

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - JANUARY 19, 2021- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:04 p.m. Councilmember Spencer led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(21-028) Proclamation in Recognition of Alameda Rotary's 100th Anniversary.

Mayor Ezzy Ashcraft read the proclamation.

ORAL COMMUNICATIONS, NON-AGENDA

(21-029) Erin Fraser, Alameda, discussed events of white supremacist terror; questioned why the City of Alameda and Interim Police Chief have presumably done nothing; urged Council to take action should the current Interim Police Chief not resign.

(21-030) Jay Garfinke, Alameda, expressed concern about a lack of transparency with various ad hoc committees; discussed a report from the Police Reform Committee; urged more be done to provide the public an opportunity to review ad hoc committees.

(21-031) Jenice Anderson, Alameda, stated that correspondence has been sent inquiring whether Alameda Police Department (APD) Officers supported the Capitol insurrection in-person or online; expressed concern about the lack of response to e-mails; outlined the lack of response by APD to a report of an armed man during a Martin Luther King Jr. Day peaceful protest.

(21-032) Grover Wehman-Brown, Alameda, urged the City Manager take proactive steps to investigate Officer call-outs on January 6th and general Officer conduct on social media to see whether support has been provided to the attempted coup; expressed concern about Officers being part of a wider trend of Police and military support and involvement; discussed social media; urged the City to take proactive steps; expressed concern about an armed man present during a peaceful protest with no APD response or follow-up.

(21-033) Laura Cutrona, Alameda, stated that she would like to understand what the City of Alameda is doing to investigate the ties between any City employees and the insurrectionist group of the failed coup from January 6th; discussed related activities occurring in Alameda and a peaceful protest where an armed man was present; questioned the reason for delayed APD response.

(21-034) Alexia A-B, Alameda, discussed the armed man at the peaceful protest and the attempted coup on January 6th; questioned the City's response; stated Alamedans should care more about the dichotomy of responses from APD.

(21-035) Carly Stadum-Liang, Alameda, urged Council to request APD to investigate whether any Officers or staff members were present at the Capitol insurrection on January 6th or offered support; expressed concern about the unwillingness to conduct such investigation; stated APD failed to respond to an armed man outside a peaceful protest.

(21-036) Debra Lewis Mendoza, Alameda, expressed concern about a lack of leadership; noted that she receives alerts when the tunnels are closed, but does not receive an alert about an armed person in her neighborhood; stated that she is waiting for leadership from Council and City staff.

CONSENT CALENDAR

The following items were removed from the Consent Calendar for discussion: minutes [paragraph no. 21-037]; Police security camera system [paragraph no. 21-039]; Tentative Map Tract 8534 resolution [paragraph no. 21-045]; lease amendment final passage [paragraph no. 21-048]; and zoning amendment final passage [paragraph no. 21-049].

Councilmember Knox White moved approval of the remainder of the Consent Calendar.

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

The City Clerk noted a member of the public would like to comment on the bills [paragraph no. 21-038].

(21-037) Minutes of the Special and Regular City Council Meetings Held on December 15, 2021. Approved.

Councilmember Spencer noted that she would abstain.

Councilmember Knox White moved approval of the minutes.

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

(21-038) Bills for ratification.

Stated many of the bills relate to vehicles; questioned whether the expenses have not been made for the APD armored vehicle: Erin Fraser, Alameda.

The City Manager stated Council may pull the matter and have it return on February 2nd; noted that he cannot attest to specific repairs and vehicles; stated that he would prefer the matter

return following confirmation.

Councilmember Knox White moved approval of reconsidering approval of the bills and having the matter return on February 2, 2021.

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

(21-039) Recommendation to Authorize the City Manager to Negotiate and Execute a Purchase Agreement, or in the Alternative a Lease Agreement, for a New Security Camera System from ICU Technologies for the Police Administration Building and Off-Site Property Storage Facilities in an Amount Not to Exceed \$274,075.97.

Councilmember Knox White questioned why the matter is being brought for Council consideration six weeks prior to hearing from the community on prioritizing APD funding and services; stated an increase in the APD budget is recommended; expressed support for the matter coming back as part of the budget; stated the system is 10-years old and is not a priority; there have been issues of vandalism; however, the matter is not rising to increase public safety; expressed support for hearing the policy process before spending funds on a video system.

The City Manager stated the matter came forward last August; the matter has been delayed due to budget concerns.

The Police Captain stated the system is outdated; its primary function is to protect and provide situational awareness to employees and citizens visiting the APD building; outlined a vandalism from November 2019; stated the footage obtained from the vandalism was of poor quality and time consuming; there are challenges in off-site storage of property and evidence and a desire to add layers of security with additional cameras for current storage locations; noted the upcoming key-card access program for City buildings has the capability to work with camera footage as an added layer of security.

The City Manager stated the matter is being brought forth outside of the budget since existing system, which is not functioning properly, would be replaced; the matter was held back due to economic uncertainty from COVID-19; with a better economic outlook today, the matter is being brought forth; noted there have been salary cost issues in a variety of departments.

Vice Mayor Vella inquired how far into the parking lot camera 2 would cover.

The Police Captain responded the camera captures the vehicle gate for patrol vehicles; stated there is a way to angle the camera not to capture portions of the public serving lot; the camera will help capture the storage facility within the City lot.

Vice Mayor Vella inquired whether the cameras are listed as garage bay 2 or garage bay 1.

The Police Captain responded in the negative; stated those cameras are focused on the doors and inside of building locations.

Vice Mayor Vella inquired whether the cameras referenced are mounted outside the motor cage.

The Police Captain responded in the affirmative; stated camera 2 is on the southeast corner which captures part of the public parking lot in between the Police Department and City Hall; the camera is directed more toward the APD vehicle gate for patrol cars.

Vice Mayor Vella inquired whether there is a reason to capture the vehicle gate.

The Police Captain responded the need is a security concern; stated the gate is pressure activated from the inside and remains open; should someone walk in behind an exiting vehicle, APD staff can view the entrance.

Vice Mayor Vella inquired whether the vendor has provided ways or diagrams to angle the cameras and what public areas would be filmed, to which the Police Captain responded in the negative.

Vice Mayor Vella stated potential recorded areas could include Councilmember and public parking due to incorrect mounting or mounting location changes.

The Police Captain stated it is not the intention to capture Councilmember and public parking spaces; APD staff will do everything possible to prevent incorrect filming and will primarily focus on the Police Administrative Building (PAB).

Mayor Ezzy Ashcraft stated there may be security concerns from people that work late at night.

Vice Mayor Vella inquired how long videos are maintained.

The Police Captain responded per State law, videos are maintained up to one year.

Vice Mayor Vella inquired whether the timing is in compliance with the City's data retention and privacy policies, to which the Police Captain responded in the affirmative.

Vice Mayor Vella inquired who would have access to the footage and whether the footage is subject to a public record request.

The Police Captain responded access to the current system is limited; stated there are one to two people with access to the footage; the proposed system allows more access to employees; however, the accessibility can be limited; the custodian of records will perform purges and are the only ones who can delete or purge information; an Officer who does not typically have access will be able to live view the proposed system should a concern arise.

Vice Mayor Vella inquired whether the direction of cameras be changed once installed and the process for changing.

The Police Captain responded once the cameras are mounted they are intended to stay in place; stated should the cameras need to move, a call must be made to the vendor for repositioning.

Vice Mayor Vella inquired whether the City has another video surveillance service system for other City buildings.

The City Manager responded the City has limited surveillance systems; stated this is the only vendor being used; the key card system being implemented is with a separate vendor.

The Assistant City Manager stated the public parking garage has a video recording system; the system is not working well; when the time comes to replace the system, staff will likely look to this vendor.

Mayor Ezzy Ashcraft inquired whether the vendor is providing surveillance at any other City buildings, to which the Assistant City Manager responded not at this time.

Vice Mayor Vella inquired which other City buildings have video surveillance or other technology.

The Assistant City Manager responded in addition to the APD cameras, there is currently video surveillance at the parking garage, the maintenance service center, and Alameda Point; stated the Alameda Point surveillance is for a vacant building.

Councilmember Spencer inquired the reason the matter is not being included in the budget.

The Police Captain responded the project initially started November 2019 after a PAB vandalism; stated review of the footage made it clear that the system needed an upgrade; the process of reaching out to vendors began; COVID-19 hit causing a delay; the process was not planned, was a discovered need, and wrapped up around the end of last August.

Councilmember Spencer inquired whether there was the single vandalism incident.

The Police Captain responded two recent vandalisms have occurred in the last three weeks including graffiti and a broken window; both incidents were captured using the current system with poor, insufficient quality video.

Councilmember Spencer inquired when the matter would return to Council should it not be approved at this meeting.

The City Manager responded the matter would return at either the mid-year budget or at the next two-year budget in the spring.

Councilmember Spencer inquired how soon the mid-year budget will be heard, to which the City Manager responded February 16th.

Expressed support for not purchasing a new security camera; stated security footage does not help; urged Council to wait on the matter: Erin Fraser, Alameda.

Urged Council not spend public dollars on surveillance of the community; stated security cameras do not prevent crime, they record crime; expressed support for a community debate for the matter as part of the budget discussion; stated the proposal costs a lot of money during a time when many are struggling: Grover Wehman-Brown, Alameda.

Urged Council to vote no on approving new security cameras for APD; stated that she questions other potential beneficial uses for funding; expressed concern about the pressing need for security cameras in light of nearby protests: Alexia A-B, Alameda.

Stated the matter should be part of the regular budget process; the steering committees are coming back with recommendations; should the current system be in working condition, the system can be kept in place for another month to allow the steering committee's report to be heard; questioned the items APD would consider cutting in order to fund the new system: Jenice Anderson, Alameda.

Stated that she does not support new security cameras for APD; the system upgrade seems like a "nice to have" not a "need to have" item; questioned whether the cameras will be replaced entirely or whether the system is being added to; repairing vandalism costs less than the proposed system upgrade; the \$275,000 should be used elsewhere; urged the decision be deferred to the budget to have APD fund the system: Laura Cutrona, Alameda.

Urged Council to respect the committees work, wait until the reports are turned in and see whether the funding can be found through unbundling services: Melodye Montgomery, Alameda.

Urged Council not approve the new security camera system; stated the new system costs nearly \$275,000; many people are struggling due to COVID-19 and many are demanding a divestment from policing with a reinvestment in the community; the funding must be spent where there is need; APD should pay for a new system out of its own budget: Isabel Sullivan, Alameda.

Expressed concern about the matter being on the Consent Calendar; stated the matter was not part of an open bidding process; the vendor is a reseller of camera products; discussed other vendors providing similar services and products; stated that he would like to see competitive bids: Zac Bowling, Alameda.

Urged a thorough review process as part of the annual budget; stated the City spends an inordinate amount on policing; urged Council to look at how funds are spent: Steve Perez, Alameda.

Stated the budget request should be denied; the request seems out of touch with reality; expressed support for the funding being used on underfunded City services which improve and increase community safety; expressed concern about the cameras being used to survey protestors and for the matter being heard prior to the report back from the Police subcommittees: Carly Stadum-Liang, Alameda.

Stated that she opposes granting additional City funding to APD; the funds would better support the community; urged APD use department funds for technical needs; stated the City should not grant any additional funding until any staff have been confirmed to not have been part of the violent attack at the Capitol: Meredith Hoskin, Alameda.

Stated that he opposes giving almost \$275,000 to APD; the matter timing is bad; expressed concern about protestor identity recording; urged Council vote against the recommendation: Vinny Camarillo, Alameda.

Stated vandalism is cheap to fix, terrorism is not; discussed a local terrorist; urged a focus on locating terrorists and not on vandalism: Morgan Bellinger, Alameda.

Mayor Ezzy Ashcraft stated the timing is unfortunate for a number of reasons; there is a need to protect buildings which house and store evidence; expressed support for considering reexamining the scope and funding in the future.

Councilmember Daysog stated reports and recommendations are prepared for serious reasons; staff has recommended the matter be considered by Council; he is inclined to support staff's recommendation; noted there appears to be more support for holding off for several weeks, which is understandable; noted issues raised regarding quality of the system and privacy; stated the staff report indicates the system will be in compliance with the City's privacy, data collection and facial recognition policies; the need is present for the upgrade given the number of vandalism cases against the APD building; expressed support for the staff recommendation.

Councilmember Knox White moved approval of continuing the matter until the mid-year budget cycle and including direction that Council wait until after hearing from the community groups before making decisions on prioritizing funding; stated the matter has waited ten years and can wait months longer; this is not a major public safety issue.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired the process for direction to staff.

The City Manager responded the matter could come in the mid-year or two year budget cycle, but not be implemented until after the Police committees have reported and provided recommendations to Council; noted that the matter will likely be brought with the two year budget cycle to allow sufficient committee report timing.

Mayor Ezzy Ashcraft stated that she has heard recommendations for finding funding within the APD fund budget; inquired whether the recommendation is included as part of the motion's direction to staff.

Councilmember Knox White responded that is his preference; stated money spent from the General Fund should not be in competition with parks or other unbundled services; expressed support for an understanding of how the matter will be prioritized for additional General Fund funding; stated APD is funded by the General Fund.

Mayor Ezzy Ashcraft stated there is a separate portion of APD's budget which is not under the General Fund.

Vice Mayor Vella expressed concern about the matter being a second APD request for surveillance equipment which has not gone through an open bidding process; outlined the process for approving projects and purchases through open bidding; expressed support for an open bid process being used relative to surveillance equipment; expressed concern about the desired filming areas; stated that she is concerned about free speech issues related to surveillance; expressed concern about access to surveillance footage and retention; stated that she would like more information about filming of public parking areas; noted that the idea of filming areas in light of a number of demonstrations is problematic; stated the request is extensive; system proposals tend to be piecemeal throughout the City and technology is

acquired in segments as opposed to across the board; not having a coherent system is odd and should be looked at; noted the current proposal is not something that she is prepared to support as-is; stated the expenditure is fairly high; expressed support for a discussion relative to the two-year budget and for hearing from the Police committees; questioned whether the matter has been presented to the Police committees; stated the scope of filming is extensive and beyond what she is comfortable with; a balance between privacy, overreach and safety concerns should be achieved.

Councilmember Spencer expressed concern about the Police committees not returning to Council until March; stated that she has a problem with secret meetings happening behind closed doors; the incidents of concern have been public and are issues of the public; the non-public meetings skirt the Brown Act; the meetings should be public; expressed support for hearing from the Police committees sooner rather than later and for hearing from APD and the public; noted there have been many speakers on matters related to Police; stated that she is concerned about supporting the motion; Council will inevitably decide the direction to take on policing matters; noted many people are installing Nest camera systems due to safety concerns; stated the quality of the system footage can be used.

Mayor Ezzy Ashcraft requested clarification about whether public forums are occurring with the Police reform process and subcommittees.

The City Manager stated reports from the committees will be released starting this week with a series of surveys and public meetings; the first public meeting will be Friday; the committees will report to the Transportation Commission and the Social Service Human Relations Board (SSHRB) for input and feedback.

Mayor Ezzy Ashcraft stated the public access forum is this Friday, January 22nd at 6:30 p.m.; a report with surveys will be released Thursday, January 21st.

The Assistant City Manager stated searching “police reform and racial equity City of Alameda” will yield the webpage with Zoom participation information.

The City Manager stated the public survey will be released this week.

Mayor Ezzy Ashcraft requested clarification about the lack of an open bidding process.

The Police Captain stated ICU Technologies is a General Services Administration (GSA) approved company which goes through a vetting process; the vendor will come in at or below the lowest bid which would be received during a Request for Proposal (RFP) process.

Mayor Ezzy Ashcraft requested staff to address concerns which have been raised about the facial recognition capabilities for surveillance cameras and first amendment rights.

The Police Captain stated it is not the intention to use facial recognition software technology; members of the public are not intended to be recorded on systems; the intention for the system is to help keep employees safe, provide situational awareness and help protect or investigate evidence and property if tampering occurs; the new system will allow live-streaming and better screening.

Mayor Ezzy Ashcraft requested a friendly amendment to the motion to add direction to staff to return with a refined use policy for the equipment that will address concerns about facial recognition.

Councilmember Knox White accepted the amendment; stated the City has a surveillance policy that requires a report to accommodate such a request for purchase of equipment; noted the staff report did not contain the policy; the required policy should accompany the staff report in the future.

Vice Mayor Vella expressed concern about the vendor selection process.

Mayor Ezzy Ashcraft inquired whether the matter should be put out for an RFP.

Vice Mayor Vella responded there are potential issues with compliance in the existing policy should the vendor not meet requirements previously set forth by Council.

Councilmember Knox White proposed direction be provided to staff to confirm with the recommended vendor that the City's facial recognition ban and other related ordinances are understood for compliance; stated the GSA process has pros and cons; if an RFP is required, the process will take an additional year and a half to return; expressed concern about a delay.

Councilmember Spencer inquired whether Council will hear from the Police subcommittees prior to the mid-year budget.

The City Manager responded Council will hear from the subcommittees prior to the current matter being approved; stated the mid-year budget will come before Council mid-February; the regular budget will come before Council.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(*21-040) Recommendation to Authorize the City Manager to Execute a Fourth Amendment to the Agreement with Nute Engineering for Engineering Design Services for Cyclic Sewer Rehabilitation Project, Phase 18, in an Amount Not to Exceed \$411,500 for an Aggregate Amount Not to Exceed \$1,556,321. Accepted.

(*21-041) Recommendation to Authorize the City Manager to Execute a Third Amendment to the Agreement with NBS for Administrative Services for Special Financing Districts in an Amount Not to Exceed \$80,319 for an Aggregate Amount Not to Exceed \$146,158. Accepted.

(*21-042) Recommendation to Expand the City's Sick Leave Benefit Authorizing Use of Parental Leave and Increasing the Sick Leave Cap for Protected Leave to Care for a Family Member to 480 Hours. Accepted.

(*21-043) Resolution No. 15735, "Amending the City of Alameda's Employer/Employee Relations Resolution and Superseding the Following Resolutions: 7476, 7477, 7684 and 14894." Adopted.

(*21-044) Resolution No. 15736, “Amending the Alameda City Employees’ Association (ACEA) Salary Schedule to Add the Classification of Police Records Specialist and Reclassifying the Four Intermediate Clerks in the Police Records Division to Police Records Specialist, Effective January 19, 2021.” Adopted.

(21-045) Resolution No. 15737, “Approving Tentative Map Tract 8534 and Density Bonus Application PLN19-0448 to Subdivide a 1.29-Acre Property into Twelve Lots Located at 2607 to 2619 Santa Clara Avenue and 1514 to 1518 Broadway.” Adopted.

Councilmember Daysog stated the matter involves a density bonus for a residential project; discussed previous tennis instruction provided at the project site; expressed concern about the project taking advantage of the density bonus ordinance; stated the project is taking advantage in ways that do not meet the reasons for the density bonus ordinance; the idea behind the density bonus is that construction of affordable housing is so exorbitant and in order to encourage building affordable housing, State law allows developers to build additional units; the project is not constructing very low income housing; instead, two of the existing units will be designated as very low income housing units; no costs are being borne by the developer; nine market rate units will be built; however, in order to qualify for the density bonus, the developer had to trigger the requirement before receiving the density bonus; the project as characterized does not meet the density bonus; nine units can still be built should two very low income units be of new construction.

Mayor Ezzy Ashcraft proposed Council receive a staff report.

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

The Assistant City Attorney stated State law requires a deed restriction for the two units for a minimum of 55 years; noted if an inclusionary ordinance requires longer than 55 years, the longer term will be effected.

The Planning, Building and Transportation Director stated the restriction rolls in Alameda serving in perpetuity; State law does not require the units to be new construction; density bonus can be applied to a condominium conversion of an existing building.

Mayor Ezzy Ashcraft noted the provision provides an economical way to provide low income housing.

The Planning, Building and Transportation Director stated the approach provides two units immediately into the affordable housing pool and identifies existing tenants who qualify, resulting in no displacement.

Mayor Ezzy Ashcraft inquired whether the units will apply towards the Regional Housing Needs Allocation (RHNA) requirement, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Spencer requested clarification about design of the two existing units.

The Planning, Building and Transportation Director stated both units are one bedroom; the entitlements are structured where the property developers and owners need to execute an

affordable housing agreement with the City of Alameda prior to a final map or pulling building permits; all details have not been fully negotiated yet which is standard for the project's stage.

In response to Councilmember Spencer's inquiry regarding parking, the Planning, Building and Transportation Director stated the applicant is eligible to waive the parking requirements under the density bonus; however, the applicant will maintain existing parking for all 22 units and provide two parking spaces per unit for the nine new units.

Councilmember Spencer inquired whether the neighbors have filed complaints or concerns.

The Planning, Building and Transportation Director responded a letter from an existing tenant concerned about the loss of tennis courts was sent to the Planning Board; stated the new nine units are being developed on land used by the former property owners; the Planning Board and applicant worked together to create a new common open space; the new space will be available to existing tenants as well.

Councilmember Spencer inquired whether the new units will have balconies or private outside space, to which the Planning, Building and Transportation Director responded in the affirmative.

Stated that he likes the proposal better than earlier designs; the project is a great use of space and will help with the City's RHNA numbers: Zac Bowling, Alameda.

Stated that he would like clarification about whether the existing units are owned by a single party; whether the developer does not have to buy or pay for the two affordable housing units; and whether the project will count as nine market rate and two affordable units for the RHNA numbers: Jay Garfinkle, Alameda.

The Planning, Building and Transportation Director stated the City will receive nine new units, plus two affordable units; the existing 22 units and 11 buildings are all located on one large parcel; the proposed tentative map creates 11 parcels for the existing buildings and a 12th parcel for the nine new units.

Councilmember Knox White stated that he understands the matter to be approving a tentative map and density bonus application; neither of the approvals are tied to the approved development plan; Council cannot dictate the appearance of the project in approving the matter; the matter is ministerial.

Councilmember Knox White moved approval of the density bonus and tentative map [adoption of related resolution].

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Spencer stated it appears there are already plans to add balconies and outdoor areas for units; expressed support for the staff recommendation; stated private areas are important; expressed support for the parking and neighbors being supportive.

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

(*21-046) Recommendation to Authorize the City Manager to Execute an Agreement with Landscape Structures Inc. in an Amount Not to Exceed \$285,862 for Construction of the Bayport Park Playground Project. Accepted.; and

(*21-046 A) Resolution No. 15738, "Amending the Fiscal Year 2020-21 Capital Budget for the Playground Replacement Project (91621) by Appropriating an Additional \$150,000: (1) a Donation from the Alameda Friends of the Parks Foundation in the Amount of \$10,000, and (2) Fund Balance of the Bayport Park Municipal Services District 03-1 in the Amount of \$140,000." Adopted.

(*21-047) Resolution No. 15739, "Amending Resolution No. 15728 Setting the 2021 Regular City Council Meeting Dates." Adopted.

(21-048) Ordinance No. 3295, "Authorizing the City Manager to Execute Lease Amendments for Rent Relief Programs to Rock Wall Winery and St. George Spirits through the Loan Conversion Assistance Program for Rent Relief in Response to the Covid-19 Pandemic." Finally passed.

Councilmember Knox White moved approval of the staff recommendation [final passage of the ordinance].

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

(21-049) Ordinance No. 3296, "Amending the Zoning Map Designation for the Property at 2350 Fifth Street (APN 74-1356-23) from M-X, Mixed Use to R-4, Neighborhood Residential District to Facilitate Residential Use of the Property, as Recommended by the City Planning Board." Finally passed.

Councilmember Knox White moved approval of the staff recommendation [final passage of the ordinance].

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Mayor Ezzy Ashcraft called a recess at 9:06 p.m. and reconvened the meeting at 9:22 p.m.

REGULAR AGENDA ITEMS

(21-050) Recommendation to Rename Former Jackson Park to Chochenyo Park.

The Recreation and Parks Director, Raquel Williams, Jessica Santone, and Rachel Brock gave a Power Point presentation.

Councilmember Spencer inquired how many meetings were publicly noticed.

The Recreation and Parks Director responded the matter has been discussed at a Recreation

and Parks Commission meeting; stated Council voted to de-name Jackson Park in June and July; noted the Recreation and Parks Commission previously voted to recommend de-naming Jackson Park.

Councilmember Spencer inquired how many subcommittee meetings were publicly noticed.

The Recreation and Parks Director responded the subcommittee is an ad hoc committee and is not subject to meet under the Brown Act or Sunshine Ordinance.

In response to Councilmember Spencer's inquiry, the Recreation and Parks Director stated meetings were held weekly from September to early January.

Mayor Ezzy Ashcraft requested clarification for the role of the ad hoc committee and public input; stated a survey and other opportunities for public input have been provided; the majority votes of the public were a factor; however, it was not a determining factor in the choice of recommended name.

The Recreation and Parks Director stated broad public outreach to solicit names was provided; the committee took responses, vetted names, and provided a poll in November with a brief Survey Monkey; the committee compiled all data; a number of different data points were used to compile information.

Mayor Ezzy Ashcraft noted there has been some confusion related to public input.

Councilmember Knox White in stated the committee held two or three workshops beyond the Recreation and Parks Commission meeting which were publically available.

The Recreation and Parks Director stated the committee did hold a publically noticed community forum in November.

Mayor Ezzy Ashcraft inquired whether any of the presenters are from the [park] neighborhood.

The Recreation and Parks Director responded in the negative; stated the committee did have a member from the neighborhood; however, the person is not presenting.

Councilmember Daysog stated there is an emphasis on addressing issues of past racism; inquired whether there have been any other frames considered for selecting names.

Ms. Santone responded the committees focus has been thinking about diversity, equity and inclusion; stated the committee considered the three points working together in addition to carefully understanding Alameda's history; colonization is an ongoing process and is still alive and present for indigenous community members; the framing placed on the process was focused on refuting the history of a violent and racist president with a more inclusive, equitable and diverse response to history.

In response to Councilmember Daysog's inquiry, Ms. Santone stated the committee discussed applied criteria with considering other possible names of places, trees, and things specific to Alameda; the committee ultimately decided the additional considerations were not part of the desired recommendation.

Stated there is no other lens to look through except for the lens of equity; the meetings have been open and public; urged Council to vote yes and choose Chochenyo Park; stated this is an important step to provide equity: Melodye Montgomery, Alameda.

Stated that he was part of the proposal to rename Jackson Park three years prior; expressed support for the opportunity to honor indigenous people in taking a step to heal relationships; it is relevant to educate the public about Andrew Jackson and to counter historical mythology; there is an opportunity for a new relationship with the Ohlone people; discussed a conversation with the confederated villages of Lisjan; stated many survey respondents only selected one name; urged Council to choose Chochenyo Park: Rasheed Shabazz, Alameda.

Expressed support for selecting Chochenyo Park; stated the committee has put time and effort into the matter; triumphs over adversity are inspiring; discussed knowledge of native people in the area and the available history; stated new knowledge is a benefit to all: Amanda Cooper, Alameda.

Expressed support for the name Chochenyo Park; stated it is important to recognize the history of the land; the history of the Chochenyo people is almost invisible in Alameda public spaces, which should be remedied; the compromise of an Alameda-Chochenyo Park would be a mistake; the decision should not be a popularity contest; the name is an important opportunity to do the right thing: Grace Rubenstein, Alameda.

Discussed the history of Alameda; stated there is disregard for the harm former President Jackson caused; Andrew Jackson sought to exterminate tribes and the harm caused is not an abstract reach; the Lisjan Ohlone people are still here and unfortunately hold no land in the City; urged Council to rename the space to Chochenyo Park and to return the land to its original stewards; stated renaming the space is a first step, not a final step: Jenice Anderson, Alameda.

Discussed the Sunshine Ordinance and the definition of policy bodies; stated the Recreation and Parks Commission is a policy body which created a park renaming committee and such committee should be considered a policy body; a similar process has been used by City Council in appointing the Police reform committees; the process avoids the Sunshine Ordinance and Brown Act; urged Council take pause and reopen the renaming process: Mike Van Dine, Alameda.

Stated that she is a tribal member of the confederated villages of Lisjan and made brief comments in their language; urged Council move forward with renaming former Jackson Park to Chochenyo Park; stated the matter holds dear to her heart; discussed the importance of the land: Cheyenne Zepeda, Alameda.

Stated the future of the Bay Area resides in stories being passed on to children; the stories need to be courageous, truthful and reflect the reality of the world; removing community places which honor those who perpetrated violence, such as Andrew Jackson, and honoring the living, present people of the land is a critical first step; it is not enough to remove racist symbols from public spaces, the next step is to rename the park to Chochenyo Park and begin to repair the relationship with the confederated villages of Lisjan: Nadya Tannous, Alameda.

Stated renaming Jackson Park to Chochenyo Park honors the indigenous people who lived here even before Andrew Jackson; revitalizing the ancestral history of the land is needed; the Lisjan Ohlone people have lived on this land even though it has been taken; renaming the park is the

least the City can do; discussed a statement for the name Alameda Park; stated Chochenyo Park has nothing to do with politics and is a non-political name; the name honors the land and its indigenous people; urged Council to vote in favor of renaming Jackson Park to Chochenyo Park; Vinny Camarillo, Alameda.

Urged Council to vote yes and honor the request of the Lisjan Ohlone leaders in approving the renaming; stated Council should consider an ongoing relationship to repair the harm colonization has done; Grover Wehman-Brown, Alameda.

Discussed her experience as a mom living on stolen land; urged Council to approve renaming the park; questioned the ways which people will look back at this moment in history; stated names communicate values; urged Council to use its power to do the right thing and rename the park to Chochenyo Park; Claire Valderama-Wallace, Alameda.

Stated renaming the park is appreciated; that she is grateful for helpful allies bringing language and culture back to light; expressed support for using the park for cultural and medicinal uses; Deja Gould, Alameda, Tribal member of the Confederated Villages of Lisjan, Chochenyo and Language Keeper for the Tribe.

Expressed concern about the lack of transparency in the process; stated the criteria was sent without public scrutiny; the public did not participate in setting up the criteria; City staff are frequently slow in following instructions of the Council; however, de-naming Jackson park occurred quickly; expressed support for the name Chochenyo Park; expressed concern about the naming process; urged Council to establish ways of responding to the attacks and cancel culture; Jay Garfinkle, Alameda.

Urged Council take pause on confirming a name and reopen the process; stated Alameda Park was the number one choice of a poll submitted in December; discussed poll processes and the Recreation and Parks Commission meeting; stated the process appears exclusive in rejecting the name Alameda Park; urged Council consider the importance of including Alameda Park in the final name consideration; Carmen Reid, Alameda.

Expressed support for renaming the park Chochenyo Park; stated residents were able to submit over 150 names; the City's collaborated with Rhythmix Cultural Works on a beautiful art installation; discussed the de-naming process; stated the City has crafted a thoughtful process; the name brings vitality and beauty to the City; Jennifer Rakowski, Alameda.

Discussed her experience as an attorney for her tribe; urged Council to vote and change the name of the park; stated that she would like her children to feel welcome everywhere on the Island; the matter is not erasing history; expressed support for honoring the original inhabitants of the land; urged Council vote for option one; Jessica Laughlin, Alameda.

Expressed support for the name Chochenyo Park for original ground walked upon by Chochenyo speaking people; Toni Grimm, Alameda.

Expressed support for naming the park Chochenyo Park; stated that she felt well informed of the renaming process as a member of the neighborhood; discussed timely responses to e-mails; stated the matter has been discussed previously at Council and Recreation and Parks Commission meetings, which allowed public comment; expressed support for the frames used by the committee in renaming the park; Meredith Hoskin, Alameda.

Expressed support for renaming the park Chochenyo Park; detailed accounts of the process leading to renaming the park; stated there is a bias and political issue; renaming the park is the first step; the land should be returned: Alexia A-B, Alameda.

Stated the Council has the opportunity to shed light on the Lisjan Ohlone people; discussed her experience with racism in Alameda; stated an Ohlone named park is the least the City can provide; stated the Lisjan Ohlone people are still present and thriving: Victoria Montano, Yaqui Nashika.

Expressed support for all public speakers and the naming process; discussed voting standards; urged Council to listen to volunteers, educators, and voices not normally heard instead of a Survey Monkey link and to make naming Chochenyo Park the first of many steps in restoring land to rightful original stewards: Morgan Bellinger, Alameda.

Urged Council rename the park Chochenyo Park; stated it is imperative to support the unanimous recommendation of a diverse, community-led committee; history must be faced in removing racist symbols from public spaces; renaming the park helps pave way for anti-racism and supports healing and justice; tyranny of the process distracts from the history and why the opportunity to change the narrative exists; expressed support for a memorial in Chochenyo Park to acknowledge oppressed communities in Alameda's history; urged Alameda to develop a relationship with the Ohlone Lisjan and returning the land: Laura Cutrona, Alameda.

Urged Council rename the former Jackson Park to Chochenyo Park; stated the name is a beautiful and necessary repudiation of the white supremacy which has marred the history of Alameda; urged Council to reject the process qualms: Laura Gamble, Alameda.

Expressed support for renaming the park Chochenyo Park; stated renaming the park is a rejection of Andrew Jackson and an opportunity for education about the history and presence of the original people of the land; urged the City to work with the confederated villages of Lisjan and the Sogorea Te land trust to return stolen land to the Lisjan Ohlone people: Isabel Sullivan, Alameda.

Stated inclusion is not just about honoring the majority of people, it is including people who have gotten smaller over the years; the City should continue renaming things until wrongs are righted; urged Council vote for Chochenyo Park: Katherine Castro, Alameda.

Expressed support for renaming the park to Chochenyo Park; stated the Country has a long and shameful history in its treatment of indigenous people; the step to rename the park in honor of the people indigenous to these lands is a rational choice: James Bergquist, Alameda.

Vice Mayor Vella moved approval of the recommendation to rename the park Chochenyo Park.

Councilmember Knox White seconded the motion.

Under discussion, Vice Mayor Vella expressed support for those who volunteered their time to work on the matter; stated there has been opportunity for community input; the matter has gone to the Recreation and Parks Commission and is before Council now after a number of community events; it is disingenuous to say there has not been a public process; expressed concern about a level of gas lighting; stated renaming the park Chochenyo is perpetuation by

appreciation; the matter is about appreciating diverse history and perpetuating that history; language is intrinsic to the expression of culture and is the means by which culture, its traditions and shared values are conveyed and preserved; the matter is important due to the limited view of history and the world taught in schools; this is an opportunity to correct conversations meant to separate rather than unify; the opportunity is important as a public space where community can gather; expressed support for the staff recommendation.

Councilmember Knox White noted the Rename Jackson Park Committee met last week; encouraged everyone to listen to the meeting discussion; stated the discussion has been forwarded to staff members; the only direction previously provided from Council was consideration of Black, Indigenous, People of Color (BIPOC) community members and equity; Council did not direct a committee be formed; noted the last Recreation and Parks Commission meeting and the current Council meeting are Brown Act meetings; the meetings are publicly attended; people are interested in naming the park Alameda Park; outlined a podcast discussion of the passive park; stated there have been instances of white, wealthy neighborhoods who have tried to show people how they should be living versus accepting cultures; there is an ongoing discussion related to Alameda Park where the community called the location Alameda Park for some time; expressed concern about going back to a name that did not willingly give up land being as problematic as sticking with the name Jackson Park; noted the committee has performed due diligence in selecting the name Chochenyo Park; expressed concern about the potential of name appropriation; requested a friendly amendment to the motion to direct staff to return with an agenda item as part of the two-year budget for the City to pay the Shuumi Land Tax; stated the amendment will honor the work being done as a long overdue first step.

Vice Mayor Vella accepted the friendly amendment to the motion.

Councilmember Spencer expressed concern about the process; stated the meetings were not infrequent; the matter is important and public meetings should have been held; viewable meetings are not the same as meetings which allow public participation; there is a lot of good work that can happen; outlined her heritage as Mexican-American; stated the criteria showed use of the word Alameda meaning grove of trees as not acceptable; there are no parks in Alameda with Spanish names; outlined the naming of Bayport Park; stated the criteria is meant to be inclusive, yet excludes Spanish names, which is a problem; outlined her experience living in Los Angeles; stated that she has been subjected to racism; expressed concern about a criteria which excludes Spanish words; stated that she wonders at what point will a Spanish named park be allowed; Spanish people are people of color, have historically been left behind in the Country and suffer the same low-income, poverty struggles; expressed support for consideration of Spanish names being included; stated that she sees excluding Spanish words as institutional racism; expressed support for a criteria which includes Spanish names.

Ms. Williams stated that she validates Councilmember Spencer's heritage and that there is underrepresentation as part of the BIPOC community; the choice of not selecting Alameda had nothing to do with the word being Spanish and had nothing to do with discriminating against Spanish people; the reason Alameda was not chosen due to the historical context of the Alameda Hotel and Alameda Park housing subdivision which were exclusionary of people of color; the intent was to put forth new energy and representation for the park in having a new cultural and diverse name; new parks are being built and other parks need to be renamed; expressed support for Spanish names being appropriate for parks; stated there are many exclusionary things for members of the BIPOC community; Alameda Park has the roots of colonization and an exclusionary subdivision; the committees intentions were not to discriminate

or hurt, but to create a park that is inclusionary in moving forward from a president who was racist; expressed support in working with the committee to have a Spanish named park into Alameda; stated the large Hispanic population in Alameda is underrepresented.

(21-051) Councilmember Knox White moved approval of considering remaining items up to 11:59 p.m. with City Manager Communications after the current item.

Councilmember Daysog requested an amendment to the motion to consider the Council Referrals.

Vice Mayor Vella seconded the motion, which failed by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Councilmember Spencer moved approval of continuing the remaining items up to 11:59 p.m. without moving City Manager Communications.

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

Councilmember Spencer expressed support for Ms. Williams' comments and efforts; stated that she hopes Ms. Williams has a bigger role in helping with the problem moving forward.

Councilmember Daysog stated the initial discussion of de-naming Jackson Park also included discussion for renaming; noted that he supported casting the net broadly in relation to looking at new park names; expressed concern about coming up short in casting the net broadly; stated it is clear that the potential names for the park were limited due to the framing criteria; the framing of righting historic wrongs is a valid way to evaluate names; the ad hoc committee, Recreation and Parks Commission and Council should have encouraged multiple ways of framing criteria; outlined possible name framing criteria; stated individuals could have been considered;; Al DeWitt would have been a good choice to consider; outlined Al DeWitt's accomplishments; stated Al Dewitt is just one person who could have been evaluated if the criteria of individuals been used in addition to righting historic wrongs; there has been a missed opportunity; expressed support for the name Chochenyo Park; stated that he will not support the naming since net was not cast broadly in terms of criteria.

Councilmember Knox White stated people were listed in the name selection; outlined individuals listed; stated the process was followed; noted the breakdown has been dismissive of the problem.

Mayor Ezzy Ashcraft stated Chochenyo Park is a lovely name; expressed support for the committee's work; stated 2020 was a time of reckoning and many incidents converged allowing the City to look deeper at the Nation's and local history including treatment and marginalization of people; there have been many gaps in history; stated the process for naming was well undertaken.

On the call for the question, the motion carried by the following roll call vote: Councilmembers

Daysog: No; Knox White: Aye; Spencer: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(21-052) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Article XV (Rent Control, Limitations on Evictions and Relocation Payments to Certain Displaced Tenants) to Adopt and Incorporate Provisions Concerning Capital Improvement Plans (CIP) for Rental Units in the City of Alameda. Introduced.

The Chief Assistant City Attorney gave a brief presentation.

Councilmember Spencer stated opposition has been posed by the Alameda Realtors Group; comments received note concern about the amount to cover major improvements being too high; requested clarification for such opposition.

The Chief Assistant City Attorney stated the \$25,000 is a staff-driven number; the improvements ought to be substantial and most improvements listed in the ordinance are likely to cost \$25,000; should Council not feel comfortable with the amount, the amount can be reduced.

Councilmember Spencer inquired whether outreach was conducted to find a comfortable amount.

The Chief Assistant City Attorney responded staff met with the group in August and the amount was discussed; stated the amount was initially higher and had subsequently been reduced; should a new roof cost \$15,000 it is possible subsequent capital improvements can also be made to meet the \$25,000 threshold.

Councilmember Knox White inquired whether anything prohibits delaying implementation of the pass-through given the COVID-19 crisis, to which the Chief Assistant City Attorney responded in the affirmative.

Councilmember Knox White requested clarification of routine maintenance and large capital projects.

The Chief Assistant City Attorney responded the need for new roofs occurs every four to five years and the improvements last 15 to 20 years; stated the amortization period for the capital improvements is 15 years, which is reasonable; staff looked at items generically and felt that the pass-through would not be high enough to encourage landlords to make improvements now as needed.

Councilmember Spencer stated Oakland has a CIP modeled after Santa Monica which contains a list of approved improvements that can be amortized over different periods; inquired why Alameda is not using the same.

The Chief Assistant City Attorney responded the Santa Monica ordinance is not the same kind of CIP plan being recommended; stated the Santa Monica ordinance is part of the fair return process; the amortized cost becomes an operating expense against the revenue which a landlord then uses to determine whether or not there is a fair return; the process is different and is more beneficial in encouraging landlords to make improvements rather than a fair return process which can be seen as discouraging landlords from undertaking repairs; the recommendation process can be performed administratively through the program administrator;

a fair return process requires petitions, hearings and will cause difficulty especially for landlords with fewer units.

Vice Mayor Vella inquired the reason for moving away from the net operating income (NOI) to the new structure.

The Chief Assistant City Attorney responded staff is not moving away from NOI; stated at present it is a standalone item; should a person go through the CIP process, they will add the amount not as a pass through but added to the tenants' rent as a rent increase; the annual general adjustments will be based on a higher number than the current recommendation; the recommendation is not moving away from a fair return process; staff can return with a fair return process of Council desires; the policy is being fine-tuned.

Urged Council take a look at the concept of pass-through and the effects on rent increases; stated pass-through has the potential to destroy the protection of the rent cap; discussed Ordinance 3250; questioned the good being done in establishing a rent cap and adding pass-throughs; pass-throughs go against the intention of the rent cap ordinance; the proposal brings a heavy burden and will lead to displacement; guaranteeing a fair rate of return will not discourage a landlords from making property improvements; Toni Grimm, Alameda.

Stated Council should not implement a new CIP and pass-through during the local emergency period; Council has passed an urgency ordinance for the same period to protect renters against the economic hardship of rent increases and displacement; should Council choose to proceed, ARC requests the changes not begin until after the time period renters are given to pay back rent due to COVID-19; guaranteeing landlords fair return should not discourage landlords from the process; Catherine Pauling, Alameda Renters Coalition (ARC).

Councilmember Knox White moved approval of the staff recommendation with the following adjustment: while people can apply for the Capital Improvement Program, no pass-through payments will be allowed to start until January 1, 2022.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated Council should be working closely with small mom and pop landlords in understanding the correct amount; the \$25,000 threshold is a number generated in City Hall; City Hall is not the right place to generate the amount; Council does not have the experience to evaluate amounts; noted that he will not support the motion.

Mayor Ezzy Ashcraft stated that she is comfortable with the motion; expressed concern about the condition of the rental housing stock; stated it is reasonable to delay any implementation until January 2022; she is satisfied with staff's analysis.

Vice Mayor Vella expressed concern about implementation being earlier than the 12 months beyond the period of the State of Emergency; requested a friendly amendment to the motion to not implement until 12 month from the end of the declaration of the State of Emergency.

Councilmember Knox White accepted the friendly amendment to the motion.

Vice Mayor Vella stated ordinances can be amended; there are problems with the pass-through and duration of time; expressed support for the matter moving forward.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(21-053) Adoption of Resolution Requiring a Project Stabilization Agreement for Certain Construction Projects. Not adopted.

The Assistant City Manager made brief comments.

Mayor Ezzy Ashcraft expressed concern about a policy requiring adoption by applicants, owners and developers yet only focusing on the concerns of the building and construction industry and for staff not consulting beyond the building trades construction group; stated housing needs to be built; an effective Project Labor Agreement (PLA) needs to be more than just an agreement not to strike; the agreement must also address the concerns of all parties to the agreement; expressed support for additional language being added to the proposed recommendation; stated that she has submitted proposed language; outlined the project from which the proposed language stems; stated the major items that she would like included are the inclusion of the requirement to negotiate with women, minority and small owned business enterprises and management rights; it is important to recognize the perspective of the owners and developers; outlined discussions with Andreas Cluver of the Alameda County Building Trades Council.

Councilmember Spencer stated the same resolution was previously attached to a Council Referral; noted the matter is not being brought forth by the City Manager; requested clarification on the matter's origins; inquired the reason for having a staff member bring the matter forth.

The City Manager responded the City Council has had PLA's as part of development agreements; stated there have been instances of concern for developers; noted a process had been requested in December 2019 for those looking at City land with the expectation of negotiating a PLA.

Mayor Ezzy Ashcraft noted the inquiry from Councilmember Spencer relates to how the matter changed from a Council referral to a staff brought matter.

The City Manager stated the matter has been discussed with the labor council and has been looked at by staff since 2019; the matter had been scheduled to be presented in the fall and was held for consideration by the new Council; the matter did not change from Council referral to staff bringing the matter.

Councilmember Spencer noted the Executive Summary of the staff report references the Building and Trade Council of Alameda County; inquired the reasoning behind using one trade.

Mayor Ezzy Ashcraft stated the Building and Trade Council of Alameda County is the umbrella organization over all trades, with the exception of the carpenters, which are separate.

Vice Mayor Vella stated carpenters are also an affiliate of the Building and Trade Council of Alameda County.

In response to Councilmember Spencer's inquiry, the City Manager stated staff's perspective is that the Building and Trade Council of Alameda County would be the representative of the

trades within Alameda County.

Councilmember Spencer stated there are women and minority-owned businesses which are not part of the trades; inquired how the women and minority-owned businesses fit in.

The City Manager responded there is flexibility in the matter for Council; stated should Council not believe there can be an agreement with a specific development, the policy has latitude for the option not to require a PLA by a vote of three Councilmembers; staff has provided provisions regarding minority-owned businesses, which is strengthened by the Mayor's proposal; staff can negotiate, but do not negotiate at the same level for all trades; collective negotiation is attempted; however, in certain circumstances, other businesses can be involved.

Councilmember Spencer stated that she is trying to figure out why the proposal is in the City's best interest; inquired the reason for staff bringing the matter forward versus a Councilmember.

The City Manager responded due to the history of PLA's in connection with City developments; stated staff has worked to create a playing field where developers would know the expectations for negotiations; the matter provides Council discretion on specific projects; Council may waive the requirement for specific projects if deemed necessary.

In response to Councilmember Spencer's inquiry, the Assistant City Manager stated the limit is \$5 million in construction or \$7.5 million for a non-profit entity that is improving leased City-owned property; the threshold has been set high allowing for a substantial amount of work; there is also a limit of up to a minimum seven year lease term to ensure significant invest is made prior to the requirement being triggered.

Councilmember Spencer inquired whether the City currently has tenants which fall under the proposed category and whether the proposed matter is relevant.

The Assistant City Manager responded there are four parts to the recommendation; stated one is related to improving City-owned properties or leases; however, there are also affordable housing projects, which would trigger the threshold fairly quickly under the Measure 1A bond; noted the County has a requirement that labor be involved when bond money goes towards affordable housing projects; the requirement will be triggered with or without this resolution; the resolution clarifies the expectation for Alameda; other projects can trigger the requirement as well; Alameda Point and Site A are examples of projects which trigger the requirement; outlined previous projects requiring a PSA/PLA.

Councilmember Spencer inquired whether the requirement has been on a project-by-project basis, to which the Assistant City Manager responded in the affirmative; stated the recommendation adds clarity to the process and sets expectations.

Councilmember Spencer inquired whether other cities in the area have the same requirement.

The Assistant City Manager responded other entities have tackled the requirement in a more comprehensive manner; stated Bay Area Rapid Transit (BART) has a similar policy in place.

The City Manager stated BART has a more global policy; other cities have a more individual project-by-project basis.

Urged Council to vote against the proposed PSA; stated PSAs traditionally discourage many local construction firms from bidding; various polls of contractors have shown that PSAs can deter bidding; discussed an East Bay Municipal Utilities District (EBMUD) survey; stated there should be no limitations on who can and cannot bid; discussed examples of restrictions in Concord; outlined PLAs increasing costs; stated should Council adopt a PSA, it should include local workers and companies that build quality projects; Joe Lubas, Alameda County Taxpayers Association.

Stated that he is proud the City has a history of supporting working families; outlined his experience working with the Teamsters Union and the Economic Recovery Task Force; stated the recommendation is a well thought out and negotiated agreement which will help accomplish goals; the recommendation gives opportunity to use resources, put Alamedans to work, promote local businesses and deliver projects on-time; urged Council adopt the resolution: Doug Bloch, Alameda, Teamsters Union, Economic Recovery Task Force.

Stated that he does not understand the language stabilization legislation or agreements or why government makes deals which create safe harbors by tipping the balance in favor of unions; outlined donations made by the Building Trades organization; stated that he does not see the City gaining anything; outlined projects requiring PSAs; stated that it would be more responsible for the City to not enter into protective kinds of agreements which strongly favor labor unions: Jay Garfinkle, Alameda.

Expressed support for the matter; stated the policy is innovative; the policy is not just for working class people; the policy is a win for developers, levels the playing field and allows developers to know what is expected; the policy ensures the continuation of a skilled and trained workforce; language is included which ensures local workforce on projects; the language proposed by Mayor Ezzy Ashcraft can be included under Proposition 209; Council has the ability to reverse the policy on any given project; the Alameda County Building Trades Council is open to the proposed amendments: Andreas Cluver, Alameda County Building Trades Council.

Stated young minority veterans will not be able to work under the proposed conditions; the exclusion is due to not being part of the Union Apprenticeship Program; the Associated Builders and Contractors would like the opportunity to work on projects in the community; questioned data collection from the current PLA; stated that she would like to know the status of the current PLA: Nicole Goehring, Associated Builders and Contractors.

Mayor Ezzy Ashcraft stated the meeting end time has occurred.

(21-054) Vice Mayor Vella moved approval of extending the meeting an additional 15 minutes to allow for completion of public comment and deliberation.

Councilmember Knox White seconded the motion, which failed by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Councilmember Spencer moved approval of allowing public comment to be completed and concluding the meeting.

Councilmember Knox White seconded the motion.

Under discussion, the City Attorney stated if the matter is being continued, it must be date and time certain.

Councilmember Knox White requested a friendly amendment to the motion to continue the matter to the February 2nd meeting at 6:59 p.m.

Councilmember Spencer accepted the friendly amendment.

On the call for the question, the motion failed by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: Aye; Vella: No; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Vice Mayor Vella moved approval of continuing the matter to February 2nd at 6:59 p.m.

Mayor Ezzy Ashcraft inquired whether Councilmember Vella would consider hearing the last public comment and allowing public comment to close.

Vice Mayor Vella responded in the negative; stated that she does not know if there are others wishing to speak; the matter has been held until the end and she does not want to close public comment.

Mayor Ezzy Ashcraft inquired the procedure should Council fail to continue the matter.

The City Attorney responded if Council does not continue the matter with no action taken, staff will have to bring the matter back.

Vice Mayor Vella stated that she is fine with allowing the last public comment complete, provided that public comment is not closed when the matter is continued.

Councilmember Knox White requested clarification that public speakers would not be allowed to speak a second time, to which Vice Mayor Vella responded in the affirmative.

Councilmember Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft expressed concern about lengthy agendas.

On the call for the question, the motion failed by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: No; Vella: No; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Vice Mayor Vella stated that she would reconsider the previous motion by Councilmember Spencer; that Council has filibustered and is infringing upon public comment.

Mayor Ezzy Ashcraft stated the previous motion to reconsider continues the matter to February 2nd [at 6:59 p.m.] and allows public comment to be completed and closed.

Councilmember Spencer inquired whether there are no more speakers, to which the City Clerk responded in the affirmative.

Councilmember Spencer stated the reconsidered motion is appropriate.

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

Stated that she does not understand why she would be unable to speak at the continued meeting; outlined PLAs in Alameda County not being inclusive; stated that she would like an update on the current Public Works PLA: Nicole Goehring, Associated Builders and Contractors.

Mayor Ezzy Ashcraft stated public comment has closed for the matter; noted speakers are not allowed to speak twice on matters.

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

Not heard.

COUNCIL REFERRALS

(21-055) Consider Establishing a New Methodology by which the Number of Housing Units are Calculated for Parcels Zoned C-2-PD (Central Business District with Planned Development Overlay). (Councilmember Daysog) Not heard.

(21-056) Consider Directing Staff to Provide a Police Department Staffing and Crime Update. (Councilmember Spencer). Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

(21-057) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:10 a.m. in memory of those lost to COVID-19.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 19, 2020- -5:45 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:58 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(21-023) Conference with Legal Counsel Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: City of Alameda v. Union Pacific (Sweeney); Court: Superior Court of the State of California, County of Alameda; Case Number: RG18921261. Not heard.

(21-024) Conference with Legal Counsel Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Friends of Crab Cove v. Vella et al.; Court: Superior Court of the State of California, County of Alameda; Case Number: RG18933140; Court: First District Court of Appeal; Case Numbers: A159140 and A159608.

(21-025) Withdrawn – Conference with Real Property Negotiators (Pursuant to Government Code § 54956.8); Property: Encinal Terminals, Located at 1521 Buena Vista Avenue (APN 072-0382-001,-002 and 72-0383-03), Alameda, CA; City Negotiators: Gerry Beaudin, Assistant City Manager, Andrew Thomas, Planning, Building and Transportation Director, and Nanette Mocanu, Assistant Community Development Director; Negotiating Parties: City of Alameda and North Waterfront Cove, LLC; Under Negotiation: Price and Terms. Not heard.

(21-026) Conference with Legal Counsel Existing Litigation Requests for the City to Participate as Amicus in Pending Litigations (Pursuant to Government Code § 54956.9); Case Name: Apartment Association of Los Angeles County, Inc. v. City of Los Angeles et al; Court: The United States Court of Appeals for the Ninth Circuit; Case Number: 20-56251.

(21-027) Conference with Legal Counsel Existing Litigation (Pursuant to Government Code § 54956.9); Case Name: Abdul Nevarez and Priscilla Nevarez v. City of Alameda; Court: United States District Court, Northern District of California; Case Number: 20-cv-8302

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Union Pacific, the matter was not heard; regarding Friends of Crab Cove, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Spencer: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5; this litigation involves legal

challenges filed against the City relating to the City's rezoning of a parcel west of McKay Avenue to facilitate the development of a wellness center for unhoused persons and seniors; the City previously prevailed at the trial court and the plaintiffs had appealed the trial court decision to the court of appeal; the parties have reached a resolution where by the plaintiffs would dismiss this litigation in exchange for the City not seeking further fees and costs against the plaintiffs; the Council has authorized the City Attorney to resolve this litigation and execute documents, including settlement agreements, consistent with the above and accept the dismissal on behalf of the City and the City employees/council members in their official capacity; regarding Real Property, the matter was withdrawn and not heard; regarding the Amicus, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: No; Knox White: Aye; Spencer: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 3; Noes: 2; the City has been asked to join numerous other local jurisdictions by authoring and/or signing on to amicus briefs to be filed in the above case to support the Los Angeles City's existing moratorium ordinance prohibiting evictions for COVID-related unpaid rent for twelve months after the expiration of the local emergency; this moratorium ordinance is similar to Alameda's existing law providing similar protections; the eviction moratorium at issue falls squarely within the City's police power to promote public health, safety, and welfare during a pandemic; the moratorium has done so by enabling residents to shelter in place and socially distance; additionally, consistent with the District Court's holdings, the moratorium does not substantially impart a landlord's contractual rights with tenants; plaintiff's expansive and incorrect reading of the Contracts Clause of the U.S. Constitution could unduly erode local control and limit state and local governmental authority to enact regulatory measures to safeguard the welfare of their residents during a crisis; the Council has authorized the City Attorney to author and/or sign amicus briefs in support of Los Angeles City in this matter, in any trial or appellate court of competent jurisdiction; regarding Nevarez, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Spencer: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5; this litigation involves claims of ADA violations by the Plaintiffs at the Corica Park Golf Course. The City has tendered the litigation to Greenway given their operation and management of the Golf Course. The City Council has authorized the City Attorney to waive certain conflicts to permit attorneys, including Gerry Ramiza and Greg Akar, at the law firm of Burke Williams & Sorensen to handle the defense of this litigation.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:24 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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