the Steering Committee is working to reach people.

The Assistant City Manager stated staff would like to remain conscious of the holidays; public engagement and input is desired; however, the timing should not be limited especially throughout the holidays; the majority of the public engagement process will occur in January after the recommendations are provided in December.

Vice Mayor Knox White expressed gratitude towards the Steering Committee; noted Council is awaiting input from the Steering Committee; inquired whether the Steering Committee has discussed the scope and time for the process and whether there are items to discuss in the future.

Mr. Mance responded the Steering Committee has been working quickly in order to time the discussion around the budget process; stated the education process has taken time due to being community-led; the assignment provided will be completed within the first half of 2021 and recommendations will be provided to Council by March or April; the project will be ongoing; expressed support for a smaller Committee to continue post-recommendations.

Vice Mayor Knox White inquired whether the Steering Committees has looked at identifying a policy document or statement which will define the role of policing and law enforcement in Alameda.

Mr. Mance responded the Steering Committee has not come up with a specific policy statement yet; stated the unbundling Subcommittee has made recommendations with regard to areas for Police focus; many of the recommendations provided will further clarify the areas; creating a policy could be a useful tool going forward.

Ms. Wright noted policy is something which can be centered at the public discussions to gain input from the community.

Mr. Mance stated a definition of what policing is will provide a helpful determination.

Mayor Ezzy Ashcraft stated that she welcomes any input put forth by the Steering Committee and subcommittees; expressed support for the Committees working with Police to the extent possible.

Vice Mayor Knox White stated the task is herculean; expressed support for the efforts put forth.

Councilmember Daysog expressed support for the Steering Committee and subcommittees; stated the matter is time consuming; he is looking forward to the findings and recommendations; there are many things which can improve the Police force; the matter is both national and local; expressed support for the Steering Committee framing their findings and recommendations as low and high priorities.

Discussed YouTube meetings and public participation; stated that he is unclear on public participation in subcommittee meetings; urged Council to provide more information: Jay Garfinkle, Alameda.

Stated that she would like to know where the agendas for the subcommittee meetings are in order to follow along; noted other Boards and Commissions have publicly noticed meetings: Former Mayor Trish Herrera Spencer, Alameda.

Expressed support for the Steering Committee; noted there are many experts and experienced personnel on the committees: Erin Fraser, Alameda.

Councilmember Vella stated the YouTube link is posted and meetings have been noticed via social media as well as other locations; noted YouTube allows meetings to be viewed live; stated agendas are not provided similar to other Boards and Commissions based on the type of committee; however, many meetings have been publically noticed.

Mayor Ezzy Ashcraft stated people may view the YouTube meetings via the City's website and

YouTube at: <https://www.youtube.com/cityofalameda>.

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Mayor Ezzy Ashcraft recessed the meeting at 8:55 p.m. and reconvened the meeting at 9:12 p.m.

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(20-757) Recommendation to Review and Comment on Association of Bay Area Government's (ABAG) Housing Methodology Committee's Proposed Methodology for Distributing the Regional Housing Needs Allocation (RHNA) among Bay Area Cities and Counties, and Staff's Proposed Process/Meeting Schedule to Update the City's General Plan Housing Element for 2023 to 2031.

The Planning, Building and Transportation Director and Randy Rentschler, ABAG, gave a PowerPoint presentation.

Councilmember Daysog inquired whether there is possibility for any city to alter the RHNA numbers downward in the event of changes to unemployment and jobs allocations.

Mr. Rentschler responded it is doubtful that the Sacramento administration will change the RHNA numbers; stated RHNA laws have been significantly strengthened over the years; the Bay Area has produced seven times more jobs than housing in the last 10 years; noted the State is far behind in housing and a different housing number is unlikely.

Mayor Ezzy Ashcraft stated California is under-housed and has a lot of catching up to do.

Councilmember Daysog inquired whether cities are credited with finding some, but not all, of the percentage of the total housing allocation and whether a penalty is applied if there are shortcomings.

The Planning, Building and Transportation Director responded ABAG does not create the housing numbers and cannot reduce the RHNA; stated the results are pass/fail for housing numbers; if a city fails to comply with State law, it will not have a certified Housing Element therefore invalidating the General Plan; without a valid General Plan, cities face many consequences.

Mayor Ezzy Ashcraft stated some of the consequences include loss of funding.

The Planning, Building and Transportation Director stated an invalid General Plan means losing out on grants for open space, transportation, and affordable housing; noted invalid General Plans provide no basis for local land-use decision making causing vulnerability to lawsuits; should legal challenges occur, the State and Courts can take over the local decision-making authority from the City.

Councilmember Daysog inquired whether development occurred while the City had previously been out of compliance.

The Planning, Building and Transportation Director responded development can continue to occur; stated there may be challenges to the City's decision-making process and authority.

Stated the election results are clear; the community should seek to ensure the allocations given for new housing focus on unique impacts on Alameda; discussed safety and earthquakes: Rob Halford, Alameda.

Urged Council look for a way to reduce the numbers; stated other cities are proactively pursuing a reduction; Alameda should do the same; discussed Alameda having unique geography; urged Council consider the safety of residents: Carmen Reid, Alameda.

Expressed concern about the actions of Council and the Planning Department and for environmental and equity issues; urged Council to address the matter in a collaborative way with citizens; stated Council should not have placed Measure Z on the ballot: Dolores Kelleher, Alameda.

Stated the units shown as needed is not correct; California's population is stagnant and will likely decrease over time; discussed natural hazards and safety elements being ignored and faults within the ABAG methodology should natural hazards not be considered: Jay Garfinkle, Alameda.

Question whether job production has increased or decreased in Alameda and whether the definition of second units includes Accessible Dwelling Units (ADU's); discussed other Charter cities challenging the State's authority and what Alameda's response will be; inquired the reasons other cities are challenging the RHNA numbers: Former Mayor Trish Herrera Spencer, Alameda.

Expressed concern about traffic; discussed the impacts on public service agencies; outlined Article 13 Section 35 of the California Constitution: Kathleen Sullivan, Alameda.

Stated the housing numbers are possible; urged embracing Article 8A; discussed goals and equity, environmental and economic goals: Drew Dara-Abrams, Alameda.

Expressed support for comparing lower income and above moderate income; stated the City is on-track to exceed higher income housing; however, is failing to meet the lower income housing; urged Council to provide input on how the City is working to change the intended planning process: Ashley Lorden, Alameda.

Expressed support for the efforts in putting Measure Z on the ballot; read an excerpt of his thesis; discussed land use rulings and revisions: Rasheed Shabazz, Alameda.

Councilmember Vella stated the numbers are allocated to the region; inquired the result should the City happen to go with the alternative methodology; noted there will be a decrease in the number of units in Alameda; questioned where the remaining units would end up.

Mr. Rentschler responded the alternative methodology shifts housing further into Santa Clara County and Southern San Mateo County; noted the formula is job heavy.

Councilmember Vella inquired whether some of the units could end up in Oakland, to which Mr. Rentschler responded in the affirmative.

Councilmember Vella inquired whether the units stay within the region.

Mr. Rentschler responded in the affirmative; stated the formulas do many things and as a result, shifts appear in various quadrants around the Bay Area.

Councilmember Vella inquired whether working from home is factored into the jobs figure, to which Mr. Rentschler responded in the affirmative.

Councilmember Vella stated Alameda County has grown by 100,000 between 2010 and 2014 and was the fastest growing County in the State; noted many of the inquiries have been related to estimating population growth or stagnation; requested clarification about Alameda County population growth in recent years.

Mr. Rentschler responded the amount of job growth within the past five to seven years outpaced the entire estimate that ABAG had for 25 years; stated the numbers are related to jobs and access to jobs; stated Alameda's easy access to San Francisco provides a complex picture to allocation; higher RHNA numbers are making up for many lost years to changes in State laws and are also reflecting the growth over the past decade.

Councilmember Vella inquired whether there are instances where an office location differs from physical job location; stated there are complexities depending on households and connections to various types of industry growth.

Mr. Rentschler responded in the affirmative; stated the RHNA process is imperfect; questions behind housing are difficult to solve and are being placed upon local government; there is an attempt to capture complexities within processes; however, there will never be perfection.

Councilmember Vella stated the methodology takes many considerations into account; inquired whether there is a focus on looking at job growth relative to the demand for housing.

Mr. Rentschler responded in the affirmative; stated this round in particular has focused on seeking more housing where the job growth has occurred; there have been impacts on the transportation systems; the issue remains that people live further from their job location; climate objectives are met by having people live closer to where they work.

Mayor Ezzy Ashcraft stated the goal is to have opportunities to live near good schools, libraries and parks; outlined discussions related to the impacts of equity components on communities; stated RHNA is not a popular component; however the housing crisis would continue to worsen without it.

Councilmember Oddie inquired whether Alameda is the only City making the argument of being unique.

Mr. Rentschler responded all cities are unique and also the same; stated Alameda has restrictive access; outlined difficult access points for surrounding cities and counties; noted Alameda County has a good bus service; stated hazards have been discussed at great lengths and the main focus has been wildfires; climate change has also been discussed at length.

The Planning, Building and Transportation Director stated every city has often felt a uniqueness and argued constraints; it will be very difficult for Alameda to make a convincing argument to lower the housing allocation.

Councilmember Oddie stated there is a zero-sum game in reducing Alameda's housing allocation; inquired how often the allocations are appealed by other cities and the likelihood of any changes to the allocation.

Mr. Rentschler responded many communities have appealed their allocation and mixed successes have occurred; stated that he can provide the details to Councilmembers.

In response to Councilmember Oddie's inquiry, the Planning, Building and Transportation Director responded the laws have changed since the last Housing Element; outlined undeveloped land projects; stated staff has provided information and support letters for development of problematic sites; if the California Department of Housing and Community Development (HCD) rejects the support letters, the units must be relocated; the constraints on particular development sites have created delays for years.

Councilmember Oddie stated Article 26 prohibits multi-family housing and limits density to 21 units per acre; noted the State can override the prohibitions with a density bonus; stated a multi-family overlay may not comply with the City Charter; requested clarification about what meeting the RHNA allocation would look like under the current provisions.

The Planning, Building and Transportation Director stated the State requires cities to show how they will provide for all income levels; cities have a couple options: 1) provide a study to show evidence of affordability for all income groups, 2) find an alternate way to subsidize the affordable housing units, and 3) provide a multi-family option; the City has used option 3 for the last two housing rounds; noted State Law makes the assumption that if a cities' zoning shows multi-family and high-density housing is permitted, the plan will be accepted due to facilitating more affordable housing; should a multi-family housing option not be chosen by the City, the only other options will either not be successful or will be very expensive.

Councilmember Oddie stated that he will be interested in seeing the outcome; expressed support for seeing the practical implications of the City's constraints; outlined the lack of success in challenges to the State; stated that he respects the will of the voters; outlined Section 7.5(1) of the Constitution of the State of California; stated just because something is voted on by the people, does not necessarily make it right; the fight for housing equity and justice is not over.

Vice Mayor Knox White inquired whether the housing crisis and need for housing will remain if the economy crashes and whether there is no State requirement for a city to provide a 30-unit per acre multi-family housing overlay.

The Planning, Building and Transportation Director responded in the affirmative; stated the overlay is one option that could be used at the City's discretion to illustrate accommodation of lower income categories.

Vice Mayor Knox White inquired whether the City can exercise Option 2 and fund the affordable housing without being in violation of the City Charter.

The Planning, Building and Transportation Director responded in the affirmative; stated the Charter states no multi-family housing and no residential densities over 21 units per acre; noted the State will pass cities allowing multi-family and 30 units per acre.

Vice Mayor Knox White stated the City can meet the Housing Element without violating the City Charter; questioned whether the City can effectively spot-zone; stated wide swaths of the Island will need to be zoned in order to use the multi-family overlay of 30 units per acre.

The Planning, Building and Transportation Director stated the City needs a Housing Element that HCD approves; the City must work with the business associations to identify businesses that are willing to build housing above establishments; it is to the City's benefit to rezone corridors; noted the City must report to the State annually, which means the City is constantly tracking progress.

Vice Mayor Knox White inquired once a multi-family (MF) MF overlay of 30 units is placed, is it a violation of the Charter.

The Planning, Building and Transportation Director responded shopping centers are a great example and are useful in discussing overhead units; outlined units per acre limitations; stated the City has the land to get to 4,900 units; the question is which land is best to use and how dense to build.

Vice Mayor Knox White stated there are two issues: 1) the RHNA housing allocation and 2) ways to certify the Housing Element; there is no allocation for the City to challenge at this time; Council has expressed support for the methodology, not necessarily the allocation number; expressed support for making a defensible argument that honors the equity issues; Council should be looking at ways to accommodate 3,200 units should the City build on every possible, available piece of land; in order to honor the Charter, Council must look at being open to considering paths for appealing the allocation numbers and asking for reconsideration; the City has not used the overlay to accommodate a huge number of units; expressed support for using a method which does not rely on the multi-family housing overlay and instead relies on the good-faith arguments to prioritize building affordable housing; expressed support for Council to look into funding affordable housing projects; stated Council should remain open to conversations with the community; he is doubtful that he will be quick to act on any Charter violations which will help meet the RHNA allocation.

Councilmember Daysog stated voters were faced with a choice in Measure Z; a yes vote on Measure Z indicated an abandonment of the status quo in regulating residential development of Alameda; a no vote on Measure Z meant keeping the status quo on residential development; voters indicated overwhelmingly for maintaining the status quo; Article 26 is at the heart of Alameda's residential growth control tool; noted there are two work-arounds which allow, in limited circumstances, the types of multi-family housing not allowed by Article 26; stated the workarounds are the density bonus law and the multi-family housing overlay; the City has allowed development in strategic areas and built multi-family housing using the density bonus and multi-family housing overlay laws; Council has supported these housing developments since 2012; Council should continue to fight to keep housing numbers as low as possible, befitting for an Island; the City should build respecting the status quo of Article 26 growth control with a limited, targeted and strategic use of the density bonus and multi-family housing overlay laws; Council should fulfil the will of the voters and work closely with voters to address concerns raised by citizens involved in the No on Measure Z campaign; noted the Housing Element might be put to a vote of the people should concerns not be addressed; outlined areas which should not be subject to MF overlay; stated MF overlay will be looked at in a strategic manner.

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(20-758) Councilmember Vella moved approval of continuing the meeting until 11:55 p.m.

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

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Councilmember Vella stated that she respectfully disagrees in part about the mandate of the voters; there were many measures on the ballot and people tend to vote no when unsure or overwhelmed; stated that the vote results do not reconcile with her receiving the highest amount of votes and being pro housing; there is a lot of confusion around what was being voted on based on communications received; there is a misunderstanding of RHNA allocations, Charter allowances, how density has been obtained, funding for affordable housing and various project approval processes; it is clear that informational sessions and meetings are needed; expressed support for discussing funding for affordable housing, including necessary bonds for 100% affordable housing projects; stated that she does not intend to violate the Charter; questioned where the City is left should the Charter be followed and what it will mean to lose parks and commercial space; stated it is disingenuous to question job creation without housing density; matters should not be discussed in silos, but as a collective; Alameda is not unique because it is an Island; other cities have bridge access and limitations; safety, transit and the environment are being looked at; Council must acknowledge that the population has grown, demand for housing is here, and planning via the ballot box has yielded the current hole Alameda is in; Council must look at the unintended consequences; expressed concern for extreme Not In My Backyard (NIMBY) values; stated the units are not leaving the region and subsequent impacts will occur.

Councilmember Oddie expressed concern over restating the theme of the election; stated a no vote did not indicate maintaining the status quo; outlined the ballot arguments for Measure Z; stated the Charter outlines exceptions for housing and Council may proceed at its own risk; outlined Section 3-10 of the City Charter; noted Council could not pass an ordinance which comes up with exceptions.

Mayor Ezzy Ashcraft stated the election has yielded mixed results; Measure Z was a confusing measure; there is an opportunity to provide more community education and outreach in order to collaborate effectively; noted seeing actual plans utilizing historic buildings is much less intimidating; Council must work to bring the community along to allow a better understanding of where Alameda fits in the housing crisis and what is possible to help alleviate it; there is time for public forums; the forums should be as wide-spread as possible; the matter is important; Council needs to both be compliant with State Law as well as help house people; the two propositions are not mutually exclusive; efforts will be continued.

(20-759) Introduction of Ordinance Authorizing the City Manager to Execute Lease Amendments for Rent Relief Program with Alameda Point Beverage Group, Auctions By the Bay, Building 43 & Associates, Faction Brewing, Group Delphi, Proximo Spirits, Saldrome and USS Hornet Air & Space Museum via the Non-Profit Spirits Alley Program for Rent Relief in Response to the Covid-19 Pandemic. Introduced.

The Assistant Community Development Director gave a brief presentation.

The City Manager noted the Pinball Museum and Wonky Kitchen will be provided at the next



Council meetings.

Councilmember Vella inquired the total amount being requested.

The Assistant Community Development Director responded the total for non-profits/Spirits Alley is \$114,132 out of the \$400,000 set aside by Council; stated \$460,266 out of the \$1.5 million is set aside for loan conversion.

Mayor Ezzy Ashcraft expressed support for adding a clause to the agreement stating: "should recipients of funds be found to be in violation of an order issued by the County Public Health Officer or Code Compliance Officer, Police Officer or a member of City staff, then the recipient should forfeit any benefits received under this program;" stated there have been instances of leniency; however, due to COVID-19, there is no room for leniency for any risky events or public exposure which will prolong the pandemic.

Councilmember Daysog inquired whether the violation provision will be set going forward, to which Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Oddie inquired how the provision is permissible.

The City Attorney responded Council may make the requirement prior to a tenant signing the lease amendment; stated businesses will sign as part of the lease amendment; the City is not granting an entitlement and is negotiating a contract, which can include the provision of revoking grace from Council for relief should the violation occur.

Councilmember Oddie stated the provision had not been included in the published original lease amendment language.

The City Attorney stated the Council regularly makes modifications to ordinances and items which are fairly well agenzized; the change is provisional and is allowable within the Council process.

Councilmember Vella moved approval of the staff recommendation and accompanying ordinance, with the inclusion of the amendment language provided by Mayor Ezzy Ashcraft: "should recipients of funds be found to be in violation of an order issued by the County Public Health Officer or Code Compliance Officer, Police Officer or a member of City staff, then the recipient should forfeit any benefits received under this program."

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Knox White stated that he supports the intent of the provision; inquired if the actual language is being inserted to the amendment.

The City Attorney responded staff will draft language consistent with Council's direction; stated the direction is fairly narrowly tailored; provided sample language: "if the lessee is found to be in violation of Health, Code or Law Enforcement Officer orders, then this amendment shall be in no further force effect...;" staff will provide the final language for second reading.

Vice Mayor Knox White stated that very few Code Enforcement violations have been found so far; expressed concern about loans being pulled for small infractions; noted there is a level of

violation severity which should be relayed and clarified.

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

#### CITY MANAGER COMMUNICATIONS

(20-760) The City Manager announced COVID-19 testing information is available on the City's website; stated there will be a flu clinic sponsored by Alameda County held at Mastick Senior Center; announced APD has received a traffic data and safety grant; stated the Posey Tube will have an overnight closure between December 7<sup>th</sup> and 9<sup>th</sup>.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(20-761) Consider Adoption of Resolution "Requiring a Project Stabilization Agreement for Certain Construction Projects, Including Construction Associated with Certain Leases, which Include: City-Owned Property, City Funding at a Set Threshold, Approval of Certain Agreements, or Other City Subsidies or Credits at Set Thresholds" or Consider Directing Staff to Place the Resolution on a December 15, 2020 Special Meeting Prior to the 7:00 p.m. Regular Meeting. Not heard. (Councilmembers Oddie and Vella).

#### COUNCIL COMMUNICATIONS

(20-762) Vice Mayor Knox White stated that he attended the Rename Jackson Park public meeting at Rythmix and the community Renaming Committee meeting.

(20-763) Mayor Ezzy Ashcraft announced attending the League of California Cities League Leaders workshop.

(20-764) Stopwaste October 2020 Topic Brief: Re: Source. (Councilmember Oddie)

Councilmember Oddie announced that his alternate will be attending the meeting; noted an Alameda business will receive an award at the meeting; outlined the resource.stopwaste.org online tool available for use.

#### ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:28 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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