

MIUTES OF THE CONTINUED JUNE 15, 2021 CITY COUNCIL MEETING
TUESDAY- -JULY 6, 2021- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:10 p.m. Councilmember Daysog led the Pledge of Allegiance.

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

Absent: None.

CONTINUED AGENDA ITEMS

(21-437) Recommendation to Accept Update on Progress To Date Addressing Police Reform and Racial Equity; Provide Direction on a Pilot Mental Health Response Program; and Consideration of a Draft Work Plan for the Remaining Topics.

The City Clerk announced public comment was previously closed; the matter is a continuation of the June 15th Council discussion; noted a motion by Councilmember Herrera Spencer to approve Option 1 and seconded by Councilmember Knox White is on the floor; noted the remaining Council time has been continued.

Mayor Ezzy Ashcraft stated the vote is important; the matter goes back one year when Subcommittees on Police Reform and Racial Equity were formed; Council directed the City Manager to return with a proposal for alternative mental health response to calls for service; noted a Request for Proposals (RFP) was not done; however, one can be issued at later date; stated the City Manager provided proposals from the Felton Institute and the Alameda Fire Department (AFD); expressed support for the City working with the Felton Institute; stated the City is looking for an alternative to Police response with mental health expertise and behavioral health experience; cultural competency is an important portion of the recommendation; noted problematic calls for service within the City have involved people of color encountering the Alameda Police Department (APD); stated the Felton Institute has a track record of 70 years working in the behavioral and mental health field; Felton Institute is proposing to offer mental health outreach during the day where needed in order to reduce the number of mental health related calls and allow for better outcomes for struggling individuals; Felton Institute has experience working with people in encampments; some Felton Institute staff members have lived experience; outlined a forum held in Oakland for alternatives to mental health crises that emphasized public safety staff are trained to perform life-saving emergency response; mental health response can take hours in time spent with an individual; outlined an instance with mental health response having a peaceful outcome; stated that she is very impressed with the proposal from Felton Institute and would like to see the Felton Institute selected for the pilot program; while the pilot program is running, the City Manager can put together an RFP; in contrast, AFD provides wonderful emergency response and mutual aid; the AFD proposal is one page

long and includes an emphasis on staffing and equipment; the proposal calls for a Management Analyst, Firefighter/Paramedic, a vehicle with specific needs, two work station desktops and includes a two sentence remark for mental health response services; the proposal includes a 100-hour mental health training for Alameda Emergency Medical Services (EMS) with a sentence referring to a follow-up crisis management unit; the City will be better served selecting an experienced provider.

Councilmember Herrera Spencer stated that she agrees the matter is an important decision; she is familiar with mental health and cultural competency; she made the motion to support AFD in hopes for a first responder option; she would like an opportunity given to AFD to explain their proposal.

Mayor Ezzy Ashcraft noted the City Manager provided contact information for both Felton Institute and AFD; stated both have provided input in response to questions from Council.

Councilmember Herrera Spencer stated that she would like clarification on the Community Paramedicine Program and additional details brought to the table by AFD; AFD is the best choice for the pilot program.

The Interim Fire Chief stated AFD has set out to provide a solution to problem; AFD's proposal is 5 pages long; AFD has been part of first response for over 40 years and has had ambulance transport program for 37 years; AFD has responded to a variety of medical service calls for a variety of services, including mental health crises; AFD has been an integral part of responses over the years having transported people to authorized facilities, including local emergency departments and the County mental health hospital; the Community Paramedicine Program includes one Community Paramedic providing community outreach 40 hours per week; the program services homeless people in the community; first responders are the first to arrive on the scene when someone calls 911; AFD responds to medical emergency service and mental health crisis calls; the AFD program is designed to meet community concerns including a 24-hour operation and a lowered Police presence in response to calls for service; AFD developed a program response without Police assistance when appropriate; the program developed includes a trained paramedic and Emergency Medical Technician (EMT) being available at all times; an alternate phone number for emergency response could be considered in the future; most people have been trained to dial 911 in an emergency; in instances where AFD responds to calls for service, the scene and patient are evaluated; AFD's program has been designed to utilize existing resources within the City.

Mayor Ezzy Ashcraft requested clarification about the additional training.

The Interim Fire Chief stated there are three components to the training: crisis intervention training which includes de-escalation, specific behavioral health training, and the laws surrounding 5150 holds; if AFD is provided with 5150 training, the department will be able to provide services where needed allowing Police not to be

called out to the scene; the 5150 training is critical; very few Fire Departments within the State are allowed to provide the service outside of Police Departments; the training would allow AFD to take over 5150 calls; the County EMS agency is working with the County Mental Health Department to give approval and training through the Mental Health Department.

Mayor Ezzy Ashcraft inquired whether AFD would respond to service calls which are considered non-violent and non-combative or whether APD would respond.

The Interim Fire Chief responded if callers are be violent or presenting the potential for violence toward themselves or another, APD would be needed; stated AFD would respond to non-medical and non-violent calls for service; medical units are a radio call away if the need arises.

Councilmember Herrera Spencer stated there are times where dispatch does not know the full situation when providing service call information; inquired whether AFD is able to administer Naloxone in instances of an overdose.

The Interim Fire Chief responded in the affirmative; stated if calls have a medical need associated with a drug related problem, a medical need will be determined and a first responder with ambulance transport will be involved.

In response to Councilmember Herrera Spencer's inquiry, the Deputy Fire Chief stated many times when a call is responded to, the situation is evaluated and a determination is made whether there is a medical component needing treatment; outlined various medical ailments which need treatment; stated the Police determine whether or not to call a 5150 hold; Officers have the choice between calling in a 5150 hold or taking individuals to a hospital for treatment; the proposed program will allow the current process to expand evaluation and look at alternate destinations for individuals; situations may call for different approaches depending on the individual; the proposal includes a mental health professional offering follow-up care and will allow AFD to evaluate the situation to offer the best care; the proposal is currently in use by the San Francisco Fire Department with 11 crisis mobile units; San Mateo County also uses paramedic EMT responses to mental health crisis calls; the proposal does not stipulate treating an individual on-site; however, AFD will be able to deescalate situations and evaluate the proper destination for individuals.

Councilmember Herrera Spencer stated the City currently has meetings with AFD and Alameda Hospital; the meetings allow the public to participate; inquired whether adding the proposed pilot program to the quarterly meetings would be appropriate in order to allow for public participation.

Mayor Ezzy Ashcraft stated the discussion must remain on the topic of mental health response as an alternative to Police.

Councilmember Herrera Spencer stated that she believes the quarterly meetings are part of the reason behind AFD's program being the best choice.

Vice Mayor Vella requested clarification about AFD's proposed approach to dispatch; stated that she would like to focus on the non-emergency line versus 911.

The Interim Fire Chief stated calls will likely come in through 911; another number can be opened as an alternate to 911 for non-emergencies; having calls triaged through the dispatch center is important; callers are not able to evaluate situations the same as a trained professional; dispatchers are trained to extract information from callers; AFD will provide additional support and training where needed; the first step in the process is to receive the call for service and triage for dispatch of service.

Vice Mayor Vella inquired whether AFD can work with Police and dispatch for non-emergency calls to ensure calls are directed to the pilot program unit, to which the Interim Fire Chief responded in the affirmative.

Vice Mayor Vella inquired who decides whether or not an individual is being combative; questioned whether the matter will be triaged by personnel in the; inquired how the decision is made to engage with an individual and how to provide relative clarity.

The Police Chief responded the information received by dispatch is key; stated APD must look at those actively engaged with violence; if the goal is to minimize Police response, the information coming in from dispatch must be critically analyzed; outlined response to a hypothetical report of an active shooter appropriately having Police response; stated someone previously involved with a violent act which is no longer actively engaged could be looked at outside of Police.

Mayor Ezzy Ashcraft inquired whether the Police Chief will direct the chosen pilot program provider to appropriate calls for service.

The Police Chief responded if active violence is not present, the chosen responder will be in the best position to respond to the call; the provider could arrive and determine active violence is occurring and can request Police response; training will be key for the program provider.

Vice Mayor Vella inquired whether training will occur with both AFD and APD to ensure all providers are on the same page, to which the Police Chief responded in the affirmative.

The Interim Fire Chief responded in the affirmative; stated staff has already been meeting on related matters.

Vice Mayor Vella inquired the startup timeline; questioned the timeline and process for both San Francisco and San Mateo locations in hiring a clinician for the program.

The Deputy Fire Chief responded San Francisco is unique in having multiple social workers; stated that he is unsure of the recruitment process; currently, Alameda would need one social worker at 40 hours per week; the training timeline will start with training paramedics through the clinician portion of the program; those eligible for de-escalation training will receive the training; the timeline will fall closer to December or January in having people up and running with a staffed unit; training will continue as people enter the department; the timeline is reasonable.

Vice Mayor Vella inquired whether the City will be working simultaneously with the County to get alternative transports and approvals.

The Deputy Fire Chief responded staff has been working with the County; stated the County is ready to go and has been waiting on Council's decision; the County is ready to provide training including tentative 5150 training.

Al Gilbert, Felton Institute, stated the Felton Institute is the largest provider of 5150 services in San Francisco and is the only agency that provides the service for transitional age youth, adults and older adults; Felton responded to 71,000 calls in the last year due to running the suicide hotline for San Francisco County; Felton Institute has the contract in Alameda County to work with those coming out of jail with mental illnesses; Felton Institute will work to train the Police and Fire Departments; training in 5150 does not equate mental health professional status; Felton Institute will treat people while out in the field and can be operating within 60 days.

Curtis Penn, Felton Institute, stated providing response to non-medical calls would be a waste of AFD resources; the training received by Firefighters tends to be counterintuitive to the training required for mental health services; outlined the need for trainings in harm reduction modalities, wellness recovery action plans and understanding cognitive behavioral intervention.

Councilmember Knox White stated that he is interested in understanding what the Felton Institute has to offer.

Mr. Penn stated the Felton Institute is offering the antithesis of the Fire Department and will be engaging with people in the community; the Felton Institute will not be a triage unit and will not respond to merely take vitals and leave; assessments and plans of care will be provided while connecting people with mental health providers in Alameda County to further understand and provide proper care; team members will not be on the scene to triage, instead de-escalation tactics will be used.

Vice Mayor Vella expressed support for responses being provided as soon as possible; stated there are existing frameworks to build from; expressed concern about the clinician position; stated the City does not have social workers to pull and hire from; the proposal received from AFD has been innovative and works within an existing framework; inquired how the City will fill the clinician position and what the position entails during the pilot program; stated the position is not traditional for the City; the goal

is to make changes as the program progresses; expressed concern about the clinician position.

The City Manager responded if Council decides to proceed with AFD's proposal, a mental health professional will perform follow-up work at some point in the future; stated the position does not currently exist and can be competitive; the best route to take is to contract for the clinician position during the first year of the pilot program; a contract can be made with another agency to provide follow-up work in coordination with AFD rather than having a staff member fill the position.

Vice Mayor Vella inquired whether the recommendation is a change from the proposal or whether the recommendation is included within the framework.

The City Manager responded the recommendation is within the proposed framework; stated the recommendation is to have the clinician not be City staff, rather it would be a contracted position.

Vice Mayor Vella requested further clarification from AFD.

The Interim Fire Chief stated the contracted position is a good idea due to the position being competitive and difficult to fill.

Vice Mayor Vella stated her goal is to have something start as soon as possible; expressed support for City staff working behind the scenes; inquired whether an amendment to the motion needs to be provided in order to provide contract services; expressed support for the clinician position not holding up the process and for consideration of ways to incorporate the Felton Institute in providing services.

The City Manager responded the service being provided is specific and will meet the intent of the position; stated the motion can be amended or clarified; the pilot program will create lead time and the clinician position could possibly be subject to layoffs at the end if the City decides to move in a different direction; the recommendation provides a faster implementation.

Councilmember Knox White stated the matter is the first step of many in the process; the City has an embarrassment of riches; the City needs many things due to cuts over the years; both proposals could be considered in a perfect world; the discussion consists of agreement in the goal to reduce Police response to non-crime and non-violent prevention calls; expressed support for consideration of protocols and decisions to engage being outside of Police; stated mistakes will be made within process and structure; the City should be ready to change as it moves quickly; expressed support for Option 1 with strong Council direction to start working on the mental health professional piece added into the response; the need for someone to be on staff is present; the City can consider options as the program moves forward; Option 1 allows the City to find a program which exists and does not need to be set up from scratch; the process of figuring out how to integrate will be long; the pilot program will allow for the conversation

to decide which program the City should have that included any contracted mental health services; he does not think the contracting process will slow the process down much; expressed support for monthly reporting on the change in calls and the related protocols and for discussions on how to better serve the community; stated the matter is a simple win due to agreement in allowing people to perform jobs better; requested Councilmember Herrera Spencer provide direction in iterating and bringing the Felton Institute and other community players into thinking about how to bring the mental health direct response into the pilot program; stated the budget for the year has been approved and includes mental health funding; the question for the City is how to engage with the Felton Institute; the goal is for other cities to engage in the same system as Alameda; there is an opportunity to start the journey.

Councilmember Daysog stated the aftermath of incidents involving dancing in the street have been calling for a reform of the way policing of non-violent calls are conducted; two programs are before Council which represent the reform sought; the most important portion of the reform has to do with the delivery of mental health professionals to an event which is happening in real-time and the ability of mental health professionals to call on their experience to perform a range of things in order to de-escalate situations and understand and communicate with individuals; professionals must also transmit individuals to the appropriate service or set of mental health services; both entities present for the matter represent the reform being sought; he is of the opinion that the Felton Institute is the best represented entity for reform; the Felton Institute performs services at all times and has the comparative advantage of dealing with mental health issues; staff members in AFD have the capacity and can train-up to ultimately deal with mental health issues; the level and depth of experience with the Felton Institute, when compared to AFD, is provided in lived experience; either choice will reform City Hall in regards to delivery of Police services; the Felton Institute does represent more of the reform desired by citizens and is more in line with the Crisis Assistance Helping Out On The Streets (CAHOOTS) model; the Felton Institute is a non-City entity that would provide a set of services to improve the way in which Police and the City handle non-emergency calls for service; he has no doubt that AFD will be able to train-up quickly over the future months; the edge is given to the Felton Institute based on field individuals responding to calls at 2:00 a.m. that know the proper questions to ask as opposed to providing the answers which need to be delivered; the residents of Alameda will be served with reforming Police in regard to non-violent emergency situations; expressed support for the Felton Institute and the possibility of having contracts being provided to the Felton Institute in order to provide clinical services in conjunction with AFD.

Councilmember Herrera Spencer stated that she appreciates the Felton Institute applying for the program; she is hopeful that the City Manager looks at other agencies as well; Alameda Family Services has provided counseling at multiple levels for over 50 years; other agencies within Alameda could be well qualified for the program; inquired whether other agencies will be allowed to apply to the RFP.

The City Manager responded an RFP will be issued during the pilot program which will allow other agencies to provide proposals for a long-term solution; stated the recommendation for the mental health component would be to allow any entity the opportunity to provide proposal; currently, the Felton Institute has been the only agency with the capacity to provide proposal on the full program; other entities might be able to provide proposal on partial programs.

Vice Mayor Vella expressed concern about going out for bids delaying the process.

Mayor Ezzy Ashcraft inquired whether a substitute motion is being made.

Vice Mayor Vella stated that she would like to give direction to staff to work and move forward with entities which have previously applied and provided proposals, such as the Felton Institute; expediency is important and other groups have not put in for the program; noted the program is a pilot.

Mayor Ezzy Ashcraft stated that she can support a program which has the Felton Institute providing mental health component of AFD responses.

Vice Mayor Vella stated the recommendation encapsulates what has been directed.

Mayor Ezzy Ashcraft requested clarification about the motion on the table.

The City Clerk stated the motion is to approve Option 1; noted Vice Mayor Vella has proposed a friendly amendment to the motion to give additional direction for the City Manager to work with the Felton Institute; stated the amendment has not yet been accepted by the maker of the motion.

Mayor Ezzy Ashcraft requested Option 1 be restated.

The City Clerk stated Option 1 is the "Fire Forward" proposal from AFD; the amendment includes incorporation of the Felton Institute to provide additional services.

Councilmember Herrera Spencer stated that the amendment is not her preference; she would prefer being able to put out an RFP; inquired whether the City Manager envisions supporting AFD or whether other organizations would be interested in submitting bids.

The City Manager responded the ask is different; stated other organizations could be interested; however, the time period would be longer than a direct contract program between AFD and the Felton Institute.

Councilmember Herrera Spencer inquired how much longer the process will take to put out an RFP.

The City Manager responded there will be a minimum 90-day delay in process; stated the timeline is not definitive; putting together an RFP does take a longer period of time.

Councilmember Herrera Spencer inquired whether the response received from the Felton Institute is appropriate for the proposed alternate role.

The City Manager responded the Felton Institute's role would change if they provide mental health services under the AFD proposal; stated the change will need to be negotiated.

Mr. Gilbert stated the Felton Institute is trained to provide mental health work required by the City; the scope of work will need to be determined; noted the Felton Institute is ready to provide support to the City.

Councilmember Herrera Spencer inquired the potential timeline delay to negotiate with the Felton Institute versus putting out an RFP for other agencies.

The City Manager responded limiting negotiations to one agency allows for a straightforward conclusion to be met between AFD and the Felton Institute; an RFP consists of putting a document together, receiving bids and establishing scoring.

Mayor Ezzy Ashcraft requested clarification for the timeline in processes.

The City Manager stated the process will take less than 90-days, roughly half the time is needed.

Councilmember Daysog stated that his votes will be with the Felton Institute at all stages.

Mayor Ezzy Ashcraft inquired whether the friendly amendment is accepted by the maker of the motion.

Councilmember Herrera Spencer questioned whether the Vice Mayor is interested in opening the process through an RFP.

(21-438) Mayor Ezzy Ashcraft stated that she would entertain a motion allowing all members to have up to three minutes of speaking time.

Councilmember Herrera Spencer moved approval of allowing the additional time.

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

Vice Mayor Vella stated the City provided an opportunity for other groups to apply and no other agencies applied; expressed concern about the timeframe; stated AFD is

working hard to get the program up to speed; expressed support for AFD beginning negotiations with the Felton Institute as soon as possible; stated that she would like the process to begin streamlined due to multiple agencies being involved; the program is a pilot and the City should determine what the program will look like; the recommendation does not exclude Alameda Family Services or any other agency from applying; she would like to act with expediency and many Councilmembers have voiced a preference for the Felton Institute to be engaged with the program relative to providing mental health services; an RFP does not need to be issued and would cause unnecessary delays at this point; expressed concern for engaging in hypothetical scenarios to end up with what is currently being proposed.

Councilmember Herrera Spencer inquired whether the Felton Institute currently has patients in the City of Alameda.

Mr. Gilbert responded in Felton Institute currently serves clients within Alameda County; stated the office holds a separate clinic where mental health professionals deal with emergency crises in Alameda County; an early psychosis program is housed in the Alameda office.

Councilmember Herrera Spencer inquired whether everyone in Alameda would be able to receive services within the City of Alameda.

Mr. Gilbert responded in the affirmative; stated the Felton Institute does not currently have staff working outside of a contract; the Felton Institute is an agency working with Alameda and other counties; staff can be allocated based on the funding.

Councilmember Herrera Spencer stated it is critical to offer mental health services within the City of Alameda; it is not appropriate to ask those seeking mental health services to travel to different cities for service; it is important to offer mental health services within the City of Alameda.

Mr. Gilbert stated if the City pays for services, the services can be provided; clinical staff is working at the Atlantic Avenue office location on an early psychosis program, which requires additional professionals; a training center is also available at the Alameda location; the Felton Institute is not currently contracted nor funded with the City of Alameda to provide clinical support services.

Councilmember Herrera Spencer stated that she would like the information kept in mind by Councilmembers; expressed concern about negotiating with one agency that does not appear to have current services within Alameda; questioned the cost for choosing one agency.

Mayor Ezzy Ashcraft stated none of the locations referenced by AFD are within Alameda; outlined the CAHOOTS model; stated that she is working on a proposal to use a floor or two of Alameda Hospital for other mental health uses similar to the CAHOOTS model.

Councilmember Knox White expressed concern about requiring an RFP; questioned whether a date can be set for the program to be up and running; stated Council has provided issues of importance; expressed support for giving the City Manager flexibility in making a decision about whether or not to put out an RFP and for having a program up and running by the end of the year; stated the program process should not be delayed due to the City Manager being required to issue an RFP; RFPs typically are a longer process than anticipated; expressed support for the pilot program allowing the City to learn and decide what topics to include in a future RFP.

Councilmember Herrera Spencer expressed support for the comments provided by Councilmember Knox White; stated if the City Manager feel the direction provided is sufficient, then she is supportive; she can accept the comments provided as a friendly amendment.

Mayor Ezzy Ashcraft stated that she cannot support a proposal that does not include the Felton Institute stepping in during the pilot program; the Felton Institute has the experience needed and Alameda Family Services does not; Alameda Family Services performs group counselling sessions well; the mental health services needed for the pilot program are more specialized; the Felton Institute is prepared to step in and begin as soon as possible; expressed support for the program being up and running by the fall; stated that she can support the friendly amendment previously made.

Councilmember Herrera Spencer stated the City Manager can choose the Felton Institute under the direction given from Councilmember Knox White; she would prefer keeping the option open with the proposed amendment language from Councilmember Knox White.

Mayor Ezzy Ashcraft inquired whether the direction includes an RFP being issued.

Councilmember Knox White stated that his friendly amendment includes having the program up and running by September; neither of the organizations have the program ready to go and likely will not be running by September; expressed support for giving the City Manager until the end of December to have a program up and running; stated the City Manager can decide which process to use in order to ensure mental health goals set by Council are met; an RFP will not work in the same way; expressed concern about using County resources; stated that he supports allowing the City Manager the flexibility in identifying the program partners.

Mayor Ezzy Ashcraft stated it is important to note that the City Manager has indicated he can have an agreement between the Felton Institute and AFD in half the time of an RFP.

The City Manager stated the 90-day timeline for an RFP; he will have to return to Council after issuing the RFP; the timeline will likely be longer than 90-days if Council

desires an RFP be issued; not issuing an RFP and contracting with the Felton Institute can be implemented in half the time of issuing a standard RFP.

Mayor Ezzy Ashcraft inquired how long an agreement between the Felton Institute and AFD would take.

The City Manager responded an agreement could be in place by the end of August or early September; stated having the resources and staff in place will likely be by the end of fall.

Councilmember Daysog stated the broader picture includes a reform process using a pilot program; Council should not lose sight of the process; if the Felton Institute provides back-end services through an agreement struck with AFD, the program is still being conducted on a pilot basis and should move forward; expressed support in moving forward with the Felton Institute providing back-end services under a contract with AFD; stated Council is trying to move forward and respond professionally to the concerns raised by Alameda residents.

Mayor Ezzy Ashcraft inquired whether Felton Institute staff should accompany AFD members on calls for service.

Councilmember Daysog stated the decision should be made based on a discussion between AFD, Felton Institute and the City Manager; his understanding of the discussion is that the Felton Institute would be providing the back-end services; expressed support if AFD and the City Manager contract for the Felton Institute to provide additional services on calls.

Councilmember Herrera Spencer inquired whether the City Manager is proposing to work with the Felton Institute to provide services in the cleanest and easiest way; stated that she would like AFD to be the lead entity for calls; AFD will determine who will perform additional services when needed.

Mayor Ezzy Ashcraft inquired whether Councilmember Herrera Spencer is looking for the City Manager to create an agreement between AFD and the Felton Institute.

Councilmember Herrera Spencer responded in the affirmative; stated the Felton Institute is not her preferred choice and that she would not be limiting her selection; noted her decision is based on Council input; expressed support for AFD working as the lead entity; stated the ask is different from the original proposal and is unfortunate.

Mayor Ezzy Ashcraft requested clarification of the motion.

The City Clerk stated neither of the two friendly amendments have been accepted; the original motion is to approve Option 1 "Fire Forward" proposal from AFD; the friendly amendment proposed by Vice Mayor Vella is to give direction to supplement the motion with mental health services being provided by the Felton Institute; the second proposed

friendly amendment from Councilmember Knox White is to have the City Manager make the determination about which company to contract with in the most expedient way possible.

The City Manager stated that he can work within the direction provided.

Councilmember Daysog inquired whether the first amendment could be voted on with the second amendment to follow.

Mayor Ezzy Ashcraft requested clarification on the action to be taken by Council.

The City Attorney stated the amendments are not necessarily compatible; the maker and seconder of the motion will need to either accept or reject each of the amendments in turn, then Council may conduct a vote.

Mayor Ezzy Ashcraft inquired whether the amendments should be considered in the order proposed.

The City Attorney responded in the affirmative; stated Council should determine whether the maker and seconder of the motion accept or reject the first amendment proposed by Vice Mayor Vella and if the amendment is not accepted, the second amendment should be considered in the same way.

Councilmember Knox White expressed support for either friendly amendment.

Councilmember Knox White withdrew his friendly amendment.

The City Attorney stated there is a friendly amendment remaining from Vice Mayor Vella; noted Councilmember Herrera Spencer may provide a thumbs up or down to indicate agreement with the amendment due to having zero speaking time remaining.

(21-439) Vice Mayor Vella moved approval of allowing Councilmember Herrera Spencer one minute of speaking time to state her motion.

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

Councilmember Herrera Spencer stated that her preference is to modify her motion to include comments provided by Councilmember Knox White in allowing the City Manager to decide whether or not he would like to work with the Felton Institute.

Councilmember Herrera Spencer modified her motion to approve Option 1 and give the City Manager the opportunity to work with whomever in order to expeditiously create a

deal with whichever provider can have the program up and running as soon as possible, but no later than the end of the year.

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

Mayor Ezzy Ashcraft inquired when the City Manager will return to Council for an update.

The City Manager responded an interim report back to Council can be provided at the first meeting in September; noted an off-agenda report can be provided sooner if desired.

Mayor Ezzy Ashcraft stated time is of the essence and she is not willing to wait until September for a report; inquired whether a report can be provided before Council goes on break in August, to which the City Manager responded in the affirmative.

Councilmember Herrera Spencer stated there are other points regarding timelines in the staff report not addressed in the matter; questioned whether the additional points are to be discussed.

Mayor Ezzy Ashcraft stated the discussion had been centered on mental health response.

The City Manager stated the other discussion points are a status report and are not time critical in the same sense as the alternate mental health response; noted staff can bring the matter forth at the September Council meeting.

(21-440) Public Hearing to Consider a Call for Review of the Historical Advisory Board's Decision to Approve Certificate of Approval No. PLN20-0431 to Allow the Demolition of Two Main Buildings and Four Accessory Buildings at 620 Central Avenue (the "McKay Wellness Center Project"); and

(21-440A) Resolution No. 15792, "Approving Certificate of Approval Application No. PLN20-0431 to Allow the Demolition of Two Main Buildings and Four Accessory Buildings at 620 Central Avenue (The "McKay Wellness Center" Project)." Adopted

The City Planner gave a Power Point presentation.

Doug Biggs, Alameda Point Collaborative, gave a brief presentation.

Councilmember Daysog stated that he signed on to the call for review due to the ballot statement reading: "shall an ordinance confirming the City Council's action to permit reuse of vacant Federal buildings on a 3.65 acre parcel on McKay Avenue and allow for the development of a wellness center...;" the statement refers to reuse of the site; the

ballot statement does not reference any kind of demolition; inquired the legal constraints in using the term “reuse” on a ballot; whether there is a limit to the range of activities and reuse permitted on the site.

The City Attorney responded two previous ballot measures, Measures A and B, went to the voters; Measure B was prepared by the voters to overturn Council’s decision to rezone the property; Measure A was a Council proposed measure to compete with Measure B and affirm Council’s rezoning decision; the underlying decision was related to zoning and was not project-specific; the voters decided to support Measure A, with the legal meaning being a defeat to Measure B; Measure A’s principal and only legal function was to compete with and defeat Measure B; Measure A did not have the effective of constraining Council action and did not add additional limitations to the Charter or City laws; Measure A confirmed that Council’s rezoning decision had been correct; the ballot measure language provided a lot of information as background, including reuse; it is possible that voters casted votes based on the background information; however, the legal significance for Measure A was to compete with Measure B and to allow the Council decision to move forward; the result does not restrict future Council decisions and despite the vote which took place, the result does not limit Council’s action.

Mayor Ezzy Ashcraft requested clarification about Measure B in relation to rezoning.

The Assistant City Attorney stated Measure B was a citizen’s initiative to rezone the same parcel open space following Council’s action to rezone the property, remove the G overlay and maintain the administrative professional underlying zoning.

(21-441) Mayor Ezzy Ashcraft inquired whether Council would like to lower public comment speaking time.

Vice Mayor Vella moved approval of limiting speaking time to 1:00 per speaker.

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

Urged Council deny the certificate of approval to demolish the historic property on McKay Avenue; discussed ballot information about Building 2 being structurally sound and reused; stated numerous community tours have been conducted; ballot measure language was specific about reuse of existing federal buildings; the matter should be submitted to the voters: Lis Cox, Alameda.

Urged Council to support the Historical Advisory Board (HAB) decision; stated the matter is an attempt to stop the wellness center; the site is important for historical purposes; however, the buildings have lost their historic integrity; she agrees the ballot

measures state the buildings will be reused; she would like more information on the cost differences; the matter should not come back to the voters: Theresa Rude, Alameda.

Stated that she feels the matter is a bait and switch; discussed ballot language; urged Council not to approve the demolition of buildings: Karen Miller, Alameda.

Expressed support for HAB; stated that he is saddened by the attempts to stop the wellness center; offered an apology to the Merchant Marine veterans which were misled into signing a petition under false pretenses and claims; outlined his experience witnessing the petition process; stated it is disheartening to see people used for projects which will help many homeless elders and veterans; expressed support for the project: Zac Bowling, Alameda.

Stated that she strongly objects to the proposed demolition at McKay Avenue; urged Council to deny the request; discussed the history of the property and Page and Turnbull reports; stated there is a case to be argued that the architect fulfills the description of a master architect; outlined project designs by Bruno on the National List of Historic Places; urged Council wait until the documents are fully reviewed by National Historians before erasing the past; stated it is irresponsible to take action without full consideration of historic importance and economic value; outlined nearby historic restorations: Carmen Reid, Alameda.

Stated that he is opposed to demolition of the buildings; he believes Councilmember Knox White has a conflict of interest; discussed the uses allowed under the lease: Jay Garfinkle, Alameda.

Discussed correspondence; stated the City has plenty of monuments to war and should not put buildings before helping people in the community; the opponents of the project are not only fighting for preservation; urged Council stop catering to the anti-progress, change-averse and privileged people of the City and allow the wellness center to proceed as approved by HAB: Jenice Anderson, Alameda.

Urged Council to deny the effort to demolish an important architectural and historic building; discussed the American Merchant Marine service; stated tearing down the buildings prematurely erases the history of America; expressed support for the space being used as an interpretive center that documents the history of the site; stated Alameda has a strong history of supporting military armed forces: Christian Yuhas, American Merchant Marine.

Stated that he is a veteran with 21 years in the Navy; discussed Merchant Marine ships delivering troops during the Korean and Vietnam wars; stated the role for Merchant Marines was vital near dangerous waters; discussed the history of World War II; stated it is the duty of Councilmembers to follow instructions and proceed to allow a thorough evaluation of the property: Felix Fortuna, Alameda.

Stated the surplus facilities were to be repurposed for homeless services; the buildings had been certified for reuse there has been a misleading intent; discussed alternate locations for the facility and ballot measure language; stated a vote to demolish the building is a betrayal of the voters' will: Harvey Rosenthal, Alameda.

Stated that she opposes demolition; the HAB holds a position that the project site has significant historic value; the historic value is supported by the local and national communities; the option to demolish the building contradicts the City's commitments to protection of the environment and preservation of unique historic character; demolition releases toxins into the environment and marine life is particularly sensitive; expressed concern about the developer circumventing an Environmental Impact Report (EIR) process; urged Councilmember Knox White to recuse himself from the discussion due to association with the developer causing a conflict of interest: Fey Adelstein, Alameda.

Stated many of the public speakers are living history; he takes issue around whether or not Municipal Code Section 12-21.3 applies to the matter; discussed the process to obtain a Certificate of Approval; noted processes and discussions have not happened for a Certificate of Approval; urged the process and procedures be completed properly: Matt Reid, Alameda.

Discussed a Commission on Persons With Disabilities meeting related to the HAB approval of the permit for demolition for the wellness center; stated the wellness center will provide desperately needed housing and services for seniors and unhoused people, including people being discharged from the hospital; a large percentage of people in Alameda are people with disabilities; each delay in the project is a delay to housing and necessary follow-up care for medically fragile people; delaying the center has life and death consequences; expressed concern about opponents of the wellness center using the historic preservation process to dismiss the conclusions of preservation experts; urged Council to uphold the HAB's decision and allow the center to meet the needs of the community and for Council to take reasonable measures to ensure the McKay Avenue project becomes operational without further delay: Beth Kenny, Commission on Persons with Disabilities.

Stated the opposition is not a fight against the homeless and services for people in need; expressed concern about how the matter is being handled; stated the matter should follow the letter or spirit of the law; the legal analysis presented by staff is not supported; facts which are in dispute have been presented; the analysis provided by Page and Turnbull was made by evaluation only; the information falls beyond the timelines provided by State and federal guidelines; the project will not pass scrutiny before a State or federal court; questioned whether the scope of the project has been changed; discussed the project developer and Assembly Bill 1486; stated the premise of environmental quality has been thwarted; urged Council slow down and re-examine the process to complete a proper EIR: John Healy, Appellant.

Stated the Alameda Municipal Code defines which structures can qualify as Alameda Historical Monuments; the Code is the only authority needed to verify the Merchant

Marine buildings on McKay Avenue qualify as monuments; the Code states a monument can be any size or group of structures of a particular historic significance to the City; the buildings on McKay qualify and are the last World War II Merchant Marine buildings standing in the country; discussed training officers at the site; stated the buildings are designed by a notable East Bay architect and have received strong public support in the form of over 1,000 signatures on a petition and nearly 100 e-mails to the HAB; discussed staff presenting information to the HAB; urged Council to deny the demolition of the McKay Avenue historical monument site: Mike Van Dine, Alameda.

Mayor Ezzy Ashcraft expressed concern about inaccurate remarks related about the City Planner.

Discussed his experience in removing the G overlay for the site; stated Council set values for wanting homeless services in Alameda; the opponents have battled to stop the center; discussed the special election; expressed support for Council leadership; stated the City and its voters believe in the valuable services the site can provide; justice for the homeless delayed is justice for the homeless denied; urged Council to uphold the HAB's decision and ensure the services are provided: Former Councilmember Jim Oddie, Alameda.

Urged Council deny the Certificate of Approval to demolish the historic buildings; stated the developer has reversed the plan to reuse the buildings that the voters approved in 2019 as Measure A; the ballot language is not arbitrary; a new election is needed for the developer to take a new approach to the project; urged Council to count those that have submitted comments opposing demolition; expressed support for a new site to be considered; discussed purchase of the Marina Village Inn Hotel; stated the demolition of historic buildings is irresponsible; the buildings should be preserved and restored: Maria Perales, Alameda.

Stated that her understanding of Measure A would permit the reuse and rehabilitation of vacant Federal buildings to ensure development of a senior assisted living and wellness center for unhoused individuals in Alameda; there had been no indication that the buildings might not be rehabbed; the reuse of buildings had been touted as part of the appeal in voting yes; the project can now only go forward if the buildings are demolished; expressed concern for the about face; stated that she has a distrust in the intentions and voracity of the developer; Council should delay any decisions regarding McKay Avenue until suitability for rehabilitation and reuse can be further established in an independent manner: Dolores Kelleher, Alameda.

Urged Council allow the wellness center to proceed; stated there is irony in the defense of history being cherry-picked; she is tired of the actions of opposition; Alameda has a racist history and many of the comments arguing for history do not seem to care; expressed support for helping the present community: Alexia Arocha, Alameda.

Stated discussed the latest Page and Turnbull report; stated opponents to the wellness center forced a Special Election in an attempt to stop a project which will help many of

the most vulnerable community members; opponents have tried to propose tearing down the same buildings in order to build a park; opponents are trying to overturn the HAB's decision to allow the buildings to be torn down; the hypocrisy is appalling and transparent; urged Council end the hypocrisy, help those in need and uphold the HAB's decision: Browyn Harris, Alameda.

Stated that he is not opposed to the wellness center; he is opposed to destruction of the buildings due to family members serving in World War II and the Korean War; expressed support for keeping the historical aspect of the site; discussed family members' military experience in Alameda; the Measure statement noted the buildings would be reused: Dan Tuazon, Alameda.

Stated that he is a champion for the homeless, but not for the project; he objects to the certification of demolition; substantial changes have been made to the wellness center scope and size; an EIR should be initiated by the developer at once; urged Council to demand an EIR be obtained prior to demolition of the historic buildings; discussed the staff report addendum; stated there will be a significant impact and effect to 620 Central Avenue; an EIR is required for any project with significant effect on the environment; he is a proponent for wellness centers: Brenden Sullivan, Alameda.

Mayor Ezzy Ashcraft moved approval of the HAB decision to approve the Certificate of Approval to allow demolition of two main buildings and four accessory buildings at 620 Central Avenue and associated resolution.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Daysog stated that his concern is that the people of Alameda have spoken in favor of having a wellness center at 620 Central Avenue; a wellness center must happen at the site; the proposition before the residents was for reuse of the buildings; other parts of the ballot referenced using existing facilities; the context of the language was clear the project would be completed within the existing structure; outlined cost implications for construction projects; stated there may have been a realization that the project will cost more money; the evaluation should have been done prior; the perspective of reuse has been set and put before the voters; the ballot language did not reference demolition; the contents of the materials put before voters is most important; if needed, a discussion should occur related to costs within the contest of reusing the buildings on the site; he respects the City Attorney's assessment of the matter; however, the voters voted for something in Measure A which had been framed a certain way; the matter does not necessarily constrain City Hall and Council by remaining within the framework of reuse.

Councilmember Herrera Spencer stated that she filed the appeal because she does not think the City Code section has been followed; a question was posed to the HAB about whether to remove the building from the Historical Building Study List (HBSL); there has not been a discussion in regard to the monument list versus the HBSL; it is incumbent upon staff to follow the Code section; expressed support for staff trying to separate

delisting from the HBSL; stated the City's Code section does not have a process for demolition connected to the HBSL; she does not think the process was addressed at the HAB level; the City's Code section speaks to the monument list and the buildings in question are on the HBSL which differs from the monument list; the HAB did vote not to delist the building and an opportunity should have been provided in order to clarify; there have been two votes from the HAB, including one vote not to delist the building; a discussion about what to do with the monument list should have occurred after the first vote; the City has a Code section related to demolition; the ballot language should also be honored related to reuse of the building; a vote for demolition should not be considered at this time; outlined comments provided by Christian Yuhas; stated the buildings are to be used in times of war and peace; expressed support for time being provided to work through the process of the buildings being on the National Registry prior to demolition, for the buildings not to be demolished and for the Certificate of Approval to be withheld until the process has been completed; stated staff can request information from the National Registry to find the current timeline; noted the City can be more reasonable working with the National Registry to provide an opportunity to decide whether or not the buildings are of historical significance; the EIR is a legitimate concern; there are ways to avoid an EIR; many people care about the environment and demolishing buildings can impact a community; speakers have misrepresented her position in regard to tearing down the buildings; there have been discussions related to using the buildings as part of the park to help provide a facility for student activities; it is better to protect and reuse existing buildings; expressed concern about a bait and switch; stated ballot language for reuse should be honored; many people have supported the reuse and would not support demolition.

Mayor Ezzy Ashcraft stated the title of Measure A referenced is: "The Caring for Alameda Act;" she worked closely on the Measure with others; the focus of the Measure was to provide a facility for vulnerable individuals; she has worked closely to address the housing crisis; people complain about homelessness and fight even benign and humane solutions which provide a respite center to ensure people do not have to live and die on the streets; as the problem grows, more people live and die on the street; it is well and good to remember the Merchant Marines; a significant percentage of the homeless population are veterans; it is the ultimate insult for veterans to be left homeless; the Veterans Administration (VA) has made some significant headway in getting homeless veterans housed; however, headway has been lost during the pandemic leaving more veterans to become homeless; she appreciates the voters' intention with Measure A and she is ready to move forward with the matter.

Vice Mayor Vella noted that she was at the Alameda County Democratic Central Committee meeting in February of 2019 when Council colleagues made presentations; widening of the street and the addition of parking for Crab Cove was discussed as part of Measure B; a number of things were said by various proponents of both measures; some of the talking points in support of Measure B had been to add parking, possibly indicating the removal of buildings; there have been numerous opportunities to address the matter; she does not appreciate the arguments against the wellness center are not at the same time and instead are attempted at multiple times creating a domino effect;

the approach is disingenuous and is not the finest moment for the community; expressed concern about additional roadblocks being placed in front of providing much needed services to the most vulnerable members of the community; outlined her family's military service background; stated that she does not want to put buildings in front of people; voters ultimately voted to lead with compassion for the community as a whole and provide needed services in a way which ensures caring for vulnerable community members; expressed support for the motion.

Mayor Ezzy Ashcraft outlined her family's military background; stated reference was made to the Marina Village Inn; expressed support for the City purchasing the property; stated the City will be working towards purchasing the property for the purpose of providing transitional housing for families and individuals; many resources are needed and roofs are needed above people's heads.

Councilmember Knox White expressed support for the HAB members; stated the finding made has been consistent with what has been presented by historic experts; stated Measure A was not an approval for a project; Measure A was created in opposition to Measure B; Measure B is related to a zoning conflict and lost in the election; the people voted not to rezone the property due to the wellness center; the zoning decision stands and has been supported by the voters; expressed support for the motion.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Abstain; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 1. Abstention: 1.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JULY 6, 2021- -6:58 P.M.

Mayor Ezzy Ashcraft convened the meeting at 8:25 p.m.

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

Absent: None.

COUNCIL COMMUNICATIONS

(21-443) Mayor's Nominations for Appointment to the Historical Advisory Board, Housing Authority Board of Commissioners, Planning Board, Public Art Commission and Public Utilities Board.

Mayor Ezzy Ashcraft nominated Lynn Jones and Norman Sanchez for reappointment to the Historical Advisory Board; Alan Teague and Xiomara Cisneros for reappointment to the Planning Board; and Christina McKenna for appointment to the Public Utilities Board.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 8:29 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- -JULY 6, 2021- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 8:30 p.m.

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

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Knox White moved approval of the Consent Calendar.

Vice Mayor/Commissioner Vella seconded the motion, which carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Herrera Spencer: Aye; Knox White: 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.]

(*21-442 CC/21-16 SACIC) Recommendation to Accept the Third Quarter Financial Report for the Period Ending March 31, 2021. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 8:31 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- -JULY 6, 2021- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 8:31 p.m.

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

Absent: None.

AGENDA CHANGES

(21-444) The City Clerk announced the Police policies [paragraph no 21-460] was withdrawn.

Councilmember Herrera Spencer stated that she would like to move the Housing Element [paragraph no 21-457] as far up in the agenda as possible due to the appeal filing timeline; expressed concern for potential delays.

Mayor Ezzy Ashcraft stated that she will do her best to move the meeting along; expressed concern for matters needing to be heard from the previous meeting; she would like to ensure they are heard.

Councilmember Knox White announced 93 participants via Zoom; stated many participants are likely present for the Housing Element matter; expressed support for moving the matter up in the agenda.

Mayor Ezzy Ashcraft stated the Housing Element is the first substantive matter on the Regular Agenda discussion; the preceding matters should move fairly quickly; expressed concern for the matters being pushed to another meeting date; noted the July 20th meeting has a full agenda.

The City Clerk stated staff believes the Delinquent Waste [paragraph no 21-455] and Landscape and Lighting [paragraph no 21-456] matters can be combined and should not take long.

Mayor Ezzy Ashcraft stated that she would like to try to get through the matters as-agendized; noted the changes can be reconsidered should the preceding matters take longer than 15 minutes.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(21-445) Announcement of the Porch of July Contest Winners.

Mayor Ezzy Ashcraft announced the winners.

ORAL COMMUNICATIONS, NON-AGENDA

(21-446) Jay Garfinkle, Alameda, stated it has been three months since a death occurred in Police custody; the autopsy had been completed in early May, then passed on for peer review; any competent peer review of the autopsy findings could have been completed by this time; the City appears to be stalling; the City declared an emergency in the last year; several actions were taken under the emergency declaration; the emergency declaration has been extended; discussed parking and traffic on Webster Street and Park Street; Council must review the declaration every 60 days; discussed funding for local businesses; expressed support for a report being provided for the funding.

(21-447) Aimee Barnes, Alameda, discussed a pedestrian fatality at the intersection of Walnut Street and Lincoln Avenue; stated it is frustrating to have a fatality create the traffic priority for the problematic intersection; noted a similar issue exists at the intersection of Fifth Street and Haight Avenue; she has repeatedly requested traffic calming measures at the intersection; discussed a collision occurring at the intersection; expressed concern for the intersection's risk to children due to a nearby park; the intersection is also a thoroughfare for people speeding between Lincoln Avenue and Central Avenue; expressed concern over an increase in traffic. Urged Council approve a four-way stop or other traffic calming.

(21-448) Zac Bowling, Alameda, discussed the new Seaplane Lagoon ferry terminal opening from July 1st; noted ferry service has reopened across most of the island.

CONSENT CALENDAR

Councilmember Herrera Spencer requested the Council meeting dates [paragraph no. 21-463] be removed from the Consent Calendar for discussion.

Mayor Ezzy Ashcraft requested any items pulled from the Consent Calendar be heard at the end of the regular agenda.

Councilmember Knox White moved approval of moving the Council meeting date resolutions to end of the regular item.

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

Discussed the Amended Employment Agreement [paragraph no. 21-462]; stated that he understands agreements differ in the public sector from the private sector; noted section 9 appears unusual; the practice is unorthodox; expressed support for extending the privileges to all City employees; discussed selling of vacation days: Matt Reid, Alameda.

Discussed the Amended Employment Agreement; stated that he would like the rules which have been applied to landlords to be the same as City employees: Jay Garfinkle, Alameda.

The City Clerk announced the modifications to the City Attorney contract [paragraph no. 21-462].

Councilmember Herrera Spencer requested the City Attorney contract be removed from the Consent Calendar for discussion.

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

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

(*21-449) Minutes of the Special Meeting Held on May 20, 2021, the Continued May 18, 2021 Special Meeting Held on May 25, 2021, and the Regular Meeting Held on June 1, 2021. Approved.

(*21-450) Ratified bills in the amount of \$4,844,766.59.

(*21-451) Recommendation to Modify Eligibility Requirements for Non-Profit Organizations Applying for Alameda Strong Community Relief Fund by Including Paycheck Protection Program Recipients and Adding a Requirement Related to the Maximum Number of Employees Employed by the Non-Profit Organization. Accepted.

(*21-452) Recommendation to Authorize the City Manager to Execute a Two-Year Agreement, Substantially in the Form of the Attached Agreement, with the Option of Three One-Year Extensions for a Total Five-Year Compensation Amount Not to Exceed \$420,000 and No More than \$90,000 in a Single Fiscal Year with HouseKeys to Provide Inclusionary Housing Program Management and Compliance Services to the City of Alameda. Accepted.

(*21-453) Resolution No. 15793, "Approving a Final Map and Authorizing Execution of a Subdivision Improvement Agreement for Tract 8591, Bay 37, as a Condition to Final Map Approval (Alameda Landing Waterfront Development)." Adopted.

REGULAR AGENDA ITEMS

(*21-454) Public Hearing to Consider Resolution No. 15794, "Amending Master Fee Resolution No. 12191 to Add and Revise Fees." Adopted.

Councilmember Herrera Spencer stated that she would like to keep in mind the options offered in the staff report; requested clarification on the options presented.

The City Manager inquired whether the clarification needed is in relation to the Fire fees.

Councilmember Herrera Spencer responded that she would like clarification on more than just the Fire fees; stated there are alternatives as to when certain fees are put into effect; expressed support for clarification provided on the Fire fees.

The Finance Director stated there are no increases to the current Master Fee Schedule however, there are changes to the Schedules for fiscal year 2021-2022; the first change are hourly rate increases for City Attorney Office staff and Police; noted Special Events have been adjusted to reflect personnel costs; the second change is associated with the Recreation and Parks Department; the third change is the Rent Stabilization Program Fee study which had been recommended on a tier fee structure; the fourth change is a Planning, Building and Transportation Department change to no longer impose a fee for accessory dwelling units; the fifth change is for a repeal of Alameda Point Development Fees; and the sixth change are Fire Department fee increase recommendations, both full increases or half increases; noted Council may decide not to increase Fire fees due to COVID-19.

The City Manager requested the original fee increase to be highlighted as well as the half increase; noted fees had been increased prior to his arrival at the City in 2019; stated the fees are based on a Fee Study and a report of costs for service; the fee increase had previously been delayed due to COVID-19; the reason for the recommendation of a half fee increase is due to the fee increase being substantial; a no fee increase due to COVID-19 would also be understandable.

Councilmember Herrera Spencer requested clarification for the fees.

The Finance Director stated the fees are highlighted on page 34-38 on the fee schedule; staff can either increase as-is or forego the increase and wait until the next fiscal year to implement changes.

Mayor Ezzy Ashcraft inquired the impacts of each option.

The Finance Director responded the Fire Department will receive less revenue for services should Council only approve the half increase; stated the department may have to reduce expenditures.

The City Manager stated the General Fund currently subsidizes the costs; the proposed fees will bring the proposed amounts in line with being full recovered; full cost recovery will take longer should the half increase be approved.

The Finance Director stated the increase is about 9%.

Councilmember Herrera Spencer inquired whether the ambulance is included in the fee

schedule.

Mayor Ezzy Ashcraft responded the ambulance rates are noted as being established by contract with Alameda County Emergency Medical Services (EMS); the City of Alameda follows the County's adopted fee schedule; new rates are anticipated mid-July.

Councilmember Herrera Spencer stated many people have expressed concern for bills with large amounts after ambulance services have been called; she would like Council to look into the issue of ambulance fees; her preference is to postpone fee increases as much as possible; it is important to recognize that future hardships are unknown.

Mayor Ezzy Ashcraft stated the ambulance rates are established by a contract with Alameda County EMS; inquired whether the contract is housed with Alameda Fire Department or City of Alameda and how the rate could be changed.

The City Manager responded the ambulance fee could be kept at the County rate; stated staff can bring back a review of the rates in September; the Fire fees can then be brought back along with the ambulance fees in the fall with the other rates being approved.

Mayor Ezzy Ashcraft inquired whether Councilmember Herrera Spencer is looking for a reduction in ambulance fees.

Councilmember Herrera Spencer responded in the affirmative; stated she thinks it is interesting to have the victim billed for someone else calling an ambulance; expressed support for Council looking at the fees and figuring out a way to address the cost concerns.

Mayor Ezzy Ashcraft expressed support for the City Manager's recommendation to have staff take a closer look at the Fire fees and return to Council in September with a proposal.

Councilmember Daysog moved approval of the Master Fee Schedule, with the Fire fees to return to Council in September, including adoption of related resolution.

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

(21-455) Public Hearing to Consider Collection of Delinquent Integrated Waste Management Accounts via Property Tax Bills.

The Public Works Coordinator gave a brief presentation.

Councilmember Knox White moved approval of the staff recommendation.

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

(21-456) Public Hearing to Consider Resolution No. 15795, "Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones." Adopted.

Councilmember Daysog recused himself and left the dais.

The Management Analyst gave a brief presentation.

Councilmember Knox White moved approval of adoption of the resolution.

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

(21-457) Public Hearing to Consider Adoption of Resolution of Intent to Prepare a Housing Element Update for the Period 2023-2031 that Maximizes the Use of City-Owned Land at Alameda Point and Encinal Terminals and Rezones Certain Sites and Districts to Permit Multifamily Housing and Residential Densities of at Least 30 Units per Acre Contrary to City Charter Article 26. Not adopted; and

(21-457 A) Consider Directing Staff to File an Appeal of the City's Regional Housing Needs Allocation.

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

Councilmember Knox White inquired whether there is a policy for adopting the plan to use Multi-Family (MF) overlay zoning or whether the use is enforced by statement.

The Planning, Building and Transportation Director responded staff understands that the MF overlay must be used in order to comply with state law; stated staff would like to know whether Council would not like to pursue the strategy of using MF overlay, as used in the past two Housing Elements; staff cannot wait to adjust the strategy; staff would like to ensure Council understands and agrees that staff should pursue the same approach as the previous two cycles.

Councilmember Knox White stated that he is not sure he sees the breakdown provided by staff in the resolution provided by Councilmember Herrera Spencer.

Councilmember Daysog stated the City already has an MF overlay; the approach is not new in terms of meeting State obligations; inquired whether the City is contemplating a new zoning code or category; he understands some sites which are currently zoned C2PD might be labeled as a new zoning category.

The Planning, Building and Transportation Director responded the same strategy used two years ago to meet the regional housing need will need to be applied to additional sites; the zoning code will not be new, however, new zoning will be added to sites in Alameda; the zoning can be changed to multi-family overlay as an adjustment to C2, and both are simple to achieve in removing the multi-family prohibition and allowing at least 30 units per acre; Council may amend the zoning or provide a multi-family overlay; the effect and result will be the same.

Stated that she supports the staff recommendation; urged Council to prepare a resolution of intent to begin the Housing Element process consistent with the language listed in the staff report; expressed support for the Housing Element process in Alameda over the last two cycles; urged Council continue to submit conforming Housing Elements; she would like Council to do everything required in order to submit a Housing Element consistent with State law including using the multi-family overlay and perform zoning changes where necessary; discussed Article 26 being in conflict with State Housing Element law; urged Council to not appeal the Regional Housing Needs Allocation (RHNA) designation for Alameda: Sophia DeWitt, Alameda Resident and East Bay Housing Organization (EBHO).

Discussed Affirmatively Furthering Fair Housing (AFFH) requirements concerning the side inventory; stated some of the areas are high resources; lawyers and past Councilmembers have stated Article 26 is in conflict with State law; he is favor of declaring such conflict in the resolution; California Department of Housing and Community Development (HCD) has not responded to the City's request for comments made by Paul McDougall; it is unique to see such huge MF overlays; questioned the reason not to up-zone underlying zoning and codes instead of having large MF overlays; expressed concern for issues with the resulting wording; discussed the proposed resolution from Councilmember Herrera Spencer; he does not think the proposal will meet AFFH rules; urged Council review a presentation from Paul McDougall; RHNA appeals are often a waste of time and staff resources: Zac Bowling, Alameda.

Expressed support for Alameda making a good faith effort to meet the RHNA numbers; stated much work is still needed; urged Council to focus City staff time on the work at hand and not to waste resources on appealing the City's RHNA numbers to Association of Bay Area Governments (ABAG); there is only one way to reduce Alameda's RHNA numbers in forcing the allocation onto other Bay Area cities; the Housing Opportunities Site Draft is fascinating to read; noted R1 zoning is not mentioned in the Opportunity Site list; urged the City to think of ways to allow all zones contribute to different housing sizes over time: Drew Dara-Abrams, Alameda.

Stated the Housing Element for Alameda should be compliant with State law; the Housing Element should be aligned with values, equity and justice in the statement "everybody belongs here;" the City will not know what has been lost in the consequence of redlining due to certain housing types being explicitly disallowed; there have been

consequences for families as well as the vibrancy of the community; discussed neighbors that have moved away due to displacement; the City has a responsibility to the past to build a better community and ensuring residential zoning results in 5,300 units between 2023 and 2031; urged Council adopt the staff resolution: Gaylon Parsons, Alameda.

Expressed support for the City staff resolution; stated it is important that affordable and multi-family housing is dispersed around the City and not pressed onto the base; AFFH ensures the benefits and opportunities of having neighbors of different class statuses and ages; urged Council consider the future when investing in creating the needed community: Grover Wehman-Brown, Alameda.

Discussed a letter submitted; expressed support for filing the appeal for the Planning Board recommendation to delete the Article 26 clause; stated alternative language should be included should Council wish to leave the clause.; he would like input from the City Attorney as to the necessity of including a statement; State law only partially preempts Article 26; the overall strategy presented in the staff report is good; expressed support for further promotion of Alameda Point and Encinal Terminal sites, including a request from the Navy to remove the cap on Alameda Point: Christopher Buckley, Alameda Architectural Preservation Society.

Urged Council to direct staff to develop a comprehensive game plan to successfully renegotiate Alameda Point's residential cap with the United States Navy; stated there is agreement in adopting a Housing Element which maximizes the use of City owned land at Alameda Point; the space is a tool for meeting the RHNA number; it is clear that the City cannot maximize the use of City owned land at Alameda Point without lifting unreasonable and outdated caps on housing units; the effort must begin now and be on a parallel track with preparing the Housing Element; expressed support for adding language to the resolution which acknowledges the City taking action to renegotiate obsolete caps; urged Council consider each city having an obligation to address the housing crisis: Donna Fletcher, Alameda.

Expressed support for filing an appeal; stated the State hands out numbers expecting cities to appeal; the process is a negotiation and it is time for the City to take the next step; expressed support for the Navy lifting caps at Alameda Point; stated the projections for growth in California should consider sustained growth over the next 20 to 30 years by demanding zoning laws be dropped to support multi-family housing; discussed slowed growth due to the economy: Matt Reid, Alameda.

Expressed support for appealing the RHNA allocation numbers; urged the City pursue the matter further; stated the issue is simple and Alameda is limited in geography; the City is primarily an island with a peninsula; there are not enough bridges or tunnels to accommodate the proposed growth of thousands of units; urged Council have Alameda join other cities in petitioning a reduction in [RHNA] numbers; discussed a study from the Embarcadero Institute: Carmen Reid, Alameda.

Discussed California's water shortage; questioned how to solve the water problem for the entire state; whether California has enough resources for everyone to live in the state; urged Council file for the appeal; stated California cannot accommodate everyone; Rosalinda Fortuna, Alameda.

Mayor Ezzy Ashcraft inquired whether Council should first have a discussion and vote on whether or not to file an appeal of the RHNA allocation.

The City Attorney responded in the affirmative; stated staff recommends discussing the appeal first due to time sensitivity.

Councilmember Daysog expressed support for Council discussion time set for fifteen minutes; stated there are three to four incredible and meaty topics which could each be agenda items of their own; each topic should have an in-depth analysis; nine minutes is not enough speaking time.

Mayor Ezzy Ashcraft stated that she is willing to see how far Council can get on the first discussion topic; she is willing to consider a motion to extend time when the need arises; Councilmember Herrera Spencer's resolution is titled: "Resolution of Intent to Appeal...;" questioned whether a motion is desired.

Councilmember Herrera Spencer moved approval of filing an appeal of the prescribed RHNA numbers.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Knox White inquired whether the appeal will provide direction to staff as to what is being appealed and how.

Councilmember Herrera Spencer responded page two of the resolution lists reasons related to land mass size.

Mayor Ezzy Ashcraft inquired whether the previously approved projects resulting in construction of approximately 1,522 housing units should suffice as the RHNA allocation.

Councilmember Herrera Spencer responded in the negative; stated the language had been pulled from the original resolution; she kept as much of the original resolution, as-supported and added new language.

Mayor Ezzy Ashcraft inquired whether Councilmember Herrera Spencer is proposing any RHNA allocation for Alameda.

Councilmember Herrera Spencer responded in the negative; stated she does not have a specific number; she can support a discussion of a number to set; she does not know whether Council proposes a number of its own or whether the RHNA allocation is simply

to be appealed.

Mayor Ezzy Ashcraft stated a grounds for the appeal is typically provided; requested clarification for the process.

The Planning, Building and Transportation Director stated a stronger appeal provides a recommended number; there is a very low chance of success in the appeal; staff is looking for direction toward [appeal] arguments to make and the particular allocation number desired; staff has a couple days to put together the appeal on behalf of Council.

Councilmember Daysog inquired whether an alternative RHNA number around 3,300 exists to which the Planning, Building and Transportation Director responded in the negative.

Councilmember Knox White stated that he plans to support the appeal; he does not plan to support the resolution as-written; requested a friendly amendment to the motion in listing the following three reasons for the basis of the appeal: 1) 60% of voters recently voted to uphold the adopted Charter provision which prohibits multi-family housing from being built making the RHNA allocation thwarting the will of the Alameda voters, 2) Alameda's uniqueness as an island of the San Francisco Bay is subject to sea-level and emerging groundwater issues, liquefaction and loss of access to the mainland should an earthquake destroy bridges and [access] tube, and 3) the City's transportation and infrastructure constraints; the City is an island with limited ingress, egress and water supply transported by pipelines on the mainland; unlike many East Bay cities, Alameda lacks direct access to Bay Area Rapid Transit (BART) within its borders; the reasons mirror the comments received from the community in requests for an appeal.

Councilmember Herrera Spencer accepted the friendly amendment; stated she is happy to include the reasons listed; questioned whether the reasons listed include the significant geological seismic issues; the language listed in her resolution is broader and includes more points and reasons; she is happy to provide a number for the allocation.

Councilmember Knox White stated that he is ok with the methodology; the City's uniqueness should call for a proposed adjustment.

Councilmember Daysog expressed support for items 2 and 3 raised by Councilmember Knox White; stated item 1 is more nuanced in understanding the obligation for multi-family housing; the City has been meeting the obligation through the housing overlay and density bonuses with the context of Measure A.

Vice Mayor Vella stated that she will not be supporting the motion to appeal; she appreciates the position from other Councilmembers in upholding the will of the people and voters; there have been a number of subsequent presentations from regional bodies and other groups about addressing the heart of issues raised; support for the appeal is apparent; expressed concern for the lack of success in the appeal process;

staff time will be spent on the matter; she does not like taking frivolous actions however, she understands the need for clarity.

Mayor Ezzy Ashcraft stated that she does not support an appeal; she appreciates the uniqueness of the City being an island, however, the “uniqueness club” is not an exclusive one, and there are cities up and down the state arguing a different uniqueness; the reason HCD has rules put forth is due to cities not meeting obligations to provide housing; the housing crisis continues to worsen; outlined housing project delays and expenses; she would prefer Council look for solutions; HCD will not let the housing allocations slide; HCD will take the unused portion of housing allocation and place it upon another city; allocation appeals can be made from other cities onto Alameda and can cause a slippery slope; the grounds for an appeal are not strong; outlined previous arguments presented by other cities; she is surprised and disappointed in the majority support for filing an appeal.

Councilmember Herrera Spencer questioned whether Councilmember Knox White included portions of the City being infilled by the San Francisco Bay and are more vulnerable to seismic events and liquefaction.

Councilmember Daysog stated the appeal will be strengthened with a number included for the allocation; the last few allocations have been set at roughly 1,730 units; the new allocation is set at roughly 5,300; expressed support for splitting the difference and setting the units at 2,650 which is substantially above previous the 1,733 allocation; expressed support for the allocation appeal request being set at 2,650.

Mayor Ezzy Ashcraft inquired whether the remaining units will be sent to a named-specific city.

Councilmember Daysog responded the remaining units are not his responsibility; stated the state will be responsible for finding where the remaining units will go; his responsibility is to specify a number of units which Alameda can bear; proposed a friendly amendment to the motion of setting the allocation appeal at 2,650 units.

Mayor Ezzy Ashcraft requested the motion be re-stated.

Councilmember Herrera Spencer stated that her understanding is a motion to approve filing an appeal, including the grounds proposed by Councilmember Knox White.

Mayor Ezzy Ashcraft requested the motion be clarified for the record.

Councilmember Knox White stated the three grounds for the appeal are as follows: 1) 60% of voters recently upheld the voter adopted Charter provision that prohibits multifamily housing from being built. Meeting our RHNA allocation means thwarting the will of Alameda voters; 2) Alameda’s uniqueness as an island in San Francisco bay, subject to sea level-rise and emergent groundwater, liquefaction and loss of access to

the mainland in an earthquake should destroy Alameda's bridges and tubes; and 3) Transportation & Infrastructure: Alameda is an island with limited ingress and egress and water supply transported from pipelines on the mainland. Unlike many East Bay cities, Alameda lacks direct access to BART within their borders.

Councilmember Daysog stated that his friendly amendment to ground 1 is to place a comma at the end while adding: "... recognizing that the City of Alameda has adopted the Density Bonus law and the multi-family housing overlay to meet State law regarding multi-family housing and RHNA obligations."

Councilmember Knox White stated Density Bonus should be omitted as it is not allowed to be used in the RHNA determinations; mentioning the matter in the appeal will only confuse things and appear like the City does not know what it is doing.

Councilmember Daysog stated Density Bonus law is at the heart of modifying Measure A; the Density Bonus has two components, one of which is regulatory and allows a project to be free from Measure A, and the second is a quantitative formula; the Density Bonus allows projects to be free from Measure A.

Councilmember Knox White stated Council adopted a multi-family overlay to get around the State regulations; the Density Bonus law allows the City to go above the multi-family overlay; RHNA and Housing Element law do not allow the City to use the Density Bonus to achieve RHNA numbers; the letter appealing the allocation is not going to look sincere or authoritative when including things which show that the law is not understood.

Councilmember Daysog stated every time a project proponent wants to build multi-family housing project, a Density Bonus trigger must first be pulled; the part of the Density Bonus trigger being pulled speaks to getting relief from the regulatory local regimes which constrict affordable housing; the second part consists of a mathematical formula which can increase the number of units; the Density Bonus law is a critical part of the City meeting the affordable housing obligations; outlined the staff report calculation of Density Bonus law; meeting affordable housing numbers is needed at 36 units per acre; the units are already calculated.

Mayor Ezzy Ashcraft stated Council has a couple of choices to make; Council can include everything included in the matter, or vote on an appeal which includes a reference to Density Bonus law and multi-family overlay or vote on an appeal which does not include either; Council may also choose to include the proposed unit amount.

Councilmember Daysog stated it is important for Council to adopt a number to include in the appeal; the number should be 2,650; expressed support for adding the language: "..., recognizing that the City has employed the State Density Bonus law into its own local ordinances as well as created a multi-family overlay, in an effort to build multi-family housing;" the language strips reference to the RHNA aspect.

Councilmember Herrera Spencer stated that she would like to pivot to the Planning, Building and Transportation Director and see if sense can be made of the Council direction provided.

The Planning, Building and Transportation Director stated clarity to the City-wide prohibition related to Measure Z is to be provided in acknowledging that the City does allow multi-family housing through the overlay and Density Bonus; staff will need to not use the clarity as an argument as to why the appeal for 2,650 units will be allowed; noted State law states Density Bonus cannot be counted on for RHNA numbers; stated a developer may take advantage of the Density Bonus however, the Density Bonus cannot be counted on; staff can write the appeal to include the clear distinction.

Councilmember Herrera Spencer inquired whether staff feels as though sufficient direction has been provided from Council, to which the Planning, Building and Transportation Director responded in the affirmative.

Mayor Ezzy Ashcraft inquired whether there is agreement in including the 2,650 unit allocation in the appeal.

Councilmember Herrera Spencer expressed support for the number.

Councilmember Knox White stated that he prefers no number be included however, he will support the 2,650 units being included.

Mayor Ezzy Ashcraft inquired whether staff has input on the proposed units.

The Planning, Building and Transportation Director stated staff will include the units as requested and will explain the determination as recommended by Councilmember Daysog.

Mayor Ezzy Ashcraft inquired whether the changes are acceptable to Councilmember Daysog as the seconder of the motion, to which Councilmember Daysog responded in the affirmative.

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

The Planning, Building and Transportation Director stated there are three different resolutions on the table and all three have common denominators in supporting a Housing Element which is in compliance with State law, using multi-family housing as necessary to meet the RHNA, and maximizing the use of City land; the resolutions differ in how each characterizes between Measure A and the Charter; noted the Planning Board has stripped the language; questioned whether City Council would like to strip the language of the resolution as well; the staff resolution can be adopted should Council

not wish to strip the language,; a partially stripped resolution has been proposed by Christopher Buckley; noted Councilmember Herrera Spencer's resolution adds emphasis on the need to renegotiate the Navy housing cap in an attempt to eliminate the cap; stated the staff report outlines the current Navy housing cap allowance of 1,200 units; renegotiating the cap will be an attempt to get the maximum amount of units possible at Alameda Point; a variety of constraints exist at Alameda Point which will have to be worked through; removing the housing cap is a good idea from staff's perspective; there are fair housing aspects of State Housing law; placing all units at Alameda Point is not a strategy; Alameda Point does have a lot of vacant land which is underutilized; Alameda Point allows for 25% affordable housing and has a strong case for maximizing the space; staff is looking for direction and confirmation of how Council would like to lead the Housing Element process.

Mayor Ezzy Ashcraft stated that she agrees with removing the Navy housing cap; it does not make sense to pay a premium for adding more housing at Alameda Point however, the approach may not be the wisest; signaling the Navy by including language in the resolution may not be wise; noted there are Congress members and lobbyists that can help to ensure the negotiations are as successful and effective as possible; questioned whether the same goal can be accomplished by providing clear direction to staff to begin exploring a pursuit of lifting the Navy housing cap; stated there is likely a lot of political support for the matter.

The Planning, Building and Transportation Director stated staff can accomplish the task either way; Council may provide direction to staff; a successful and quick negotiation is desired.

Councilmember Herrera Spencer stated that she has included language in the proposed resolution related to the Navy cap; the \$100,000 per unit cost creates difficulty in building affordable housing; the goal is to build affordable, workforce housing; increasing the developer costs means increasing the cost to the consumer; she included the language in order to keep supported language contained in one document; expressed support for striking the Navy cap language in her resolution; she would like an understanding of the document; the cap should be changed in order to meet the RHNA allocation should a reduction not be granted by HCD.

Councilmember Daysog stated there are three items: commitment to Housing Element compliance, adopting multi-family zoning and the use of vacant City-owned land; the issue of commitment to Housing Element compliance and adopting multi-family zoning are matters in and of themselves; the General Plan is not being addressed in the matter of Land Use; an element being designated in the General Plan is called Community Mixed-Use; the Community Mixed-Use land use will have 30 to 65 units per acre; it is possible for Council to not change the zoning; there are inconsistencies between the densities expressed in the General Plan and the zoning; the General Plan land use category takes precedence; the areas are subject to Density Bonuses, and every housing project will be subject to the Density Bonus; the discussion is richer than a simple vote of the matter and a detailed discussion is needed.

The Planning, Building and Transportation Director stated the March draft of the General Plan put recommendations forward for land use classifications; one is the shopping center land use classification referenced by Councilmember Daysog; the draft identified the types of densities and zoning necessary to get to 5,300 units; the Planning Board and a number of speakers on the draft spoke out in opposition of the plan; the speakers supported a general approach to the plan, and a decision of the necessary zoning and densities of the various land use classification areas; the decisions can be made when the Housing Element is created; staff released proposed revisions to the draft General Plan and brought the land use classifications more into sync with current conditions; staff has eliminated the language which had been recommended to the Planning Board while using the Floor Area Ratio (FAR) from the existing zoning of shopping centers; staff will be providing a recommendation to Council for approval; changes can be made to the General Plan recommendation prior to being adopted in the fall; the Planning Board will be recommending the Housing Element to Council the following fall, with the necessary zoning to meet the RHNA allocation; staff has created a sequence of steps which allows Council to make decisions in a logical way.

Mayor Ezzy Ashcraft inquired whether Councilmember Daysog is recommending that the second item does not commit to adopting a Housing Element which is in compliance with State law; stated there will be dire consequences for the City as a result.

Councilmember Daysog responded the issue is so complex and convoluted; there are other outstanding issues such as categories and densities to come up with in the General Plan land use section and the rules which developers can rely on to build at densities sought; the level of discussion is not currently before Council; Council should be discussing the Housing Element compliance and adopting multi-family zoning separately as a standalone discussion.

Mayor Ezzy Ashcraft stated there is a deadline for filing the RHNA appeal; the other related matters can allow for more time; questioned whether the undiscussed matters can occur at a later date.

The Planning, Building and Transportation Director stated staff will be proceeding at the assumption of needing multi-family overlays as previously needed; staff is not asking Council to commit to locations or number of units; staff needs direction on definitive matters; the overall concept will return to Council in the future; staff will be bringing multi-family overlay to Council in order to adopt the Housing Element; there will be no scenario in which multi-family overlay is not adopted; staff will need one year to work through the details of the Housing Element in order to provide Council with a recommendation.

Councilmember Knox White expressed concern for the staff recommendation being wishy-washy, and the recommendation from Councilmember Herrera Spencer is less clear; stated Council should not be spending time on multi-family overlays should there be no support from Council; questioned whether Council can provide staff direction;

expressed concern for members thinking the multi-family overlay is something specific with a set number; stated presentations have indicated the multi-family overlay can have a number of different unit sizes; he does not want staff to spin their wheels returning to Council with an unwanted recommendation; expressed support for policy direction being provided at the current and next Council meeting.

Mayor Ezzy Ashcraft stated those not supportive of the multi-family overlay zoning are for single-family residential and suburban sprawl which does not seem to be environmentally advantageous for a City concerned with sea-level rise and rising groundwater.

Councilmember Daysog expressed support for multi-family overlay as currently used; stated the amount of density can never be more than 30 units per acre without factoring in Density Bonus, or 36 units per acre with Density Bonus; noted multi-family overlay does not currently allow anything bigger than the stated units; 30 units per acre is sufficient in meeting State law.

The Planning, Building and Transportation Director stated in order to get to 5,300 units and meet the criteria outlined by Councilmember Daysog, staff will then need to spread the multi-family overlay over much larger areas of the City; there is a benefit in being flexible with the matter; noted the multi-family overlay will need to increase above 30 units per acre should the City have 5,300 unit allocation; setting a cap of 30 units per acre now sets an unintended consequence of applying the overlay to larger areas through the City; recommended Council remain flexible on the matter and let the planning process play out; stated having 30 units per acre is viable however, the citizens may want to concentrate the units in specific locations.

(21-458) Mayor Ezzy Ashcraft stated Councilmember Daysog is out of speaking time; questioned whether Councilmembers should be set back at nine minutes of speaking time; noted those that have held time will not receive an increase, the time set will be at nine minutes.

Councilmember Knox White moved approval of adding five minutes of speaking time to all Councilmembers.

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

Mayor Ezzy Ashcraft questioned whether Council wants to commit to adopting a Housing Element in compliance with State law with the understanding that the matter will return for fine tuning at a later date.

Councilmember Herrera Spencer inquired the potential density for multi-family overlay should the units surpass 30 per acre.

The Planning, Building and Transportation Director responded the City needs to remain flexible; outlined a two story building having 80 units per acre with small workforce units; the units are small and affordable; noted 80 units per acre at a larger site, such as South Shore, is not necessary; 30 units at South Shore will be plenty; outlined support for projects from West Alameda Business Association; stated the unit fluctuation is a good discussion to have while planning; the appropriate number of units for Webster Street might not be appropriate for the South Shore area or Alameda Point; Council should let the community decide how many units to get out of the allocation at each project site location; noted massing diagrams will be provided in order to identify the density needed.

Mayor Ezzy Ashcraft stated that she shares the belief of units needing to be affordable by design which are smaller and command a lower price; a range of units are needed; expressed support for smaller units.

Councilmember Daysog stated Council should lead by the type of community which fits in the built environment; Alameda has a homogenizing built environment; outlined Shoreline Avenue's design; stated a uniform density exists throughout Alameda; 30 units per acre is not an arbitrary number, the number is required and eligible by State law; it is wrong to allocate 5,300 units and a regime should not be set in place which accommodates 5,300 units; the regime should accommodate 2,650 units and he suspects the current 30 units per acre will work; should Council lean on the side of being flexible, the City will be accommodating 5,300 units; expressed concern for being flexible.

The Planning, Building and Transportation Director stated it is premature to decide the densities; the City does not yet know the RHNA allocation due to the appeal and should not be deciding the density until the allocation is known; a year-long planning process is needed in order to make some of the recommended decisions; the one thing driving the issue is staff cannot afford to have disagreements at the end of the Housing Element process; should the State deadline be missed, penalties are immediately paid; Council must be convinced over the coming year that the City has a good plan to accommodate the RHNA allocation; Council is currently going beyond where is needed; a Housing Element will be adopted; judgement should be reserved for where and how high the densities should be until the numbers can be presented; should Council wish to set an absolute cap and constrain the process over the coming year, staff will work with the will of Council however, the action is not recommended.

Mayor Ezzy Ashcraft stated that she cannot imagine Council will vote to adopt a Housing Element which does not comply with State law; the penalties are steep for non-compliance.

Councilmember Herrera Spencer stated that she does not know the density of The Willows housing; expressed support for comparative density being shared as the process moves along; stated that she does agree with Mayor Ezzy Ashcraft's comments

in providing housing units which are affordable by design; expressed concern for the price of housing at Alameda Point; she does not think the pricing supports the majority of Alamedans; many people cannot write a check for one million dollars; most of the housing at Alameda Point is worth over one million dollars; Council needs to come up with a way to build housing so people can buy property and not have to pay rent for life; the problem is serious; questioned how small a unit has to be in order to bring the price point lower; outlined the pricing for smaller homes; there is a problem with smaller units having a high price tag; the City must work with a developer that can build housing to buy for a price which is significantly under one million dollars; the City is performing gentrification; outlined turn of the century housing prices; stated that she is a long-term renter in Alameda and she cannot pay one million dollars for a home; she is interested in looking at different densities; the densities must be reflected in the price point to purchase; expressed support for being flexible; stated that she would like to strike the reference to Encinal Terminals from the document; she has yet to put her name on the project and she might not do so; she is still negotiating the project and including Encinal Terminals is not appropriate; a plan has been approved without the swap; outlined project viability and costs per unit; she does not know how much revenue developers actually make on projects; a plan has been approved for Encinal Terminals, should the developer want a swap, negotiations will need to occur; any reference to Encinal Terminals in the resolution document alludes to an already Council-approved project swap.

Mayor Ezzy Ashcraft stated there is a difference between properties which require four-affirmative Council votes and properties which require three-affirmative Council votes to approve; should the City be told by the State to build housing units at either 2,650 or 5,300, the units must be placed somewhere; the City will look elsewhere if it is not able to use the Encinal Terminals site; the question to Council is whether or not to approve vacant City-owned land.

Councilmember Knox White stated that he has not heard a broad commitment for what a multi-family overlay will look like; he understands flexibility is needed; expressed concern for moving forward with a flexible multi-family overlay; he wants to be clear in his agreement with housing comments provided by Councilmember Herrera Spencer however, the housing policies being pushed including the approval to file an appeal, are the reason why housing costs are so high; the Housing Authority is spending one million dollars per unit to build housing units; 200-square foot homes can be built in Alameda however, they will not sell for \$400,000; smaller units will still be extremely expensive; new houses are never cheap; Alameda is not building new houses so the costs cannot filter down the housing costs as traditionally done; the City will continue to ensure the high cost of housing should units not be built; he is lucky to own his home in Alameda and could not afford to live in Alameda in today's rates; his goal is to try to stop the problem occurring to allow others the privilege of living in Alameda; he would like to know there is more; the voters have clearly stated the want for housing to be limited to the greatest extent possible in Alameda; voters want Council to honor the Charter; noted that he is in a difficult place should he vote to violate the Charter and ignore the community which voted; he will be honoring the voters which may cause the City to be

non-compliant; it is ok for the City to end up in Court; a long-term answer to the question will result; the multi-family overlay is not a magic concept to duck State allocations; staff came up with the multi-family overlay in order to sell and ignore the Charter based on State laws and calculations; the concept had been pitched to Council and was not fought by Councilmembers; Measure A is illegal and the multi-family overlay is a way for the City to pretend the matter is being addressed; now the City must address the matter in having a multi-family overlay which is placed at well over 30 units per acre; the housing units will need to be everywhere; he does not feel comfortable being one of the Council votes to ignore the will of the voters; expressed support for Council votes being flexible and an understanding that the multi-family overlay will be more than 30 units per acre in some places; for encouraging staff to work on the matter; expressed concern for what will occur in six months' time; expressed concern for proposed units on Park Street being small and over 30 units per project and non-compliant; stated that he is ok with being non-compliant should it mean the ability to be ethically aligned with the previous question posed at the election; he will not be part of a majority which rams through multi-family overlays; the full Council needs to be the adult in the room.

Mayor Ezzy Ashcraft stated the discussion can be tabled for the time being due to there being no majority vote on anything.

Vice Mayor Vella stated Councilmembers are City fiduciaries; one of the biggest problems with the State of California is the previous allowing of zoning via the ballot box; the result is the current housing conundrum being faced; the majority of people that turned out to vote cast the winning ballots; the resulting decisions have shown the City of Alameda does not want to comply with regulations and will limit the ability to have local control and project-by-project decision making; Council and many jurisdictions have allowed for limiting local control through different measures; Alameda is not unique in the issues being faced; outlined uniqueness arguments from cities across the state; stated many different jurisdictions have exclusionary zoning provisions or limits on amounts of density and construction types; expressed concern for Council having conflicting obligations; she would like to hear the options for Council; noted the resolution is before Council for consideration however, a decision does not have to be made at the current meeting; it is important to have a discussion about available options; she does not want to cause or push a lawsuit to be filed against the City one way or another; the elephant in the room must be addressed; expressed concern for the legacy of zoning by the ballot box which has caused current limitations.

(21-459) Mayor Ezzy Ashcraft stated a vote is needed to consider new items after 11 p.m.

Councilmember Knox White moved approval of hearing all of the remaining agenda items that can be heard before midnight.

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and

Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

Vice Mayor Vella stated that she would like to hear from the City Attorney on the fiduciary obligations for Council; she agrees that an attempt at unanimity relative to the multi-family overlay is needed; expressed support for City staff providing possible approaches to the matter.

Mayor Ezzy Ashcraft expressed support for staff providing implications of having a Housing Element which is not in compliance with State law.

The City Attorney stated there is no pressing deadline due to the approval of appealing the allocation; the Housing Element does not need to be certified until the end of next year; Council has time and the matter will return with updates; one option for Council is to continue the matter and allow the Planning, Building and Transportation Director to bring back new information based on the appeal process; the new information can inform the Council discussion; recommended allowing the Planning, Building and Transportation Director to perform work with the community; Council may also take a number of other actions including making commitments about allowing multi-family overlays, prioritizing City-owned land or Council may decide not to take action; staff recommends any Council direction for litigation be brought forth in Closed Session; Council has a wide range of options with a lot of time.

Mayor Ezzy Ashcraft inquired when Council can anticipate an update on the appeal process.

The Planning, Building and Transportation Director responded that an update on the appeal should be available by the end of the calendar year; an e-mail follow up to Council with a more definitive date will be sent in the coming days.

Mayor Ezzy Ashcraft outlined the timeline for the anticipated appeals schedule; noted the Association of Bay Area Governments (ABAG) will adopt the final RHNA plan in December.

The Planning, Building and Transportation Director stated staff will approach the work as a series of steps which will play out over the next nine months; staff understands roughly 1,500 units have already been approved in projects; outlined Encinal Terminals project timeline; staff plans to be back to Council in the near future for Encinal Terminals discussion and evaluation; should Council vote to approve the project, 589 units will be added to the 1,500 already approved units; staff plans to come before Council in September for a project at Alameda Point to gain a better understanding of the allowable units for the space; by the end of the year, staff will know how many units to anticipate between Encinal Terminals, Alameda Point and others; staff will know the final RHNA allocation by the end of the year and will be able to determine the gap to fill with the multi-family overlay; staff will then be able to get into specifics with Council; noted updates on locations for multi-family overlays and densities will be provided; updates on overlays and density will be difficult to provide until the final RHNA allocation

is provided; staff anticipates a series of meetings with Council over the following nine months; the process allows staff to keep moving and informing Council; emphasized the need for smoothness at the end of the process.

Mayor Ezzy Ashcraft stated the Measure Z ballot measure elections results have been a resounding no; the campaign was not well-run and educating voters was not adequately performed; expressed support for an informative public process; Council decided late in the game to place the measure on the ballot; answers to public questions were not given enough of a chance; the City fell short in communicating and now has a second chance at bringing the public along; Council cannot pretend as though there is no housing crisis; Council must solve housing problems realistically; expressed support for Council providing clear direction on what to include in the returning report; questioned the matters which Council would like addressed.

Councilmember Daysog stated that he will need to know the final RHNA allocation before he signs off on the Housing Element and multi-family zoning strategies; he will need to determine whether or not the allocation is fair to the island; the public and Council will need a thorough analysis regarding densities of new General Plan land use categories and the relationship to multi-family overlays; he will find it difficult to support any kind of Housing Element or zoning overlay change should there be no reduction in the RHNA allocation; the City is unique and is one of two California islands; the City cannot support any allocation near the 5,300 units; he will put out more of his thoughts between now and the returning report.

Mayor Ezzy Ashcraft inquired whether Councilmember Daysog prefers the matter not return to Council until after the November or December determination of the RHNA allocation, to which Councilmember Daysog responded in the affirmative.

Vice Mayor Vella stated it makes sense to wait until the final RHNA allocation is provided; there are a number of questions that will need to be answered by Council; the anticipated response will not be in agreement to the appeal, and larger Council decisions will need to be made; a decision will need to be made for multi-family overlays and densities; other cities are grappling with similar matters; noted the City of Berkeley is also looking at exclusionary housing provisions and the resulting impacts; a robust conversation with the public needs to occur; the matter can be confusing and the density should be visualized; there are many high opportunity neighborhoods in Alameda; expressed support for the decision of the Housing Element being centered on Council priorities which address housing needs and equity; she will approach discussions on the topic from the lens of equity; expressed support for a Housing Element which is compliant.

Mayor Ezzy Ashcraft requested clarification on the repercussions of a non-compliant Housing Element.

The Planning, Building and Transportation Director stated should the City miss the deadline for submitting a compliant Housing Element, the City will automatically and

immediately be cut-off from a range of State funding sources; the funding applies to transportation, open space, affordable housing and homeless project money; the City relies on all the related funding which could be cut-off.

Mayor Ezzy Ashcraft inquired the due date, to which the Planning, Building and Transportation Director responded January 2023.

The Planning, Building and Transportation Director stated that he would like to come back to Council in the fall with projects related to the Housing Element; the projects may be voted up or down; staff will be clear and inform Council of the projects in relation to the Housing Element; the General Plan will be coming to Council in the fall; noted the General Plan is designed to support a Housing Element however, the General Plan does not predetermine the RHNA allocation; stated the General Plan represents the coming 20 years; noted three Housing Elements will occur in the General Plan time frame; the General Plan will allow decisions for multi-family overlay and densities; by the end of the fall, staff will find out the RHNA allocation; he will continue to work with the Planning Board and the community on the multi-family overlays and will return to Council for a study session style update report on the final RHNA allocation plans; the report will come to Council between January and February providing time to continue working; Council may provide feedback and fine tuning on the plan but will not need to make a final determination.

Mayor Ezzy Ashcraft expressed support for workshops taking place in different parts of the City with access for all and for conducting walking tours; noted the matter will return in the future.

(21-460) Recommendation to Authorize the Chief of Police to Update the Existing Alameda Police Department Policy Manual to be Current with Existing Best Practices and Statutory Requirements. Not heard.

(21-461) Introduction of Ordinance Approving a Third Amendment to the Greenway Golf Lease Agreement for Operation of the Corica Park Golf Complex. Introduced; and

(21-461 A) Recommendation to Authorize the City Manager to Execute the Third Amendment to the Jim's on the Course Concession Agreement for Food and Beverage Services at the Corica Park Golf Complex.

The Recreation and Parks Director gave a brief presentation.

Councilmember Daysog expressed concern for the reference to open-ended restaurants; stated Council should consider language which places parameters ensuring Council will always have the final say on restaurant numbers; expressed support for the language to state "14. Reservation of City Rights: The additional uses potentially contemplated by this Third Amendment, including but not limited to snack shacks, take-out Food and Beverage Service facilities, new Golf Complex restaurants, and event center facilities, are each subject to future City review and approvals both in

its regulatory and proprietary capacities. This Third Amendment shall not be construed to limit the City's future discretion to approve, conditionally approve, or deny such uses;" stated the language indicates Council will review items as they arise.

Mayor Ezzy Ashcraft inquired whether the language is to be included in the settlement agreement.

Councilmember Daysog responded the language will be inserted as section 14.

The City Attorney stated Councilmember Daysog is recommending an additional provision to the third amendment to Greenway Golf lease.

Mayor Ezzy Ashcraft inquired whether the recommended language has been discussed with Greenway Golf, to which the City Attorney responded in the affirmative.

Councilmember Herrera Spencer requested clarification on the claim against the City from Greenway Golf; stated that she would like to know the monetary risk to those named in the claim.

The City Attorney stated the claim in a nutshell states that Greenway Golf has alleged Jim's on the Course has breached its obligations to build an event center, and that the City has been complicit in the breach with Greenway Golf and has incurred damages in the range of tens of millions of dollars.

Councilmember Herrera Spencer stated the amount of the claim is tens of millions of dollars; inquired whether Jim's on the Course has filed a claim against the City of Alameda, to which the City Attorney responded in the negative.

Councilmember Herrera Spencer stated the response has confirmed that Greenway Golf has filed a claim for tens of millions of dollars against the City and Jims on the Course; noted Jims on the Course has not filed a claim against the City.

Mayor Ezzy Ashcraft inquired the proposed location of the referenced restaurant at the golf course.

The Recreation and Parks Director responded the location has yet to be determined; stated there are a number of City requirements to be worked through on Greenway Golf's part, including Gold Commission, Planning Board and City Council.

Mayor Ezzy Ashcraft inquired whether the event center tent could be sold at a reasonable price; stated there is a rent structure which allows the \$315,000 losses to be whole again; she wants to be fair however, she does not want the City to be providing financial windfall.

The Recreation and Parks Director responded sale of the tent has been attempted; stated the pandemic has created additional issues; she is confident Mr. Tom Geanekos

will continue attempting to sell the tent; Mr. Geanekos might not be able to recoup the costs.

Mayor Ezzy Ashcraft inquired what will happen should the costs be able to be recovered.

The Chief Assistant City Attorney responded Council may request staff to draft a provision to stagger the rent recovery provision outlined in option B should Jims on the Course be able to sell back the event tent.

Mayor Ezzy Ashcraft expressed support for a provision to stagger rent recovery.

Expressed support for the third amendment; stated that he is excited to continue partnering with the City to improve the golf course; city staff, Jim's on the Course and Greenway Golf have worked hard to find a path forward that works for all parties; he and Mr. Geanekos are committed to working together in a manner which is mutually beneficial and in turn, benefits the City; having more food and beverage options at the course will bring more patrons thus increasing business for both Greenway Golf and Jim's on the Course; having expanded offerings will provide an opportunity to bring in other Alameda food vendors during tournaments; the amendment will allow Greenway Golf to bring larger tournaments to Corica Park; outlined a ranking of 12th best course provided by Golf Magazine; discussed the annual golf tournament; stated having more choices at Corica Park will enable the annual tournament to come home to the City's golf course; discussed letters of support; stated that he hopes the amendment will allow Greenway Golf to host bigger tournaments in the coming years; urged Council support the amendment; Umesh Patel, Greenway Golf.

Discussed operations of locations; stated many first job opportunities are provided at Jim's; the golf course has undergone many transformations since 2006 and the only stable factor has been Jim's on the Course; prior to 2006, a food and beverage cart provided limited service to golfers only; he has since invested large sums of money to improve kitchen facilities and dining areas; the full service restaurant can serve hundreds of customers per day; the revenues paid to the City since 2006 have quadrupled to roughly \$100,000 per year; Jim's has been a stable revenue stream to the City with zero City investment; Jim's has done everything in its power to fulfil contractual obligations to the City related to the events center; the City, Greenway Golf and Jim's have come to an agreement to bring closure to the matter; Jim's has agreed to relinquish a portion of the food and beverage exclusivity in exchange for contractual stability and needed rent relief; urged Council bring the chapter to a final closure, and vote for option B; discussed the event tent structure: Tom Geanekos, Jim's on the Course.

Mayor Ezzy Ashcraft outlined the matter; stated the Golf Commission had unanimously supported option B.

Councilmember Herrera Spencer moved approval of accepting option B for both

Greenway Golf and Jim's on the Course.

Councilmember Daysog inquired whether the amendment will include the language he recommended.

Councilmember Herrera Spencer stated that she is happy to accept the language as a friendly amendment.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated Council may approve the language as part of the motion; both parties may verbally agree that the language is acceptable in order to implement.

Councilmember Daysog seconded the amended motion.

Under discussion, Councilmember Herrera Spencer outlined the settlement agreement; requested clarification for the vote on the settlement agreement.

The City Attorney stated the report out included a 3-2 vote, with Councilmember Knox White, Vice Mayor Vella and Mayor Ezzy Ashcraft voting yes, and Councilmembers Daysog and Herrera Spencer voting no.

Councilmember Herrera Spencer stated that she had been on Council in 2016 when the concession agreement had been made with Jim's on the Course; noted there had been debate on providing exclusivity to Jim's; outlined Jim's right of first refusal; stated that she is disappointed that Greenway Golf has filed a claim against the City, naming Councilmembers as well as Jim's on the Course; filing the claim is poor form; the land is City property, is a park and is not private property; the City needs tenants which can work together amicably; outlined the risks involved with Jim's on the Course; stated support for the restaurant and long-term tenants are good for the City; she feels as though she does not have a choice in the matter; expressed support for an operator that is focused on golfing; stated Greenway Golf is not set up to be a restaurateur; she hopes for a golf course operator that is willing to honor working together with Jim's on the Course; expressed support for the motion; expressed concern for Greenway Golf as an operator; stated that she will be looking at Greenway Golf closely moving forward; she has heard complaints about the golf course; it is important that both parties be held to honor the original agreement as much as possible; she expects the operator to be good within the community.

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

CONSENT CALENDAR (CONTINUED)

(21-462) Recommendation to Approve Amended Employment Agreement for the City Attorney.

Councilmember Herrera Spencer stated public comment has raised the issue of whether or not the contract is similar to other City staff; her understanding is that the contract is similar; requested clarification for the contract details.

The Human Resources Director stated the provisions in the City Attorney's contract allow for employees to cash out vacation, up to two weeks, after being with the City for 15 years; not all employees have the provision; the provision is negotiated; vacation accruals are different based on years of service; the accruals allowed are higher than other City employees however, the amount is nothing higher than seen at other organizations.

Councilmember Herrera Spencer inquired whether any other City employees have the same level of vacation cash-out.

The Human Resources Director responded other employees have the 80 hours of cash-out option after 15 years of service.

Councilmember Herrera Spencer moved approval of the employment agreement.

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

(21-463) Adoption of Resolution Amending Resolution Nos. 15728 and 15739 Amending the 2021 Regular City Council Meeting Dates. [Continued to 7/20 at 6:59 p.m.]

The City Clerk gave a brief presentation.

Councilmember Knox White stated moving the dates back would be problematic; expressed support for the September meeting dates being the 8th and the 22nd.

Mayor Ezzy Aschraft requested clarification on selecting certain religious holidays to re-schedule.

The City Attorney stated Council has a wide range of discretion on when to meet; should Council choose to meet, the reasons would not be due to favoring one religion over another.

Councilmember Knox White stated no meetings are scheduled for December 25th which is a Christian holiday; Council can make a determination that meetings can be moved based on conflicts for a large portion of the community; expressed support for not moving the Council meeting dates back; stated that he would like the dates to be September 8th and 22nd to ensure no conflict.

Councilmember Herrera Spencer stated that she has an issue with the September 22nd meeting date; the date is posed for a League of California Cities conference in Sacramento and she plans to attend; noted September 14th is not a holiday; expressed support for the meeting dates being September 1st and 14th.

Vice Mayor Vella stated that she has a work commitment on September 14th; schedules are created far in advance due to meeting dates; inquired whether there has been an instance where Christmas has landed on a scheduled Council meeting.

The City Clerk responded in the negative; stated the date is a holiday where City Hall is closed and meetings would not be scheduled.

Councilmember Herrera Spencer inquired whether the current September meeting dates are the 1st and the 15th.

The City Clerk responded in the affirmative; stated the dates had been adopted in January; noted the proposed dates revert back to the original meeting schedule; stated a Transportation Commission meeting is scheduled for September 22nd.

Councilmember Herrera Spencer stated that her preference is to keep the dates already voted on by Council which would be September 1st and 15th.

Mayor Ezzy Ashcraft stated that she has trouble selecting one religion to move Council meetings for; a survey should be provided through the Social Services Human Relations Board (SSHRB); there are many different dates which are important to different religious groups; Council should not favor one religion over another; expressed support for sticking to the regular schedule of the 1st and 3rd Tuesday of each month; SSHRB is likely the most appropriate Board for the matter.

Mayor Ezzy Ashcraft moved approval of continuing the matter to July 20, 2021 at 6:59 p.m.

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

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

Not heard.

COUNCIL REFERRALS

(21-464) Consider Adoption of Resolution Supporting the Goal of Reaching 100% Zero Emission Vehicle Sales in California by 2030. (Mayor Ezzy Ashcraft) Not heard.

(21-465) Considering Having an Introduction and Update from the New Police Chief regarding Strategies to Address Crimes. (Councilmember Herrera Spencer) Not heard.

(21-466) Considering Directing Staff to Provide an Update on License Plate Readers. (Councilmember Herrera Spencer) Not heard.

(21-467) Consider Directing Staff to Publicly Share Information on Parking Recreational Vehicles. (Councilmember Herrera Spencer) Not heard.

(21-468) Consider Directing Staff to Address Representation for Below Market Rate Homeowners on Homeowner Association (HOA) Boards and with Property Management. (Councilmember Herrera Spencer) Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:01 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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