

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 7, 2021- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:04 p.m.

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

Absent: None.

Consent Calendar

Councilmember Knox White moved approval of the Consent Calendar.

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

(*21-515) Recommendation to Approve Eric Levitt, City Manager, Lisa Maxwell, Community Development Director, and Louis Liss, Base Reuse Manager, as Designated Real Property Negotiators for the West Midway Project and Site A at Alameda Point. Accepted.

The meeting was adjourned to Closed Session to consider:

(21-516) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: Howell v. City of Alameda; Court: Alameda Superior Court, Hall of Justice, 1225 Fallon Street, Oakland, CA; Case Numbers: RG20061693

(21-517) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: West Midway Parcel; City Negotiators: Eric Levitt, City Manager, Lisa Maxwell, Community Development Director, and Louis Liss, Base Reuse Manager; Negotiating Parties: City, Catellus, and Brookfield; Under Negotiation: Price and Terms. Not heard.

(21-518) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9); Case Name: City of Alameda v. Union Pacific (Sweeney); Court: Superior Court of the State of California, County of Alameda; Case Numbers: RG18921261

(21-519) Conference with Labor Negotiators (Pursuant to Government Code Section 54957.6); City Negotiators: Eric Levitt, City Manager, Gerry Beaudin, Assistant City

Manager, and Nancy Bronstein, Human Resources Director; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), and Alameda Management and Confidential Employees Association (MCEA), International Association of Firefighter, Local 689 (IAFF) Alameda Fire Managers Association (AFMA), Alameda Police Officers Association (APOA) and Alameda Police Managers Association (APMA), Executive Management Employees (EXME) and Alameda Municipal Power Unrepresented Management Employees (AMPU); Under Negotiation: Salaries, Benefits and Terms of Employment

(21-520) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Grandview Pavilion; City Negotiators: Eric Levitt, City Manager, Nanette Mocanu, Assistant Director of Base Reuse and Community Development, Amy Wooldridge, Recreation and Parks Director; Negotiating Parties: City of Alameda and Alameda County and Greenway Golf; Under Negotiation: Price and Terms. Not heard.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Howell, the accident which forms the basis of this litigation took place on December 11, 2019 at 2149 Central Avenue in the City of Alameda; Donna Howell and her husband walked across the driveway/sidewalk apron with the intention of entering Central Avenue midblock; Donna Howell fell, sustaining serious injuries; she later suffered whole body organ failure and passed away on January 10, 2020; in order to avoid the expense and uncertainty of litigation, the City Council authorized the City Attorney to settle this matter in an amount not to exceed \$117,500 by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5; regarding Union Pacific, the case involves an ongoing eminent domain litigation against Union Pacific (UP), where the City seeks to acquire portions of abandoned UP Railroad right-of-way on the south side of Jean Sweeney Open Space Park; the property to be acquired will be approximately 23,489 square feet, plus 2 easement acquisitions of approximately 7,532 square feet; the property will be used to provide public access to the southern neighborhood, connect with critical infrastructure and properly route the Cross Alameda Trail; the parties have reached a tentative agreement to finalize the eminent domain process without trial, whereby the City would pay approximately \$1.2 million for the acquisition and agree to cooperate for the next three to six years with any application for R-2 residential zoning on the remaining UP property; for clarity, the cooperation is not a pre-commitment for approval; the Council authorized the City Attorney to resolve the litigation consistent with the tentative agreement by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 3; Noes: 2; regarding Labor Negotiators, staff provided information and Council provided direction with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:45 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- -SEPTEMBER 7, 2021- -6:58 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:09 p.m.
Councilmember/Commissioner Daysog led the Pledge of Allegiance.

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.

Councilmember/Commissioner Herrera Spencer 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.]

(*21-521 CC/21-17 SACIC) Minutes of the Special Joint City Council and Successor Agency to the Community Improvement Commission Meetings Held on June 15, 2021 and July 6, 2021. Approved.

(*21-522 CC/21-18 SACIC) Recommendation to Accept the Investment Report for the Quarter Ending June 30, 2021. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:11 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 CONTINUED JULY 20, 2021 CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 7, 2021- -6:59 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:11 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.

CONTINUED AGENDA ITEMS

(21-523) Introduction of Ordinance Amending the Alameda Municipal Code, Including Article VIII (Sunshine Ordinance) of Chapter II (Administration) to Clarify Enforcement Provisions and Provide for Other Updates and Enhancements to the Sunshine Ordinance. Introduced.

The City Attorney gave a brief presentation.

Outlined the “penalties” section of the Sunshine Ordinance; stated that she finds the section concerning; the penalty is harsh and unnecessary; the Open Government Commission (OGC) has not heard many complaints; urged Council to amend the clause and represent a fair process; noted San Francisco’s Sunshine Task Force does not have a similar penalty clause and Alameda should follow: Carmen Reid, Alameda.

Expressed support for speaker Reid’s comments; stated that he is concerned about transparency; outlined a published agenda error change; stated changes are made to matters on published agendas including updated correspondence; many items need more transparency; urged Council create a Citizens Task Force which holds public meetings; expressed support for changes to the ad hoc committee provision; outlined previous updates made to the Sunshine Ordinance: Jay Garfinkle, Alameda.

Mayor Ezzy Ashcraft stated Council is considering specific provisions; requested clarification on the penalties provision of the Sunshine Ordinance.

The City Attorney stated staff has not proposed any changes to the penalty section of the ordinance; the section is a carryover and is intended to limit the amount of work for City staff and Commissions related to unfounded complaints.

Mayor Ezzy Ashcraft requested clarification about correspondence being added to agenda items.

The City Clerk stated any additional correspondence that comes in is attached to the agenda item; as correspondence is received, the date updated; new correspondence added at the top of the document.

Mayor Ezzy Ashcraft inquired whether correspondence is often received up until the time of the meeting, to which the City Clerk responded in the affirmative.

Councilmember Herrera Spencer stated that she would like to know whether it is possible to have the OGC review the penalty provision; the provision is extreme; she would like to know the procedure of having the provision reviewed; expressed concern about the use of the term “shall” under Section 2-93.8.a.

The City Attorney stated the ordinance shows the originating body being required to consider the Commission’s recommendation with the use of the term “shall.”

Councilmember Herrera Spencer stated that she is concerned by the use of the term “shall;” the term “may” should be used instead; she has concerns about the Commission dictating that Council must consider a recommendation; the interim poses Council keeping status quo; outlined an instance related to cannabis ordinances; stated the language reads as though Council has to follow the lead of the OGC to void the original decision, re-evaluate the matter and make another decision; it is not appropriate for a Commission to dictate to Council what must be done; Commissions may make recommendations.

Mayor Ezzy Ashcraft requested clarification for the use of the term “shall” versus “may” in the ordinance.

The City Attorney stated if the Commission renders a decision that a Council decision enacting an ordinance is unlawful, Council would be required to consider the recommendation; the decision does not automatically mean that the previous Council decision is void; however, the matter must be agendized as soon as possible to discuss and consider the Commission’s recommendation; the Council may accept or reject the Commission’s recommendation upon a majority vote; if Council wants to change the term to “may,” Council may or may not consider the Commission’s recommendation; both approaches are lawful.

Councilmember Herrera Spencer stated that she has concerns over the use of the term “shall” throughout the section; Council must decide at the time whether or not to re-visit an issue; Council may consider the OGC’s recommendation; the City Charter is clear about which body has the ultimate power which is City Council, not Boards and Commissions; a vote of the people needs to give authority to the OGC; any use of the term “shall” is a problem.

The City Attorney stated staff has met with the OGC many times; the OGC would like to have gone much further than the proposed language; the proposed language seeks the maximum compromise possible; there are no legal problems if Council wishes to change “shall” to “may;” the changes can easily be made.

Mayor Ezzy Ashcraft stated that she understands the section as pertaining to a violation

in providing public information found by the Commission; noted the OGC may recommend to the City, the steps necessary to cure or correct the violation; inquired whether the section needs another section which discusses Council's process to cure or correct.

The City Attorney responded in the negative; stated the issue of public information is typically administrative action; Council does not take action on administrative actions; staff left the language included under the administrative section; the section for Brown Act violations differs.

Councilmember Herrera Spencer stated that she is concerned about the time period between the OGC making a recommendation and the matter being brought to Council; inquired what happens to the decision made by Council in the meantime and whether the decision continues moving forward or becomes stalled.

The City Attorney responded the language provides that the City is encouraged to maintain the status quo; stated the action will largely depend on the situation; the original Council action will be effective by operation of law; if a scenario were Council directing staff to lobby for a particular bill that has a timeframe, staff will likely proceed, notwithstanding a Commission decision; outlined a scenario related to planting trees over a three year time period in which a two-month delay would likely cause no difference; staff would likely delay action in said scenario.

Councilmember Knox White expressed support for the consideration given to the matter; stated staff has worked to find a compromise that provides some accountability; future OGC's might be a ruling body and might not necessarily have impact on the City doing business; the changes meet the compromise admirably and provide flexibility to the City whereby the harm from a finding is reduced; the proposed language gives the public the ability to know that findings of violations will be re-heard and cured; expressed support for the staff recommendation.

Councilmember Knox White moved introduction of the ordinance.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated that he would like to hash the matter out even further; he is not convinced of the language being proposed; expressed concern about maintaining the status quo pending final review by the Commission; stated if Council makes a decision that the OGC subsequently finds troubling, the current language leaves the decision of Council moving forward or not depending on the immediacy of the issue as outlined by the City Attorney; noted the legislation matter situation will allow Council to move forward even when the OGC has found the matter troubling; City staff needs to factor in and vet the possibility of the OGC having questions regarding certain matters; if the OGC finds a troubling matter, Council should not want to move the matter forward even if it is time-sensitive; Council should re-visit and hold off on executing matters deemed troubling by the OGC; the term should read:

“must encourage status quo;” the matter is critical and gives the OGC process effectiveness and power; he does not agree with the use of the term “should;” expressed concern about the five year penalty; stated that he does not think the situation in government has been so troubling for someone to muck up the gears of the government process; he is not convinced of imposing such a drastic penalty; it is the right of the people to attend OGC and Council meetings; he does not think Council should be so heavy handed in the penalty; the penalty is not fair or democratic.

Mayor Ezzy Ashcraft stated the matter may return to the OGC.

Councilmember Daysog stated that he has concerns over the Null and Void provision; the OGC does not have the power to declare matters Null and Void; when the OGC challenges a Council decision, the decisions must be put in abeyance.

Vice Mayor Vella expressed support for the recommendations; stated there have been several lively conversations with the OGC; the ordinance has been in place for over one decade; a number of things may need to be changed going forward; the OGC and Sunshine Ordinance came about from large-scale community conversation; there have been proposals and differences in opinion on what may or may not be within the confines of the City Charter; if constituents are interested in seeing certain things change, proposals to take action through amending the Charter or other alternatives can occur via robust community conversation; it is a good time to make changes; a tremendous amount of effort has been put forth in the proposed language before Council; she is prepared to support the matter; expressed support for all members of the OGC through the years; stated a substantial amount of time has been put into the matter; an ordinance has been put forth which will ensure the City is as open and transparent as possible; she would like to encourage Council, the OGC, staff and the community to have a larger discussion on the meaning of open government.

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

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:47 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

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

Mayor Ezzy Ashcraft convened the meeting at 7:47 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

(21-524) Mayor Ezzy Ashcraft stated that she would like to hear the nominations [paragraph no. 21-525] next.

Councilmember Herrera Spencer proposed moving up the legal notices item [paragraph no. 21-559], the referral on Alameda Point housing constraints [paragraph no. 21-566], and the referral on the Regional Housing Needs Allocation (RHNA) [paragraph no. 21-567]; stated the matters are important to provide direction to staff regarding the Housing Element.

Mayor Ezzy Ashcraft encouraged all Councilmembers to be as economical with comments in order to move expeditiously through the agenda; expressed concern about moving up Council Referrals.

Councilmember Knox White moved approval of moving up the nominations to the top of the meeting and leaving the rest of the agenda in-tact.

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

COUNCIL COMMUNICATIONS

(21-525) Mayor's Nominations for Appointment to the Golf Commission, Housing Authority Board of Commissioners, and Library Board.

Mayor Ezzy Ashcraft nominated Robert Lattimore for appointment to the Golf Commission and Dimple Kanji and Sara Strickler for appointment to the Library Board.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(21-526) Mayor Ezzy Ashcraft made an announcement regarding Alameda Firefighters being dispatched to various wild fires; acknowledged and thanked: Dave Port, Jacob Zinn, Brock Liebhardt, Gustavo Lopez, Byong Kim, James Pagnini, Garret Indrebo,

Ryan Tunney, Dallas Andrews, Troy McNeil, Daniel Martin, Daniel Dias, Kyle Garcia, Joshua Sanders and Timothy Elliott.

ORAL COMMUNICATIONS, NON-AGENDA

(21-527) Josh Altieri, Alameda Housing Authority (AHA), announced the opening of the housing voucher waitlist for both the Housing Choice Voucher Program and the Project-Based Voucher Program; stated the programs are for physical units in the City of Alameda; urged all interested parties to apply; stated the waitlist will open at 8:30 a.m. September 10th and will close 12:00 p.m. on September 20th; the waitlist application is available online only; four application centers are available for those without access to the internet or a mobile phone: Mastick Senior Center, Alameda Free Library, Alameda Boys and Girls Club and the Alameda Point Collaborative; online and phone line customer support is available in five multi-lingual options; reasonable accommodations can be made for those with disabilities; outreach is being provided.

Mayor Ezzy Ashcraft inquired whether those without internet access are at a disadvantage.

Mr. Altieri responded AHA will work with people; stated reasonable accommodation needs must be submitted; AHA staff will work to find a solution in order for people to complete the application.

Mayor Ezzy Ashcraft inquired the method people will obtain information.

Mr. Altieri responded people can call the AHA; online and phone support is available for 12 hours per day beginning September 10th.

(21-528) Bradley King, Alameda, urged Council to end the Slow Street program; stated that he thought the program would be temporary; the program is well-meaning; however, has not served its purpose; the traffic barriers at the end of streets should be used to indicate large holes and cause problems with the intersections; noted the right-of-way is unknown at the intersections; less attention is being paid to pedestrians; expressed concern about allowing recreation to occur in designated slow streets; traffic does not seem to be significantly decreased on slow streets; urged Council rotate the designated slow streets if the program is not ended.

(21-529) Jay Garfinkle, Alameda, discussed flooding on the East Coast; stated areas with improved maintenance experienced less basement flooding; discussed Harbor Bay Isle development flooding; questioned whether ongoing activities are being held locally to ensure the City is ahead of disasters; discussed publicity for adverse Police events across the country; stated that he would like to hear the findings and details of the Mario Gonzales autopsy.

CONSENT CALENDAR

The City Clerk announced the Resolution for Community Facilities District 13-1 [paragraph no. 21-548] was removed from the Consent Calendar.

Discussed the Bills for Ratification; questioned whether the vehicle replacements listed in the Bills are all electric vehicles; discussed State all-electric vehicles sales by 2030; questioned whether the City has considered purchasing all-electric only vehicles and whether the approach fits with City goals; discussed cell phone bill amounts; questioned high cell phone bill amounts; Carmen Reid, Alameda.

Councilmember Herrera Spencer announced that she would like the Bills for Ratification [paragraph no. 21-531], the Agreement with Eden Information & Referral, Inc. [paragraph no. 21-534], the First Amendment with Akerman LLP [paragraph no. 21-538], the Revised Vehicle Replacement Policy [paragraph no. 21-543], and the American Rescue Plan 2021 [paragraph no. 21-544] matters pulled from the Consent Calendar for discussion.

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

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; 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.]

(*21-530) Minutes of the Continued June 15, 2021 Meeting, the Special City Council Meeting and the Regular Meeting Held on July 6, 2021. Approved.

(21-531) Ratified bills in the amount of \$17,856,432.45.

Councilmember Herrera Spencer inquired whether the vehicle replacements are all-electric.

The City Manager responded several vehicles have been approved; stated the Public Works Director is able to provide further information.

Councilmember Knox White stated that his understanding of the matter is to ratify that the appropriate people have signed off on the bills; the matter is not a place for Council to question each listed charge; if Councilmembers have questions about charges, the questions can be asked outside of the meeting; discussing the matter is off-topic and violates noticing requirements.

Mayor Ezzy Ashcraft outlined the memorandum included in the bills from the Finance Director.

Vice Mayor Vella stated Council has conflated different items; expressed concern over noticing requirements.

Councilmember Daysog stated residents and Councilmembers are within their rights to scrutinize the detailed payments and revenue items within the ledger; the point of the Bills is for people to see how the City is spending money; it is good courtesy on the part of Councilmembers to ensure a discussion on the matter occurs with staff prior to the meeting; noted the ledger is detailed and contains many transactions; it is understandable if staff is unable to respond to questions on the spot due to the detailed nature of the report; staff can return with further details at a later time.

Councilmember Herrera Spencer stated the vehicles are listed on page 3 of the check register; inquired whether the listed vehicles are electric.

The Public Works Director responded the Bills list items which have already been purchased and the expense incurred; outlined the vehicle purchase policy and Administrative Policy 48; noted all sedan and compact vehicles are to be replaced with alternative fuel vehicles when up for renewal; in certain cases a hybrid is purchased; most of the compact and sedan vehicles to be replaced will be electric; the Electric Vehicle (EV) market is not yet sufficient for the light and heavy duty and emergency vehicle needs; each time staff renews a vehicle, research is completed to determine suitability; the vehicles referenced in the Bills are for three maintenance service trucks, which do not meet the EV purchasing requirements; purchase request were previously brought to Council; the vehicles are not EV due to the market not allowing for such purchase to be made.

Councilmember Knox White moved approval of the bills.

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.

(*21-532) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending March 31, 2021 (Funds Collected During the Period October 1, 2020 to December 31, 2020). Accepted.

(*21-533) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending June 30, 2021 (Funds Collected During the Period January 1, 2021 to March 31, 2021). Accepted.

(21-534) Recommendation to Authorize the City Manager to Execute a Six-Year Agreement with Eden Information & Referral, Inc. for an Amount Not to Exceed \$700,000 to Provide a Transportation Network Company (TNC) Concierge Service as Part of the City's Paratransit Program.

Councilmember Herrera Spencer stated it is important for the public to understand the matter; the matter speaks to using Uber and Lyft as TNC for the paratransit program; inquired the vetting process used for Uber and Lyft drivers and whether special training

will be provided; expressed support for the needs of the paratransit program participants' being met.

The Senior Transportation Coordinator responded staff is providing a recommendation for Eden Information and Referral, Inc. (Eden I&R) to provide a TNC concierge program; stated Eden I&R will act as the third party provider that will book trips for community members as well as providing monitoring and evaluation of trips; Eden I&R will help users through the process from beginning to end; the program targets the most vulnerable population; the program is replacing the former taxi subsidy program; the program is risk-averse and is the right time to provide the service.

Mayor Ezzy Ashcraft expressed support for the work of Eden I&R.

Alison DeJung, Eden I&R, stated Eden I&R has been operating a similar TNC program for the City of Hayward for a little over one year; most of the other cities in Alameda County provide a similar program for profit called Go-Go Grandparent; the program is a natural fit and provides the same callers with third party assistance and scheduling; the approach is holistic; there are valid questions and concerns about liabilities with Lyft and Uber; the City Attorney for the City of Hayward offered to connect with the City Attorney for the City of Alameda.

Councilmember Herrera Spencer stated that she has not always had the best experience in using Uber; she would like to know how the drivers are being vetted and monitored; questioned whether there is a way to provide feedback from the consumer after each ride if a bad ride is experienced; expressed concern about the term of the contract.

Ms. DeJung responded the concern over the feedback loop has come up in City Commission meetings; Eden I&R's goal for the transportation division is to implement a more robust feedback loop from clients.

Lobsan Barrera, Eden I&R, stated the difference between Eden I&R and those using Uber and Lyft on their own is the attention provided; the program provides extra security for the client; the average pickup time in the transportation department is 12 seconds; Eden I&R has special health accounts, which differ from normal accounts; Eden I&R is only supplied with 4.0 out of 5.0 star rated drivers; any issues that occur during the ride are reportable to Eden I&R by dialing 2-1-1; the issues are relayed to Uber and Lyft; responses from Uber and Lyft are provided within 20 to 30 minutes; many success stories over the year have been provided from the City of Hayward; Eden I&R staff does not solely focus on patching rides, but also reviews and supervises the ride of each client from beginning to end; any discrepancies or suspicious activities are reviewed to ensure and confirm the safety of riders.

The Senior Transportation Coordinator stated some jurisdictions do not use third party providers and work directly with TNC's; staff is adding the extra layer of security for the most vulnerable population.

Councilmember Daysog expressed support for the City working with Eden I&R; stated Eden I&R has a long history of providing social and mental health referrals; outlined United Way of the Bay Area utilizing Eden I&R as a resource; stated 2-1-1 provides a position to deliver information to types of services needed; the information is not always available in a one-stop area; the matter is a great opportunity and Alameda will put in safeguards to avoid bad experiences.

Councilmember Daysog moved approval of the staff recommendation.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Knox White expressed support for the matter; stated that he does not typically support TNC's; however, the use is something to support.

Vice Mayor Vella stated that she will not be supporting the matter; she has a number of concerns over liability issues and the TNC companies; the City needs to find a way to partner and ensure that care is provided to vulnerable community members; she does not want to provide the partnership at the expense of TNC workers not getting things such as worker's compensation coverage; expressed support for the work and partnership of Eden I&R.

Councilmember Herrera Spencer inquired whether staff can confirm the drivers are not being allotted worker's compensation.

Mayor Ezzy Ashcraft noted a court decision has challenged Proposition 22; stated that she would like to take a vote on the matter.

Councilmember Herrera Spencer made a friendly amendment to the motion to include an update after the first year, which includes feedback from the population being served.

Councilmember Daysog stated that he will defer to staff on the annual report.

The Senior Transportation Coordinator stated the annual report is included within the staff report.

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

(*21-535) Recommendation to Accept the Semi-Annual Report for the Period of January 1, 2021 Through June 30, 2021, on 1) Litigation and Liability Claims Settlements, 2) Workers' Compensation Settlements, 3) Personnel Settlement, and 4) Whether Any Records Previously Withheld from Disclosure Have Now Become Available to the Public. Accepted.

(*21-536) Recommendation to Authorize the City Manager to Execute a Two-Year Agreement, in an Amount Not to Exceed \$250,000, with Alameda Family Services for Student and Family Mental Health Services. Accepted.

(*21-537) Recommendation to Authorize the City Manager to Execute a One-Year Agreement with Terraphase Engineering for Environmental Consulting Services at Alameda Point in an Amount Not to Exceed \$147,458 for the First Year, with the Option of Four One Year Extensions for a Total Five Year Agreement in an Amount Not to Exceed \$517,909. Accepted.

(21-538) Recommendation to Authorize the City Manager to Execute a First Amendment with Akerman LLP, Similar in Form to Exhibit 1 Attached, for Federal Legislative Services for a Term of 13 Months with Two One-Year Options to Extend, and Compensation for the First Amendment Not to Exceed \$97,500 and Total Four-Year Compensation Not to Exceed \$367,500; and

(21-538 A) Recommendation to Execute a First Amendment with Clear Advocacy, LLC, Similar in Form to Exhibit 2 Attached, for State Legislative Services for a Term of 12 Months with Two One-Year Options to Extend, and Compensation for the First Amendment Not to Exceed \$90,000 and Total Four-Year Compensation Not to Exceed \$322,500.

Councilmember Herrera Spencer stated that she pulled the matter from Consent in order to bifurcate the matter and vote separately on the contracts.

Vice Mayor Vella moved approval of the agreement with Akerman.

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.

Councilmember Knox White moved approval of the agreement with Clear Advocacy.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated that he believes a list of items were to be included for the State advocate to look into; noted that he does not support several matters listed; he will not support the motion.

Councilmember Herrera Spencer expressed concern about Clear Advocacy looking into the Surplus Lands Act; stated the Surplus Lands Act should apply; the City should not be contesting use of the Surplus Lands Act at Alameda Point; the Act goes to providing affordable housing at Alameda Point.

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

Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(*21-539) Recommendation to Authorize the City Manager to Remit Payment in the Amounts of \$910,525 and \$655,752 to the East Bay Municipal Utility District (EBMUD) for Alameda Point's Adaptive Reuse Areas Phase 1 and Phase 2 Water Main Extensions, Respectively. Accepted.

(*21-540) Recommendation to Accept the Work of Redgwick Construction for the Otis Drive Traffic Calming and Safety Improvement Project, No. P.W.05-20-29. Accepted.

(*21-541) Recommendation to Authorize the City Manager to Execute a Second Amendment to the Agreement with Coastland Civil Engineering for City Engineering Services, in an Amount Not to Exceed \$100,000 for an Aggregate Amount Not to Exceed \$249,500. Accepted.

(*21-542) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with NBS for Sewer Service Charge Tax Roll Administrative Services in an Amount Not to Exceed \$278,108.44. Accepted,

(21-543) Recommendation to Authorize the Purchase of Six Vehicles Consistent with Revised Vehicle Replacement Policy in Amounts Not to Exceed \$93,377 from Freeway Toyota for Three Hybrid Vehicles, \$74,984 from Cromer Material Handling for Two Forklifts and \$311,598 from Leader Industries for One Ambulance.

Councilmember Herrera Spencer stated that she is concerned about the location of Freeway Toyota; inquired whether there are local Toyota companies which can provide vehicles.

The City Manager responded Freeway Toyota is the State bid winner for the vehicle type.

The Fleet Supervisor stated the contracts are State contracts, specifically California Multiple Award Schedule (CMAS), which is conducted by the Department of General Services (DGS); the companies and dealerships are based in California; staff did not reach out to local Toyota businesses; the State contract moves a high volume of vehicles which have a better price reduction from the manufacturer.

Councilmember Herrera Spencer noted the vehicles are Toyotas; inquired whether another local vendor would be able to sell the vehicles at the rate of roughly \$31,000 per vehicle.

The Fleet supervisor responded most local dealerships are focused on selling vehicles to the general public versus operating fleet sales; fleet operation sales make substantially less on individual vehicle; the vendor is able to sell many vehicle units and is therefore able to get a reduced price from Toyota; staff can reach out to a local

vendor; however, the dealership will not likely want to sell a vehicle for far less than what the general public would offer.

Councilmember Daysog moved approval of the staff recommendation.

Councilmember Knox White 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.

(21-544) Resolution No. 15805, "To Increase Expenditure Appropriations in the American Rescue Plan 2021 Project (96034/C9930) in the Capital Projects Fund (310) by \$23,625 for the Feed Alameda Program to Provide Alameda's Most Vulnerable Residents with Hot Meals and to Provide Support to Alameda Restaurants." Adopted.

Councilmember Herrera Spencer stated one restaurant provider was excluded from the program due to not serving hot meals, only cold meals; noted that she consumes cold meals; inquired whether the requirement to provide hot meals is included in the program; questioned whether the City has discretion and flexibility to include offering cold meals as part of the program.

The Economic and Community Services Manager responded the program called for hot meals, which is the reason for the exclusion of one restaurant; stated staff can include the restaurant if Council wishes to include the cold meal option; the restaurant indicated does not have a hot meal option.

Mayor Ezzy Ashcraft stated the guidelines are set forth by the State Department of Agriculture and the Great Plates program; the criteria is similar in requiring fresh fruits, vegetables and excluding sugary drinks; there are nutritional requirements for the program.

The Economic and Community Services Manager stated the program started in the middle of winter, indicating the need for hot meals.

Councilmember Herrera Spencer stated fresh fruits and vegetables can be included in salads without being heated.

Councilmember Herrera Spencer moved adoption of the resolution, with the addition of the restaurant that serves cold meals as long as the nutritional requirements are satisfied.

Mayor Ezzy Ashcraft inquired whether the motion includes approval for any increase in costs to provide the additional meals; questioned how many meals are being provided at a time by restaurants.

The Economic and Community Services Manager responded 105 meals; stated the amount has increased due to need.

Mayor Ezzy Ashcraft stated the program has been successful and popular; the program helped give local restaurants a lifeline and has provided nourishing meals to some of the most vulnerable population.

Councilmember Knox White stated the discussion now includes program design, selecting specific entities, and providing direction on expenditure approvals; questioned whether Council is yet again outside of the scope of the matter; stated the topic is an appropriations request.

Mayor Ezzy Ashcraft stated the discussion is close; there is a specific dollar amount of appropriation being asked for approval; adding the cold meals would increase the approval request; expressed support for the motion being fashioned to include the flexibility of adding the additional expenditure.

Councilmember Herrera Spencer stated that she is happy to include the additional costs in her motion.

Vice Mayor Vella expressed concern about transparency; stated that she would like the matter approved with direction provided to staff to come back with the additional changes.

Mayor Ezzy Ashcraft stated Vice Mayor Vella is correct; noted comments related to transparency have been heard from the Open Government Commission (OGC); Council does not want to invite another OGC complaint.

The City Attorney stated if Council makes changes to the matter, the change must be for expenditures; Council may change the resolution dollar amount; if Council wishes to make programmatic changes, direction to staff can be provided and staff can work to either bring the matter back or work within the existing budget; Council is currently being asked to approve funding for the program.

Mayor Ezzy Ashcraft inquired whether the City Attorney feels the noticing for the matter is sufficient so as to not invite an OGC complaint.

The City Attorney responded anything can invite an OGC complaint; stated even a perfectly correct agenda can invite a complaint; Council may change the funding since the matter is Council approval of funding for the program; now is the time to increase or decrease funding for the program.

Mayor Ezzy Ashcraft noted the program is coming to its conclusion.

Vice Mayor Vella stated an increase in funds does not necessarily mean a change to the program requirements; side direction to have the matter return to Council needs to be provided; inquired whether the allocation of funds can be returned if the need arises and whether the timeline has passed in order for staff to make changes to the program.

Mayor Ezzy Ashcraft inquired whether the change from hot to cold meals requires some sort of permission from Council.

The Economic and Community Services Manager responded the change can be discretionary; stated the increase falls under the City Manager's spending limit; the City Manager can give direction for staff to follow up based on the concerns raised by Council; if Council increases the budget to include an additional \$2,625 for a program total of \$26,250, the matter can be settled.

Since there was no second to Councilmember Herrera Spencer's motion, Vice Mayor Vella moved approval of adding the \$2,625 to the program total [including adoption of the resolution].

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Knox White inquired the restaurant being added to the program, to which the Economic and Community Services Manager responded Jay's Coffee and Tea.

Vice Mayor Vella stated that she would like staff to return to Council if direction for program changes are needed.

On the call for the question, the motion 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.

(*21-545) Resolution No. 15806, "Amending Resolution No. 12121 Setting the Order of Business for Continued Items of City of Alameda City Council Meetings." Adopted.

(*21-546) Resolution No. 15807, "Amending the Management and Confidential Employees Association (MCEA) Salary Schedule to Add the Classification of Principal Financial Analyst; Amending the Alameda City Employees Association (ACEA) Salary Schedule to Retitle the Traffic Signal Maintenance Technician to Traffic Signal/Pump Station Maintenance Technician; Upgrading One Senior Management Analyst to Principal Financial Analyst; Upgrading One Public Works Maintenance Foreperson to Traffic Signal/Pump Station Maintenance Technician; and Upgrading one Economic and Community Services Manager to Development Services Division Manager, Effective September 12, 2021." Adopted.

Note: Councilmember Herrera Spencer recorded a no vote, so the item carried by the following vote: Ayes: Councilmembers Daysog, Knox White, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(*21-547) Resolution No. 15808, "Continuing the Declaration of the Existence of a Local Emergency in Response to the COVID-19 Pandemic, Consistent with Government

Code Section 8630(c).” Adopted.

Note: Councilmember Herrera Spencer recorded a no vote, so the item carried by the following vote: Ayes: Councilmembers Daysog, Knox White, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(21-548) Resolution No. 15809, “Authorizing the Issuance of City of Alameda Community Facilities District (CFD) No. 13-1 (Alameda Landing Public Improvements) 2021 Special Tax Subordinate Bonds in an Amount Not to Exceed \$24,585,000, and Approve Related Documents and Actions.” Adopted.

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.

(*21-549) Ordinance No. 3303, “Amending the Alameda Municipal Code by Amending Chapter 30 (Zoning Ordinance) to Modify Public Art Requirements, as Recommended by the Planning Board.” Finally passed.

REGULAR AGENDA ITEMS

(21-550) Resolution No. 15810, “Appointing Robert Ferguson as a Member of the Public Art Commission.” Adopted;

(21-550 A) Resolution No. 15811, “Appointing Jennifer Hoffecker as a Member of the Public Art Commission.” Adopted; and

(21-550 B) Resolution No. 15812, “Appointing Peter Platzgummer as a Member of the Public Art Commission.” Adopted.

Vice Mayor Vella moved adoption of the resolutions.

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.

Ms. Hoffecker and Mr. Platzgummer made brief comments and the City Clerk administered the Oath of the Office.

Mayor Ezzy Ashcraft called a recess at 9:02 p.m. and reconvened the meeting at 9:18 p.m.

(21-551) Public Hearing to Consider a Call for Review of the Planning Board’s Final

Decisions at the July 26, 2021 Meeting to Approve (1) Design Review Application No. PLN21-0077 for an Approximately 29,810-square-foot Medical Respite Facility at 1245 McKay Avenue and (2) Draft Meeting Minutes from the June 14, 2021 Planning Board Meeting; and

(21-551A) Resolution No. 15813, "Approving Design Review Application No. PLN21-0077 to Allow the Construction of an Approximately 29,810-Square-Foot Medical Respite Facility at 1245 McKay Avenue. Adopted.

Stated that she is outraged about the calculated targeting of the Wellness Center project; she understands a small matter related to the Zoom meeting will be brought up; the call for review is morally wrong and will cost the City another \$5,000; the attempt to stall the project is inane; Marilyn Rothman, Alameda.

Stated it is evident that the Planning Board meeting agenda listed a non-functioning telephone identification (ID) number; the incorrect number precluded full public participation; public participation is protected under State laws; outlined alterations to the agenda, meeting ID and the Ralph M. Brown Act; stated the public shall not be required to register as a condition of attendance; urged Council to direct the Planning Board meeting be re-agenized; Carmen Reid, Alameda.

Discussed the project facility being detailed as reuse versus demolished; outlined financial incentives for demolition, development fees and construction costs; stated new construction costs are more than reuse costs; expressed concern over tax payer dollars going towards a County facility and the future sale of buildings; stated future owners of the facility will not have an obligation to provide homeless services; expressed concern about public land being in private hands providing only temporary homeless services; discussed conflict of interests and Alameda veterans' priority at the facility; stated a significant portion of the site is in the tsunami zone; asbestos removal will be time consuming and costly; destruction of historic structures will delay construction; the facility can be built faster in another location; Harvey Rosenthal, Alameda.

Stated the people of Alameda voted to approve the Wellness Center a long time ago; the delays are shameful and need to stop; Jennifer Taggart, Alameda.

Stated there is a flaw in the noticing; the issue is complicated and controversial; people are asking for a remedy and for the meeting to be rescheduled; expressed support for those requesting that the meeting be re-heard to allow those that were not given the chance to speak the opportunity to do so; Apple Strudel, Alameda.

Stated the matter is an obvious delay tactic; the approach is cruel; members of the public have had many opportunities to weigh in on the matter including the vote to pass Measure A; the Wellness Center will eventually be built; discussed deaths due to project delays; Josh Geyer, Alameda.

Stated his comment is his 18th appearance before the City Council, a Board or a

Commission to discuss the Wellness Center; the decision is easy; Council cannot claim a meeting was not properly noticed and only impacted one item on the agenda; the numerous letters and comments received from the public speak volumes about the attempt to deny services for unhoused neighbors; it is irresponsible to force the costs of a call for review onto taxpayers instead of the appellants; announced that he has signed a lease extension with the United States Department of Health and Human Services (HHS) which will take the project through financing and conveyance; urged the delays be stopped; stated the project has support at the federal level; urged Council to work with him to create a center of excellence: Doug Biggs, Alameda Point Collaborative.

Stated the matter is not a complicated issue; the City does not need to re-litigate every delay tactic and obstruction to the project; the matter has been voted on and debated; urged Council to do its job and let the Wellness Center happen; stated delays present more harm to the community: Jenice Anderson, Alameda.

Discussed a letter from Yes in my Backyard (YIMBY) law; stated Council could be violating the five cap limit on having public meetings concerning related matters: Zac Bowling, Alameda.

Vice Mayor moved approval of upholding the Planning Board decision.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Knox White stated the matter is a de novo hearing; Council is re-hearing the matter which has been noticed accordingly; the matter is an opportunity for anyone that had been unable to attend the Planning Board meeting, to raise any concerns; he would like to hear reasons for the incorrect noticing of the meeting only affecting specific items.

Councilmember Daysog stated there are residents supportive of the proposed facility; he understands the necessity of the facility; there is a clear indication of support for the facility; facilities coming to fruition requires a process and democracy in which residents are made aware of and able to participate in actions; the core is a necessity of making information available about upcoming meetings; the notices must have the proper information that allows people to participate; a mistake in the noticing of the agenda precluded participation for some members of the public; he joined Councilmember Herrera Spencer in ensuring a re-publishing of the agenda to allow full participation; the Planning Board meeting included other matters on the agenda, which were designated as time-sensitive and not included in the Call for Review; the Wellness Center matter could be delayed without changing the substance of the matter; the delay is not an attempt to stop the project; he believes the matter has been settled by the people in the recent vote of Measure A; the people are supportive of the project; expressed concern about the topic of reuse versus demolition; noted that he voted against demolition of the facility site; state the City should go forth with one more step in re-agendizing the matter for public input; tonight is an opportunity for the public to weigh-in on the matter.

Councilmember Herrera Spencer stated the two items on the Planning Board agenda were Consent Calendar items; noted the Penumbra matter did not received any comment and was set to close the following day; the matter related to noise had multiple hearings; the Wellness Center design review was the first and only hearing related to design; she listened to the Planning Board meeting in real-time; a caller indicated difficulty with the phone number listing error; the phone number error was raised during the meeting; the Planning Board Chair noted all comments must be related to design only; the matter is important to the community; the City has allowed phone participation and has created agendas with the correct meeting ID for phone participants; expressed support for open government and democracy; stated it is critical for agendas to include the correct meeting ID to hear from public phone participants; it is wrong not to have the correct meeting ID included on the agenda; phone participants experienced problems trying to call-in.

Mayor Ezzy Ashcraft inquired whether the importance of open government and democracy does not apply across the board.

Councilmember Herrera Spencer responded there is some discretion for Council to allow the movement and progress of items; stated a delay would have resulted in the hold up of a sale or transfer of property, which had received zero feedback from the community in advance or during the meeting.

Mayor Ezzy Ashcraft inquired how one would know whether or not a member of the public had tried to comment on the matters pulled from the Call for Review due to dialing the incorrect number.

Councilmember Herrera Spencer responded there has been zero communication received to-date of someone attempting to call-in on either of the items pulled from the Call for Review.

Mayor Ezzy Ashcraft stated that her understanding from the correspondence attached to the matter is that the two items had been pulled based on requests submitted from proponents.

Councilmember Knox White stated that he does not buy the reasoning; there cannot be the suggestion of a problem with one matter but not others; the matter is a clear, targeted Call for Review; the matter is unfortunate and shameful; Council has heard a lot of concerns about abuse of rules in open government complaints; noted people who had issues accessing the Planning Board meeting have not called; the only complaint received was from a caller who had an issue with the first meeting ID; the caller called in a second time, broke protocol for engagement in public meetings and continued to comment after speaking time h; the precedent being set is problematic; expressed support for providing direction to staff to have discussions about when Calls for Review are appropriate; the decision of the Planning Board is not part of the Call for Review; the issue should have been filed as an open government complaint, not a Call for Review; comments at this meeting are from the same participants at the Planning Board

meeting; meetings are not being completed due to larding up a political show and tell; he is frustrated and has worked hard to help move unsupported matters along in the agenda; expressed concern about wasting time; stated there have been 18 hearings on the project; the design for the project has not been addressed in any comments; it is time to let projects, which conceptually have had support from voters, move forward.

Mayor Ezzy Ashcraft stated that she would like Council to direct the City Attorney's office to work with Planning Department staff to consider limiting appeals on projects which address homelessness; Council will never accomplish what is needed as a City to address homelessness if there continues the approval process continues to be stretched for projects; expressed support for comments indicating a calculated targeting to stall the Wellness Center project again, which is morally wrong and costly; there is no other reason the other two matters were pulled from the Call for Review and not the Wellness Center; she would like City staff to look into whether the issue of design review decisions should be appealable to the City Council; design review decisions being appealable to City Council is not universal among cities; outlined a League of California Cities Statewide Policy Committee meeting tour of Corsair Flats; noted some of the veterans housed in the units had been on the street for ten years; some people live and die on the street in the same period of time; it is morally wrong to throw specious roadblocks in the way to appease a few disgruntled community members that cannot get over the fact that the project has been approved time and time again; ensuring the delay does not happen again will take some redesigning of process.

Councilmember Daysog stated the core of the issue and reason for Councilmember Herrera Spencer and himself to bring the matter forth is not to target the facility, but due to a mistake in the agendizing of the matter and the wrong telephone number being listed; he does not know how many people might have called and decided not to follow through due to the incorrect number; it is imperative that projects with high stakes have City Hall to get the low hanging fruit correct; he believes that he is right to point the error out and Call for Review; expressed support for seeing the facility moving forward; stated the City must meet the minimum standards of getting information out correctly for a full discussion and for democracy to work; expressed support for the enthusiasm the project garners and for seeing the project built; stated the other items on the Planning Board agenda were time sensitive and had to be reasonably decided not to be included in the Call for Review; the matter is settled and the project will move forward.

Vice Mayor Vella stated shame on Council for having many hearings on the same project and not streamlining the process; the project is in her backyard and she is proud ; all should be proud for the project which has currently withstood 18 public hearings; expressed support for Mayor Ezzy Ashcraft's comments related to looking at the City's process and whether Calls for Review should be allowed or permitted for design review; Council needs to get back to business; the project has been decided and has overcome a lot of hurdles; the project is not high stakes; Council has made the project much more difficult than it needs to be; she disagrees with her colleagues that time is not of the essence for the project; the City does not have services for the most vulnerable community members and does not have adequate housing with end of life care; said

services will be provided by the Wellness Center; Council needs to not be the ones causing issues relative to the project moving forward; arguments that have been made for exempting other matters do not stand muster; other matters of particular concern on the agenda need to be discussed; she hopes the Call for Review is the last political stunts to try and stop or impede forward movement on the Wellness Center.

Councilmember Herrera Spencer stated that she disagrees with the comments made about Councilmember Daysog and herself by her colleagues; she believes the matter is appropriate to bring forth; the personal attacks against Councilmember Daysog and herself from fellow Councilmembers are unfortunate; changes to the rules can come before Council; Councilmembers currently have the ability to submit Calls for Review; it is critical that phone numbers and the ability to participate in meetings is properly noticed.

Mayor Ezzy Ashcraft expressed support for making changes in the rules; stated direction has been given to staff to look into possible changes.

The Assistant City Attorney inquired whether two separate motions would be desired by Council; one to approve the minutes and one to approve the resolution.

Vice Mayor Vella and Councilmember Knox White agreed to bifurcate the motion to approve the minutes separate from the project and resolution.

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

On the call for the question regarding the project and resolution, 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. Abstentions: 1.

(21-552) Recommendation to Provide Further Direction to Staff Regarding the Allocation of \$28.68 Million of Funding from the Federal Government Through the American Rescue Plan Act of 2021 to Assist with Recovery from the Impacts of the COVID-19 Pandemic.

The Senior Management Analyst gave a Power Point presentation.

Councilmember Daysog expressed support for City staff guiding Council through the process; stated it is not every day that the Federal Government drops any amount of money, let alone \$28 million divided into two different tranches; expressed support for the staff recommendation for the use of \$15 million toward the ground-up build of the hotel acquisition; stated the City has made incredible headway with regard to implementing national leading homelessness prevention programs in Alameda; he sees the possibility of building a new facility with the assistance of \$15 million as continuing

the leadership Alameda has shown; the other recommendations follow the list of priorities; expressed support for the wireless item being honed in regarding delivery and leadership by the Library Department; stated libraries are natural wireless hubs.

Councilmember Knox White stated that he appreciates the focus on homeless combinations; he is interested in pursuing something that looks like the bottle parcel and a transitional use located at the Big Whites; expressed support for looking into resiliency and transitional uses for the Carnegie Library and for pursuing funds to support the Alameda Point Collaborative (APC) and a rebuild of the substandard housing; stated the APC housing is in desperate need of work; expressed support for looking into a Universal Basic Income (UBI) in year two; Council has an opportunity to figure out how to provide and move forward UBI; outlined State rental and landlord assistance; stated many affected by COVID-19 have outstanding medical costs and other costs; expressed support for looking into a program to assist the currently housed from not becoming unhoused; questioned whether there is information from programs run by the City which will help identify potential needs that are currently not being met; expressed concern over developing a program for a small amount of people; stated if a significant number of people are identified, he would like to provide support.

Vice Mayor Vella stated that she supports Option 1; she would like to look at alternatives; she appreciates looking at a ground-up project at the bottle parcel; however, she does not want to be limited to the two locations to figure out how to add more housing stock; she would like to consider community and public land trust options; the land trust options will keep the affordable housing stock and keep people housed; land trusts do not require the City to go out and acquire or build ground-up; she would like to add direction for land trust provisions; questioned the alternative plans available if a matter falls through; stated Council should consider a land trust regardless of American Rescue Plan Act (ARPA) funding.

Councilmember Herrera Spencer expressed support for staff reaching out to the Alameda Housing Authority (AHA) and for an eviction prevention and rapid rehousing fund for Alameda residents; stated the matter lends itself to comments provided by Councilmember Knox White; the recommendation to have \$2 million managed by a local non-profit to assist households impacted by COVID-19, eviction or other housing issues; finding new housing and preventing displacement is important and is her first priority; the money could immediately help families stay in their homes and deal with preventing displacement; her second priority is under the AHA to jumpstart construction of 90 units of permanent supportive housing at an estimated cost of \$8 million to expedite the first two phases; AHA has a purchase or lease-to-own of existing multi-family suites; the summary for the matter does not include a timeline; however, the project uses existing buildings with a price per unit of approximately \$370,000; the units are described as move-in ready; the timeline is assumed to be fast; she thinks the AHA does a good job; outlined AHA's previous administration under the City; stated it is appropriate for the City to work with AHA; expressed support for the wireless hotspot lending program one-time cost of \$50,000 and \$3,600 annually; she has been asking for wireless hotspots for years in order to help people who do not have internet access;

COVID-19 has shown how important it is for families to have internet access; since people are not able to participate at meetings in person, wireless hotspots continue to be an important need; schools have tried to step up; however, not every family has children attending schools offering assistance and not every family has children; seniors have especially been left out during COVID-19; expressed concern about the hotel acquisition; stated the hotel is a revenue generating asset which produces Transient Occupancy Tax (TOT) for the City and is one of the few hotels in the City; TOT is important to the City; the hotel is operating and generating revenue for the City; she has concerns about removing one of the few hotels that produces a higher level of tax dollars for the City as opposed to looking at other ways of housing those who are unhoused and in need of transitional housing; taking away tax revenue defeats the purpose; the City needs income in order to be able to provide services; she is not sure the bottle parcel is the best use; she would like more information related to the fastest timeline to provide housing; the AHA housing proposals could very well be the quickest to get online; the AHA proposal will likely be the most effective use of any dollars and meet the needs as opposed to the City working alone without the AHA; expressed support for continuing the Feed Alameda program.

Mayor Ezzy Ashcraft stated that she strongly objects to any expenditure to AHA at this time; she would like more information including how much ARPA money AHA has received and why AHA would need the City's ARPA funding; there has been reference to the possibility of AHA completing the North Housing project sooner if the City provides ARPA funding; however, the North Housing project was conceived without ARPA funding; she does not know whether the intent is for AHA to get cheaper money due to zero finance charge from the City; if the funding is needed as supplemental funds, the funding would become a loan; she strongly agrees with Vice Mayor Vella that a community housing trust is something many cities have done; the trust allows the City to purchase properties; the AHA accomplished one transactions recently; however, AHA can find an apartment building for sale and guarantee a certain number of units will remain affordable for a certain amount of time; there is no reason the City cannot do the same; expressed support for the City working with a partner; expressed concern about eviction protections offered by AHA; outlined AHA eviction cases; stated AHA has not helped find alternative housing for some; she feels as though there are complexities associated with AHA; there are enough important matters requiring funding from the first tranche in Option 1 ; expressed support for not extending funds without safeguards in place for AHA at this time, for allocating some ARPA funds to Alameda Sun as a business which has been impacted by COVID-19 and for transitional housing; outlined the supportive transitional housing program; inquired whether the location for the program is the bottle parcel or an alternate location.

The Assistant City Manager responded the location could be the bottle parcel; stated the idea is to put up temporary housing which can be put up quickly for fast services; the site can move around; the bottle parcel is ideal as a location.

Mayor Ezzy Ashcraft outlined a visit to a transitional housing development in the City of Mountain View; stated the units look like containers, are insulated and have Heating,

Ventilation and Air Conditioning (HVAC) systems; family housing is combined in separate ends of the development; there is need for unites for single adults and for couples; the Carnegie Library is not ideal for transitional housing; the ideal location for transitional housing would include a little outdoor space; the Carnegie Library might be better as a navigation center; expressed support for allocating money for transitional housing; stated the bottle parcel is a great location and is close to many services; every transitional housing unit must have its own bathroom as a matter of human dignity; adding a bathroom does not indicate the addition of a kitchenette; staff is in the process of working with people from the Marina Village Inn; the Marina Village Inn had not been doing well related to TOT revenue generation; the owner of the Marina Village Inn was willing to sign up for the Project Room Key program, which helped guarantee income that did not produce TOT; price and terms must be negotiated; expressed support for Option 1 and for UBI; stated the City might be able to utilize State grant money for UBI; outlined a program called Keep Oakland Housed and a federal funding program; stated calling 2-1-1 will provide information on how to apply for funding; Council may want to set aside money in a fund in order to help keep people from falling through the cracks.

Councilmember Herrera Spencer stated a Board of Commissioners appointed by the Council has oversight over AHA; the AHA holds Board meetings; she is disheartened to hear complaints raised about the AHA's services; the public is welcome to attend AHA meetings and report to Council; she does not know the extenuating circumstances for specific cases; however, AHA serves many people; expressed support for AHA.

Mayor Ezzy Ashcraft inquired whether a Council vote is needed or whether direction to staff is sufficient, to which the Assistant City Manager responded direction to staff.

Mayor Ezzy Ashcraft stated majority of Council is in support of Option 1 with the enhancements of keeping Alameda housed and a community land trust.

Councilmember Knox White stated that he is losing interest in the Marina Village Inn option for transitional housing; he is interested in looking at the bottle parcel option; he would like to look at providing water and sewer infrastructure support options for the Rebuilding the Existing Supportive Housing at Alameda Point (RESHAP).

(21-553) Adoption of Resolution Approving a Revision to the Public Safety Retiree Medical Provision in the Executive Management Compensation Plan to Provide Up To Five Years of Service Credit for Time Served as a Chief, Assistant Chief and/or Deputy Chief in Another Agency. Not adopted.

The Human Resources Director gave a brief presentation.

Councilmember Herrera Spencer requested clarification; inquired whether the benefit is for lifetime medical coverage.

The Human Resources Director responded the coverage is a single party lifetime medical benefit; stated the employee will transition to a Medicare supplement plan at

some point.

Councilmember Herrera Spencer inquired whether the benefit is offered to all employees of the City of Alameda, to which the Human Resources Director responded the benefit has been negotiated and offered to Public Safety employees.

Councilmember Herrera Spencer stated that she has concerns about the proposal at the policy level; bringing outside people in for the highest level positions, which works for other agencies, chips away and somehow reduces the benefit of long-term employees; the lifetime medical benefit is only offered to public safety and is extremely expensive; there is a significant amount of other post-employment benefits (OPEB), which the medical coverage falls under; she will not be supporting the matter; most people do not receive lifetime medical benefits; continuing to lower the bar of who the benefit is offered to is a problem.

Councilmember Daysog stated that he can understand making changes for the head positions; he is not convinced the changes should be for the Assistant or Deputy positions; the City should be encouraging people to grow through the ranks, rather than slotting people from outside into the higher positions; he understands why the packages are needed in order to recruit for top positions.

Mayor Ezzy Ashcraft inquired whether the matter is for the Fire Chief.

The Human Resources Director responded in the affirmative; stated the matter provides service credit for someone being hired at the top position; the benefit only applies to someone coming from the outside to be the Fire or Police Chief in order to provide credit for time served in another agency as an Assistant or Deputy.

Mayor Ezzy Ashcraft stated the position would need to be equivalent, not lateral and is a move up in position.

The City Manager stated the resolution needs to be changed in order to reflect the recommendation of the credit only being provided if the employee had a similar type of benefits from another agency; the City Manager recommendation includes the employee only receiving credit if they had retiree health benefits in another organization.

Councilmember Daysog expressed support for the matter due to the clarification provided by staff.

Councilmember Knox White moved approval of adoption of the resolution.

The motion failed due to a lack of second.

Councilmember Daysog expressed support for approving the matter with a sunset after five years.

Mayor Ezzy Ashcraft requested clarification about the proposed sunset.

Councilmember Daysog stated the resolution would be adopted; however, a sunset clause would be included in order to re-visit the matter in five years to determine whether or not it should continue.

Councilmember Knox White inquired whether the proposed addition includes continuing what has historically been done for each new Chief; stated the City has essentially given each new Chief who has come from the outside over the last 10 to 15 years the same benefit; the benefit is not new; expressed support for a timeline being added if the addition result in a vote.

Councilmember Daysog expressed support for sunset clause.

Mayor Ezzy Ashcraft questioned how many Chiefs from the outside have been hired in the City over the last 10 to 15 years; stated the City recently hired a Fire Chief from an outside agency; other Fire Chiefs have all come from within Alameda Fire Department (AFD); the last three Police Chiefs prior to the current Police Chief have all come from Alameda Police Department (APD).

Councilmember Knox White stated the external candidates that have come in have been offered the benefit due to the problem of hiring from outside agencies and losing a major benefit; expressed support for having a wide pool of candidates.

Councilmember Herrera Spencer expressed support for the breakdown of promotions within the Fire and Police Departments; stated the policy is not that old; the City has not often had candidates from other organizations.

Vice Mayor Vella stated the City has still had applicants despite the existing policy in place; top candidates have still accepted the position; expressed concern about having a policy if people arrive from other agencies and immediately negotiate; there have been calls to limit or de-fund some positions and the expenditure is significant; expressed support for a discussion relative to the City budget; stated that she is concerned about existing negotiations with units; she would like to take into account the executive compensation being applied to top positions relative to line staff; she will not be supporting the matter.

Councilmember Daysog stated that he would like a time limit on the matter due to a historic growing through the ranks for positions; he is confident in the pipeline created; outlined previous Police and Fire Chiefs moving through the ranks from within the organization; stated that he understands the idea of encouraging people to come to the organization from outside; he is biased towards the system which is in place; he is willing to experiment if it makes for good staff, such as the incoming Fire Chief; however, a time limit should be placed in order to revisit the matter.

Mayor Ezzy Ashcraft stated the benefit is not a condition of the prospective Fire Chief's

employment; the benefit is being added on; she understands the service credit in the department; expressed support for AFD; stated Firefighters are breathing harmful and unhealthy air and deserve lifetime medical benefits; she can justify the service credit for those working in AFD; however, she has a difficult time seeing the credit applied to someone coming in from the outside; the City will have to grapple with how to pay its unfunded OPEB liabilities.

Councilmember Daysog stated the time limit allows the City to experiment.

Councilmember Daysog moved adoption of resolution, with a caveat to have it sunset in five years.

Councilmember Knox White seconded the motion.

Under discussion, the City Manager stated that he recommends the motion be consistent with the staff recommendation to amend the resolution to indicate the benefits are only for similar benefits held at a previous organization, and will not exceed said previous benefits.

Councilmembers Daysog and Knox White accepted the recommendation as an amendment to the motion.

Councilmember Herrera Spencer expressed support for training first responders in order to allow for promotions; stated the City has historically tried to promote from within; she will not be supporting the matter due to being concerned about the policy.

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

(21-554) Introduction of Ordinance Authorizing the City Manager to Execute a Second Amendment to the Lease with Dreyfuss Capital Partners, a California Limited Liability Company to Extend the Term for Five Years for Building 29, Located at 1701 Monarch Street, at Alameda Point. Introduced.

The Management Analyst gave a brief presentation.

The City Attorney stated the title of the matter reads five years; the substance of the staff recommendation is for 4 years and 11 months; he would like to clearly reflect that the Council action will be for a 4 years and 11 month extension, not five years.

Mayor Ezzy Ashcraft noted the title of the ordinance will need to be changed as well.

Councilmember Herrera Spencer moved introduction of the corrected ordinance.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Knox White stated plans do not require the removal of the building for DePave Park; noted the building exists on the maps for DePave Park; he would like to clarify that no decision has been made that the building will go away.

(21-555) Mayor Ezzy Ashcraft stated a motion is needed to consider new items after 11:00 p.m.; stated that she is willing to continue the meeting until 12:00 a.m.

Councilmember Herrera Spencer expressed support for continuing the meeting in order to hear the Small Size Big Minds lease [paragraph no. 21-___] and the contract for Legal Notices [paragraph no. 21-___]; however, she would not like to include the water conservation measures [paragraph no. 21-___] in the discussion; stated the matter is not time sensitive and could take a while to hear; expressed support for continuing all Council Referrals to the next meeting.

Mayor Ezzy Ashcraft stated that she will not support a motion that does not finish the regular agenda items.

Councilmember Knox White moved approval of Council working through as much of the agenda, in order until 12:00 a.m.

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.

On the call for the question, 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.

(21-556) Introduction of Ordinance Authorizing the City Manager to Execute a Second Amendment to the Lease with Small Size Big Mind, Inc., a California Corporation, Substantially in the Form of Exhibit 4, to Extend the Term for One Year with One 12-Month Extension Option for Building 35, Located at 2450 Pan Am Way in the Main Street Neighborhood at Alameda Point. Introduced.

The Management Analyst gave a brief presentation.

Councilmember Herrera Spencer moved introduction of the ordinance.

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.

(21-557) Recommendation to Implement Water Conservation Measures in Response to

Drought and Provide Direction on Further City of Alameda Water Reduction Efforts.

The Public Works Director gave a Power Point presentation.

(21-558) Mayor Ezzy Ashcraft moved approval of providing an additional minute for the presentation.

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.

The Public Works Director completed the presentation.

Councilmember Herrera Spencer inquired how many projects are needed to qualify for the \$15,000 rebate from East Bay Municipal Utilities District (EBMUD).

The Public Works Director responded each individual meter onsite is eligible for the \$15,000 rebate; staff can pursue all nine sites; the rebate is currently only valid through the end of the calendar year; she does not know whether EBMUD will be extending the program.

Councilmember Herrera Spencer inquired whether the projects have to be completed by the end of the calendar year.

The Public Works Director responded that she has not been able to get clarification from EBMUD.

Mayor Ezzy Ashcraft stated that she will forward information from the EBMUD Manager of Water Conservation; she hopes an application submitted by the end of the year will suffice.

Councilmember Herrera Spencer inquired where the \$2.3 million will come from, to which the Public Works Director responded staff is currently looking at the General Fund.

Councilmember Herrera Spencer inquired whether the matter will be placed ahead of other requests for General Fund.

The Public Works Director responded the matter of funding is up for discussion; stated staff is recommending Council input on a standalone budget item; Council can consider waiting until mid-year in order to consider multiple budget requests; the process is imperfect; staff is seeking direction on whether to move forward with the matter and return with a standalone budget amendment.

Councilmember Herrera Spencer expressed support for the information related to savings and changes; stated that she supports the smart irrigation at \$100,000, which pays for itself in a short amount of time; she has concerns over the \$2.3 million budget request.

Councilmember Daysog inquired the location of the 36,000 square feet of lawn being replaced at Washington Park.

The Recreation and Parks Director responded the area is a smattering of smaller locations; stated the areas are landscaped areas not generally used by the public; small areas near the front by the park sign, on Central Avenue, lower Washington near the tennis courts and a mix of other decorative areas, which are mostly close to the street.

Councilmember Daysog inquired whether the reason Lincoln and Franklin Parks are not included in the installation of rain sensitive smart irrigation clocks is due to already having the existing technology.

The Recreation and Parks Director responded in the affirmative; stated any parks not listed for the rain sensitive clocks already have the clocks installed; staff has tried to install a couple clocks each year in various parks.

Vice Mayor Vella stated that she wants to make sure any vote or discussion related to Washington Park occurs separately in order to allow for her recusal; she is happy to see the matter come forward; the City has gone through several droughts in her time as Councilmember; it is important for the City to do its part; expressed support for the City Hall proposal; stated there is an opportunity for the City to do its part and lead by example; the money is out there and the City has a lot it can do; she would like to ensure the City is taking on only things that it can handle and not over-exerting itself in order to meet the end-of-year deadline; the issue will be ongoing; she is sure funding will continue; expressed support.

Councilmember Knox White inquired the reason for waiting on the matter until now; stated Council about the drought in March; the drought will be continuing; expressed support for performing significant long-term changes, such as swapping out lawns for drought tolerant gardens and for the life cycle recoup numbers; stated the City needs to save water; the earlier the City can perform the measures to do so, the better; City staff has their hands full with many matters; expressed support for a meaningful timeline and finding the funds to perform the proposed measures; stated the matter would be a good use for one-time funds; expressed support for doing as much as possible, as fast as possible without causing harm.

Mayor Ezzy Ashcraft stated that she is in agreement with Councilmember Knox White and Vice Mayor Vella; the time is now; the matter did not come to Council sooner due to long agendas; she hopes the work put into identifying projects goes a long way in completing the EBMUD application; the City needs to do all it can; expressed support for the City Hall lawn conversion to drought friendly landscaping; stated the landscaping

can be attractive and will be a great example; it is important for the City to practice what it preaches; the City should be voluntarily conserving water; she supports the City Manager's recommendation; inquired how much input the Historic Advisory Board (HAB) should have in putting in drought-friendly landscaping; stated that she is having trouble understanding the need for input from HAB if staff is running up against a deadline to apply for funds; she understands landscaping can be part of a historic property's character; expressed concern over delays since it is a time-sensitive matter.

The Public Works Director responded that she has consulted with HAB staff in the Planning, Building and Transportation Department; stated staff recommended the matter be heard by HAB; staff would like more direction on whether Council desires one or many sites to be selected; there is value in hiring a single design contractor to design multiple sites and provide the same EBMUD application; staff can move forward with the design and return to Council to appropriate funds for design; by the construction is ready to move forward, staff can return to Council by mid-year for approval of construction on all or some sites.

Mayor Ezzy Ashcraft inquired whether the proposed approach allows staff to still apply for the \$15,000 per project.

The Public Works Director responded staff will have to work with EBMUD partners; should staff have designs and applications in by the end of the rebate, EBMUD will likely be able to work with the City.

Mayor Ezzy Ashcraft expressed support for more information being provided in relation to the role played by HAB in the matter; inquired whether a vote from Council is needed or whether direction to staff is sufficient.

The Public Works Director responded direction to staff is sufficient; stated staff will move forward with the design for the lawn conversions; inquired whether Councilmembers are on board for the smart irrigation products as well; stated the products will include a budget amendment in order to appropriate the funding; staff will include the budget amendment at the time the matter returns to Council.

The City Manager inquired whether the lawn conversions include all listed sites or only design of 2 to 3 projects.

Mayor Ezzy Ashcraft responded that she supports the City Hall and City Hall West lawn conversions.

Councilmember Knox White expressed support for moving forward with all listed sites, including having a timeline put together; stated staff can identify the sites; the City Hall site makes sense.

Councilmember Herrera Spencer inquired whether renting near a considered project site is grounds for recusal on the matter, to which the City Attorney responded in the

affirmative.

Mayor Ezzy Ashcraft stated Council is merely providing direction; inquired whether Vice Mayor Vella and Councilmember Herrera Spencer will be specified as not providing direction on the particular parks near their residences, to which the City Attorney responded in the affirmative; stated when the matter returns, the votes will be bifurcated.

Councilmember Herrera Spencer stated that she prefers City sites being prioritized; expressed concern about the park sites; stated that she would like to know more specifics on where the landscaping is being proposed; noted upper Washington Park is often full with visitors; people are being encouraged to be outside due to COVID-19; she wants to ensure the City continues to allow access for people to use the park facilities.

Mayor Ezzy Ashcraft requested clarification for the estimated water reductions for the various park sites.

The Recreation and Parks Director stated in order to get to the listed square footage, staff has mapped out the locations; proposed areas per park are available; the details were not included in the report; she has worked with park maintenance staff and understands the park usage well; decorative landscaped areas have been specifically chosen; noted the Littlejohn Park site includes an area under trees near Buena Vista Avenue that is not useable and is a perfect candidate for conversion to drought tolerant landscaping.

Councilmember Herrera Spencer stated that she would like the maps to be made public and attached to the matter when returning to Council to allow public and Council review.

(21-559) Recommendation to Reconsider Award of the Contract for the Publication of Legal Notices and Consider Providing Direction for Funding Options to Assist the Alameda Sun.

The City Clerk and the Economic Development and Community Services Manager gave a brief presentation.

In response to Mayor Ezzy Ashcraft's inquiry, the Economic and Community Services Manager stated qualified businesses could have received \$7,500 from one grant or another and staff evaluates the application in order to determine qualification.

Mayor Ezzy Ashcraft inquired whether applicants were able to receive funds from either grant source or both, to which the Economic and Community Services Manager responded only one.

Mayor Ezzy Ashcraft inquired whether the Alameda Sun has been able to receive funds from the State or federal government, to which the Economic and Community Services Manager responded in the affirmative; stated the Alameda Sun received Paycheck

Protection Plan (PPP) funds.

Urged Council reconsider the prior vote and award the contract for the publication of legal notices to the Alameda Sun; stated the Alameda Sun is locally-owned and operated and is a vital part of the community; outlined the Alameda spelling bee, which is sponsored by the Alameda Sun; stated the Alameda Sun is engaged and active within the City in ways which go beyond other publications; the Alameda Sun provides an outlet for City government and is the most important outlet for informing Alamedans about news; urged Council find other ways to financially support the Alameda Sun:
Chuck Kapelke, Alameda.

Councilmember Daysog expressed support for Council immediately considering reversing the previous decision.

Councilmember Daysog moved approval of terminating the contract with the Alameda Journal and awarding the contract to the Alameda Sun and inviting the Alameda Sun to obtain other sources of funding described in the three bullet points of the staff report, with a cap of no more than an additional \$19,200.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated that she does not think the City should terminate the contract with the Alameda Journal; Alameda Journal has a more extensive circulation, which is important in providing legal notices; she does not want to pit one small newspaper against another; expressed concern about any punitive stance towards any newspaper; stated that she thinks the City can provide some forms of financial assistance to the Alameda Sun, including ARPA funds; outlined funding received by Alameda Sun; stated the ability to apply for the City's COVID-19 relief or Alameda Strong funds was by lottery; the City has since expended the funds and will need to find other sources; expressed support for following the first bullet listed in the alternatives to keep the contract with the Alameda Journal and provide direction on funding to assist the Alameda Sun in any of the listed forms, including the General Fund, ARPA funds, placing ads for Restaurant Week and sponsoring a City section; stated the City Attorney's office, Public Information Officer and Recreation and Parks Department all offer informational pieces; she wants to see the City assist the Alameda Sun; the question remains of the amount to provide; the contract is not price specific; an estimate is provided based on publication average of \$46,000 per year; the amount is not guaranteed.

Councilmember Herrera Spencer expressed concern about the remaining meeting time; stated a motion is on the floor; the matter of terminating the contract with the Alameda Journal and awarding it to Alameda Sun is critical.

Mayor Ezzy Ashcraft outlined that she will be moving future pulled Consent Calendar items to the end of the agenda in the future.

Councilmember Knox White stated the matter is not related to two small, hometown newspapers; the Alameda Journal is owned by a Denver hedge-fund with 100 papers and 200 other publications nationwide; the Alameda Sun is a local newspaper; expressed support for Alameda Sun; stated if Council wishes to continue running ads in the Alameda Journal, the number in the original staff report listed \$46,000 and Council can commit to funding \$46,000 for the Alameda Sun; he did not originally vote to move the legal notices to the Alameda Journal; however, he can support a form of keeping legal ads published in the Alameda Journal as well as providing funding for the Alameda Sun; expressed support for the proposed motion.

Vice Mayor Vella expressed concern about circulation, which remains the point of legal notices; stated that she would like to see a way to expand circulation for Alameda Sun; expressed support for looking at other options relative to grants and advertising; stated her position has not changed; both newspapers are not hometown papers; the desire to provide aid to Alameda Sun is separate from the desire to provide adequate legal notices; she does not support moving legal notices to the Alameda Sun in addition to providing financial aid; expressed support for adding the options proposed by staff.

Mayor Ezzy Ashcraft inquired whether the matter should be bifurcated; stated that she does not support awarding the contract to the Alameda Sun and providing financial aid; questioned whether the City would eventually be the major funder of the Alameda Sun; expressed concern about the concept of the City majorly funding the newspaper.

Councilmember Daysog stated the cleanest approach is to terminate the contract with Alameda Journal and award the contract to the Alameda Sun without providing additional funding to Alameda Sun; the contract provides funding; expressed support for the use of one legal notice provider; expressed support for selecting the Alameda Sun to provide legal notices.

Councilmember Daysog amended his motion to approve termination of the contract with the Alameda Journal and awarding the contract to the Alameda Sun.

Mayor Ezzy Ashcraft stated the matter relates to supporting a local newspaper; inquired whether the seconder of the motion is in agreement with the amended motion.

Councilmember Herrera Spencer seconded the amended motion.

On the call for the question, 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.

After the vote, Councilmember Knox White stated the reason for the matter is due to City Charter requirement which is outdated and does not allow Council to utilize online sources; questioned whether Council can provide direction to consider a 2022 general election ballot measure to amend the City Charter section for legal notices.

Mayor Ezzy Ashcraft noted the matter can be brought forth at a later time; stated the consideration is a good point.

Vice Mayor Vella expressed support for providing broad direction to staff to figure out whether there are alternatives for providing broader legal notices and the accompanying details.

Mayor Ezzy Ashcraft expressed concern over a potential OGC complaint.

CITY MANAGER COMMUNICATIONS

(21-560) The City Manager announced that all three Alameda Libraries have resumed full service hours and masks are required at all times; discussed a City vaccine milestone; stated 80% of residents 12 years and older have been fully vaccinated and 92% of residents have received at least the first vaccine shot; stated drop-in vaccine clinics are available.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(21-561) Resolution No. 15814, "Supporting the Goal of Reaching 100% Zero Emission Vehicle Sales in California by 2030." Adopted. (Mayor Ezzy Ashcraft)

Mayor Ezzy Ashcraft gave a brief presentation.

Councilmember Herrera Spencer stated that she did not think the earlier motion to continue the meeting past 11:00 p.m. included hearing Council Referrals.

Mayor Ezzy Ashcraft stated the motion from Councilmember Knox White included continuing the meeting as agenda until 12:00 a.m.

Councilmember Knox White moved approval of the Council Referral, including adoption of related resolution.

Councilmember Daysog 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.

(21-562) Considering Having an Introduction and Update from the New Police Chief regarding Strategies to Address Crimes. (Councilmember Herrera Spencer).

Councilmember Herrera Spencer moved approval of the Council Referral.

Councilmember Daysog seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether an upcoming agenda will contain any related matters.

The City Manager responded the Police Chief is putting together a presentation for the September 21st Council meeting.

Mayor Ezzy Ashcraft stated the time is now 12:00 a.m. and the meeting must be adjourned.

(21-563) Considering Directing Staff to Provide an Update on License Plate Readers. (Councilmember Herrera Spencer). Not heard.

(21-564) Consider Directing Staff to Publicly Share Information on Parking Recreational Vehicles. (Councilmember Herrera Spencer). Not heard.

(21-565) 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.

(21-566) Consider Directing Staff to Support Removal of the US Navy Constraints Limiting Housing Development at Alameda Point. (Councilmember Herrera Spencer and Councilmember Daysog). Not heard.

(21-567) Consider Directing Staff to Address Identifying New Areas at Alameda Point to Develop a Number of Housing Units Above the Originally-Agreed Upon Numbers of the 2023-2031 Regional Housing Needs Allocation (RHNA). (Councilmember Daysog). Not heard.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

(21-568) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:03 a.m. in memory of Beth Aney and former Councilmember Barbara Thomas.

Respectfully submitted,

Lara Weisiger
City Clerk

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