

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 18, 2021- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:05 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.

The meeting was adjourned to Closed Session to consider:

(21-330) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Alameda Point, Site A, Alameda, CA; City Negotiators: Eric Levitt, City Manager; Lisa Maxwell, Community Development Director; and Debbie Potter, Special Project Analyst; Negotiating Parties: City of Alameda and Alameda Point Partners, LLC; Under Negotiation: Price and Terms.

(21-331) Conference with Legal Counsel – Potential Litigation Initiation of Litigation Pursuant to Government Code Section 54956.9, subsection (d)(4); Number of Cases: One (As Plaintiff – City Initiating Legal Action); Potential Defendant(s): Alameda Point Partners.

(21-332) Public Employee Performance Evaluation Pursuant to Government Code Section 54957; Positions Evaluated: City Manager – Eric Levitt.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Real Property, staff provided information and Council provided direction 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; regarding Potential Litigation, staff provided information and Council provided direction 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; and regarding Performance Evaluation, staff provided information and Council provided direction and continued the matter to May 25th at 7:00 p.m. by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:04 a.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- -MAY 18, 2021- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:05 p.m. Councilmember Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: The meeting was conducted via Zoom]
Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(21-333) Proclamation Declaring the Month of May 2021 as Older Americans Month.

(21-334) Proclamation Declaring the Month of May 2021 as Asian Pacific Heritage Month.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmember Herrera Spencer requested the ambulance purchase [paragraph no. 21-338] be removed from the Consent Calendar for discussion and noted she would vote no on the Franchise Agreement [paragraph no. 21-343].

Councilmember Knox White noted that he will vote no on the Fernside pathways [paragraph no. 21-341].

Councilmember Daysog noted he would vote no on the Franchise Agreement.

Stated that she would like to know the timeline for pursuing lower emission alternatives for fleet vehicles; questioned whether the City should lump together the budget for related matters under the Alameda Police Department (APD) until the armored vehicle is sold per a previous Council recommendation: Ashley Lorden, Alameda.

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

Councilmember Daysog 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.]

(*21-335) Minutes of the Special Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission and the Regular City Council Meeting Held on April 20, 2021. Approved.

(*21-336) Ratified bills in the amount of \$2,197,536.94.

(*21-337) Recommendation to Approve the Execution of a Reciprocal Tax Information Sharing Agreement between the City of Alameda and the Franchise Tax Board (FTB) of the State of California. Accepted.

(21-338) Recommendation to Authorize the Purchase of an Ambulance Consistent with Revised Vehicle Replacement Policy in an Amount Not to Exceed \$311,598 from Leader Emergency Vehicles, REV Group.

Councilmember Herrera Spencer requested staff to share a brief summary.

The Public Works Fleet Supervisor stated the replacement ambulance was approved in the previous two year budget cycle; the ambulance meets the replacement criteria set forth in the replacement documentation by the City.

Councilmember Herrera Spencer inquired how many ambulances the City currently has and the need for replacement.

The Public Works Fleet Supervisor responded the need for the replacement is to keep Fire Department vehicles in reserve status as outlined in the vehicle replacement criteria; stated both frontline and reserve units are maintained to facilitate vehicle repairs and service without a drop in the service; the vehicle cited for replacement will move into a reserve status.

Councilmember Herrera Spencer requested clarification about the clean vehicle technology mentioned in public comment.

The Public Works Fleet Supervisor stated the vehicle will meet or exceed all modern diesel emission standards, is clean diesel and is equipped with a Select Catalyst Reduction (SCR) and Diesel Exhaust Fluid (DEF) which injects -re catalyst and allows for cleaner emissions per State requirements.

Councilmember Herrera Spencer inquired whether there are electric vehicle options for ambulances.

The Public Works Fleet Supervisor responded the proposed vehicle is the best the City can do under the current platform; stated staff is watching market trends and is hopeful for a transition to an electric fleet as soon as vehicles are available with the additional needs for life saving duties; the battery life is not yet sufficient for the type of vehicle;

additional vehicles will be coming to market aimed at transitioning first responders out of liquid fueled vehicles into electric.

The Public Works Director stated the City has three operational units and two units in the active reserve status; the replacement unit will bump one of the operational units to an active reserve status.

The City Manager stated the next budget includes a fourth ambulance per prior Council approval; however, due to the pandemic, staff has delayed the implementation for one year.

Councilmember Herrera Spencer 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: Ayes; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(*21-339) Recommendation to Authorize the Purchase of Twelve Vehicles Consistent with Revised Vehicle Replacement Policy in Amounts Not to Exceed \$118,098 from Cromer Material Handling for Three Forklifts, \$465,873 from Downtown Ford Sales and \$96,815 from Elk Grove Auto Group/Winner Chevrolet for Nine Light and Medium Duty Trucks. Accepted.

(*21-340) Recommendation to Authorize the City Manager to Execute a Second Amendment to Agreement with Douglas Herring & Associates to Increase Compensation by \$40,000, for a Total Aggregate Compensation Not to Exceed \$220,000, to Complete the Environmental Impact Report for the General Plan 2040 Update. Accepted.

(*21-341) Recommendation to Authorize the City Manager to Execute the Relinquishment of Rights, Imposition of Restrictions and Reservations of Rights for the Pathway Located between 3335 and 3341 Fernside Boulevard. Accepted.

[Note: Councilmember Knox White recorded a no vote on this item, which carried by the following vote: Councilmembers Daysog: Aye; Herrera Spencer: Ayes; Knox White: No; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.]

(*21-342) Resolution No. 15773, "Declaring Results of Special Election in Community Facilities District No. 17-1 (Alameda Point Public Services District), Determining that Alteration of the Rate and Method of Apportionment of Special Taxes for the District is Lawfully Authorized, and Directing Recording of an Amendment to Notice of Special Tax Lien." Adopted.

(*21-343) Ordinance No. 3299, "Approving the Franchise Agreement between the City of Alameda and Alameda County Industries AR, Inc." Finally passed.

[Note: Councilmembers Daysog and Herrera Spencer recorded no votes on this item, which carried by the following vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.]

REGULAR AGENDA ITEMS

(21-344) Resolution No. 15774, “Appointing John Kim as a Member of the Golf Commission.” Adopted; and

(21-344 A) Resolution No. 15775, “Appointing Kaiwin Su as a Members of the Golf Commission.” Adopted.

Councilmember Knox White moved adoption of the resolutions.

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.

Mr. Kim made brief comments.

The City Clerk administered the Oath of Office.

(21-345) Resolution No. 15776, “Containing Findings of Local Climatic, Geological and Topographical Conditions as Required to Adopt Alameda Local Amendments to the 2019 California Energy Code and Rescinding Resolution 15607 Limiting Natural Gas Infrastructure for New Residential Construction on City Owned Property.” Adopted; and

(21-345A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Article I (Uniform Codes Relating to Building, Housing and Technical Codes) of Chapter XIII (Building and Housing) to Adopt Local Amendments to the 2019 California Energy Code to Require Newly Constructed Buildings to be All-Electric. Introduced.

The Sustainability Manager gave a Power Point presentation.

Councilmember Herrera Spencer inquired whether the use of the term “equity” only speaks to the cost of the building or whether the term includes use of the building over time in comparing the cost of electricity versus natural gas for heating.

The Sustainability Manager responded staff has found the cost of utility bills for residents will decrease with the use of electric versus electric and natural gas.

Farhad Farahmand, TRC Companies stated Alameda Municipal Power’s (AMP) rates were reviewed; in Alameda the proposal would save on residential building upfront construction costs and the ongoing bill costs would also reduce compared to a mixed utility.

Councilmember Herrera Spencer inquired whether the cost is less to heat a house with electricity versus natural gas without looking at building costs.

Mr. Farahmand responded in the affirmative; stated simulations were conducted for the climate zone and hourly energy consumption through the model of AMP utility rates; there would be an on bill increase for Pacific Gas and Electric (PG&E); the reduction in rates is predominately due to heat technologies operating at high efficiency.

Councilmember Herrera Spencer inquired whether AMP is planning to keep lower rates as the demand for electrification grows.

The AMP General Manager responded staff performs an in-depth analysis each year to forecast rates; stated the Public Utilities Board (PUB) adopts a load forecast; the PUB adopted a zero percent rate increase for the current and next fiscal year; staff expects the rates for PG&E to widen; based on the ten-year forecast, a modest rate increase in the range of 2% is anticipated; AMP is currently fully resourced and anticipates purchasing more carbon-free energy; as AMP adds additional loads through building electrifications or Electric Vehicles (EV) more revenue is produced, which puts downward pressure on rates.

Councilmember Herrera Spencer outlined a previous power blackout; stated that she recalls being asked to prepare for multiple rolling blackouts; she does not support a long term plan which includes rolling blackouts; inquired whether there is a commitment that blackouts will not be experienced.

Mayor Ezzy Ashcraft requested clarification about the rolling blackouts experienced in the past year.

The AMP General Manager responded a variety of events occurred in August 2020; stated rolling blackouts were unprecedented; as a utility, AMP is obligated to participate; outlined the plan provided to and by AMP for service circuits; the blackout instance was about an hour in duration which resulted in one circuit being dropped for a time; stated another incident was due to a substation being hit by lightning causing a large outage; staff has brought the matter forth to the PUB for protocol and communication review; the situations outlined are out of the hands of AMP; staff is looking at ways to have local generation; AMP has limited capability; another way is to harden the system and limit any potential impacts from outages; generally, the outage statistics are good; customers typically do not experience many outages on average; staff is hopeful the number of rolling blackouts will reduce; there is a risk that blackouts will happen again in the current year.

Councilmember Herrera Spencer inquired whether AMP will be able to keep up with the increased demand and if the increase will not contribute to rolling blackouts.

The AMP General Manager responded electrification matters taken in totality will put pressure on the system; stated the implementation and capacity issues will not take

place for the next 10 to 20 years; there are options for dealing with the issues; starting in July, EV owners are encouraged to charge at different times; many tools will be available to staff and mitigating effects will be possible by encouraging and incentivizing customers to move usage to different time periods; the issue will not arise for quite some time, if ever.

Councilmember Herrera Spencer inquired whether the time of use rate had been factored into the calculation for heating a home with electricity versus natural gas.

Mr. Farahmand responded in the negative; stated the current rates and tier structure were used.

The AMP General Manager stated the time of use rate is currently only for EV owners; staff has conducted preliminary discussions about expansion and building electrification scenarios; there will be a large benefit for EV owners and incentivizes owners not to charge between 5:00 p.m. to 9:00 p.m.

Councilmember Herrera Spencer inquired where AMP currently gets its power.

The AMP General Manager responded AMP is 100% carbon-free; stated the bulk comes from a geothermal facility in Lake County, a share of hydroelectric facilities operated by the Northern California Power Agency, an allocation of Federal hydropower and three to four wind and landfill gas contracts.

Councilmember Herrera Spencer inquired whether any of the power is coal-produced, to which the AMP General Manager responded in the negative.

Councilmember Herrera Spencer inquired whether there is anticipation for electricity to come from a coal source.

The AMP General Manager responded in the negative; stated staff is looking at additional resources; all are renewable sources.

Expressed support; stated AMP has provided the City with 100% clean energy and provides residents with leadership in joining communities around California to ask for all electric in new construction; she anticipates future discussions on other ways to reduce carbon emissions from building stocks: Ruth Abbe, Community Action for Sustainable Alameda (CASA).

Expressed support; outlined a recent panel about electrification; stated the feedback from many Alamedans included wanting weatherization of existing homes and installing EV car chargers; urged Council to consider targeted and strong steps toward weatherized buildings, an increase in community outreach, education for new technologies and incentives for renters: Ingrid Ballmann, CASA.

Outlined a recent panel on electrification; stated not many speakers wanted to address renters at the onset of the panel; renters account for more than half of Alameda residents and electric use; if the City wishes to meet its carbon targets, the issues must be addressed; weatherization is a big topic; urged having an equity and inclusion program and electrification being the way to reach out to communities; stated there is a problem with the rate structure; a change is needed; the structure is not equitable; urged Council to keep equity in mind and push the PUB to put rates out soon: William Smith, League of Women Voters.

Expressed support for the electrification of homes, weatherization, and increasing incentives for EV charging in multi-unit buildings; stated the issue is ongoing due to the need for electrical updating; a push for EV must be made; electrification affordability needs to be for all: Jeanne Lahaie, Alameda.

Expressed support; questioned whether the carve-out language for Accessory Dwelling Units (ADUs) could be changed to allow for attached ADUs to get the exception versus detached units; stated there have been discussions related to removing parking minimums; if parking minimums are kept, the City should provide EV charging as part of the parking plan: Zac Bowling, Alameda.

Questioned the reason ADUs were not included and what would restrict ADUs from being all-electric: Carmen Reid, Alameda.

Councilmember Herrera Spencer stated that she recollected a heatwave occurring during the rolling blackouts; inquired whether calculations are based on 68 degree weather; noted the calculations may not include information for a heatwave; stated the calculations may not include projected increases in temperature.

Mr. Farahmand responded simulations are performed using typical meteorological year weather files; the weather files are required by the California Energy Commission to demonstrate performance for the building; the files are being updated to model future impacts of climate change; the models recently run are from the past 20 years; the ordinance allows electrification for heating uses; during hot times, the primary load is for air conditioning, which drives brownouts; during winter, the electrified heating uses are going to be working hardest and will have the largest impact on the grid; the transmission distribution systems are typically sized for air conditioning loads, not winter time loads; staff understands the result will be an increase in winter time peaks, not similar to the summertime peaks.

The AMP General Manager stated the grid in California has been designed to accommodate the air conditioning load; Alameda has historically been in a different situation and peaks in the winter time; winter yields more lighting usage, which can cause a higher impact; the grid size will not cause an issue; AMP has structured the system to accommodate the load.

Councilmember Herrera Spencer stated the rolling blackouts occurred during summertime; use of air conditioners is increased during the summer; expressed concern about blackouts; stated blackouts place people in harm's way; she does not feel safe in her home with the lights out indefinitely; expressed support for ensuring the City is getting ahead, for using electricity and converting; expressed concern about doing so much that the demand increase will be beyond capability and cause blackouts; expressed support for an assurance of no blackouts.

Mayor Ezzy Ashcraft stated part of the ordinance is inspiring; she is proud of the work; the ordinance is a way to directly reduce greenhouse gas emissions produced by buildings; greenhouse gas emissions contribute to global warming and lead to extreme climate events, which cause rolling blackouts across the State; the situation is complex; however, the solution is clear.

The AMP General Manager stated the rolling blackouts were a Statewide issue; there have been unprecedented heatwaves; the State relies on neighboring states to help in said situations; intense shortages and loss of generation create blackout situations; AMP does not have control over the blackouts; however, AMP does have control over what is happening in Alameda; Alameda is fully sourced and will not have a power deficiency for another four to five years; AMP is currently planning how to fill the need and is looking to distribution centers for hardening and increasing capability in order to accommodate electrification; alternatives in technology are also being looked at to help mitigate impacts; accommodating the proposed matter is not a problem for AMP; rolling blackouts could occur; however, AMP has done its part in order to ensure there are enough resources to keep the lights on; AMP does not have control over what happens at the State level.

Councilmember Knox White moved approval of the staff recommendation [including adoption of the resolution and introduction of the ordinance].

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.

(21-346) Resolution No. 15777, "Declaring Five Project Sites at Alameda Point, including the Enterprise District, Residential Parcels Both Market Rate and Collaborative (Package K), Building 92, Building 11 and Building 19, and Building 25 Exempt from the Surplus Land Act and Authorize the City Manager to Comply with Surplus Lands Act Procedures Related to the Properties Notwithstanding Their Exempt Status." Adopted.

The Community Development Director gave a brief presentation.

Councilmember Daysog inquired whether anything would prevent the City from extending the boundaries to the Enterprise District further south to West Hornet Avenue; stated extending the border seems natural.

The Assistant Community Development Director responded nothing prevents the City from extending the boundary; stated staff strategically omitted the southern parcels due to the high desirability of waterfront parcels; staff wanted to prevent people from cherry-picking and selecting the parcels without landlocked areas being developed; the Request for Proposals (RFP) for the Enterprise District did not include the southern parcels for the reason mentioned; staff wanted to ensure the landlocked parcels received the attention deserved before the desired waterfront parcels are added.

Councilmember Daysog stated that he would like to exclude the southern area from the State Lands process in order to put the City in the driver's seat.

The Assistant Community Development Director stated the decision lies with Council; staff is recommending Council decide whether to go through the surplus process; if Council wishes to include the parcels, the City would not necessarily be in the driver's seat; if Council decides the parcels are exempt, due to already going through a surplus process on a federal level, then the City is more in the driver's seat.

Councilmember Daysog stated the area should be exempt; Council is being asked to include or to exempt; expressed support for exemption.

The Assistant Community Development Director stated the approach makes sense; however, staff is not seeking approval for the southern area; the Enterprise District area stops further north; if Council decides to move forward with the exemption, Council may decide to include the southern parcels.

Mayor Ezzy Ashcraft expressed concern about the matter not being included on the agenda; requested clarification from the City Attorney about parcels not included in the proposed matter.

The City Attorney stated the area discussed is not presented in the staff report; recommended Council only give very brief direction for the matter to return for future discussion.

The Community Development Director stated the parcels have not been included for Council discussion; staff intends to bring future parcels before Council for potential surplus or exemption.

Councilmember Knox White stated the Enterprise District has not be on an agenda in quite a while; different staff presented last time; Council should have a conversation about how to move forward in closed session first, then open session to follow; his recollection includes Council having unresolved questions at the time; noted some of the upcoming issues have been presented by Councilmember Daysog's inquiries.

Councilmember Herrera Spencer requested the first resolution be clarified; inquired whether Council is being asked to declare that the properties exempt from the Surplus

Lands Act and the City is going to proceed with the Surplus Lands Act procedures.

The Community Development Director responded the comments are correct; stated the option is a cautious approach; modification to the statute about how the exemptions may be applied is new and untested; other cities are taking a position that the land is exempt; staff feels as though the approach is risky and risk should be avoided; staff recommends taking a cautious approach.

Councilmember Herrera Spencer expressed support for the approach.

Councilmember Herrera Spencer moved adoption of the resolution exempting the properties from the Surplus Land Act and authorizing the City Manager to comply with Surplus Lands Act for the properties listed.

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.

(21-347) Introduction of Ordinance Approving a Second Amendment to the Lease with Greenway Golf Associates, Inc., a California Corporation, for Chuck Corica Golf Complex to Adjust Lease Area to Include the Old Fire Training Tower. Introduced.

The Recreation and Park Director gave a brief presentation.

Mayor Ezzy Ashcraft expressed concern about the lack of hold harmless language; inquired how the City would be protected if an injury incident occurs during demolition or renovation; stated that she is used to seeing a hold harmless clause in agreements.

The City Attorney responded Section 12.4 of the original lease states the tenant shall indemnify, protect, defend and hold harmless the City and its employees arising from essentially the tenants use, occupation and enjoyment of the premises; stated the lease extends the premises; therefore, the protection applies to the proposed amendment; the amendment fits into the principal indemnification.

Mayor Ezzy Ashcraft stated Greenway Golf will pay for any work completed; inquired whether there is a way to incorporate the hold harmless clause by reference within the amendment.

The Chief Assistant City Attorney responded staff can include such language if Council directs as such; stated the hold harmless provision in the original lease carries forward.

Mayor Ezzy Ashcraft stated that she would feel better having the language referenced.

Councilmember Herrera Spencer stated Greenway Golf will receive storage space; inquired the size of the storage space.

The Recreation and Parks Director responded the entire area included in the amendment is approximately half an acre; stated the area includes the tower and surrounding space; the storage area referenced currently has heavy machinery and piles; the materials are for construction, including equipment staging for a Public Works Department project; a clause within the agreement allows the materials to stay through August 30th when the Public Works Department project will be completed.

Councilmember Herrera Spencer stated that she would like to know the size of the storage area; Greenway Golf will have more area than just the tower at no additional cost, which is important to be clear about; there is a demand for storage space in Alameda; she has not seen a cost for the murals versus the value of the land; typically, when a tenant receives additional land, more is paid; ; expressed support for an equation subtracting the value of the additional land, ; stated the City's property is not a gift to Greenway Golf.

The Recreation and Parks Director stated that she does not have a definitive cost for the improvements or the land; she estimates improvements costs could easily be \$100,000 or more; the cost depends on what is found with the structure; there could be hazardous materials and abatement; the cost could easily be close to \$100,000 to \$200,000; the entire half acre area includes the storage space.

Mayor Ezzy Ashcraft requested clarification of the improvement costs; stated how Greenway Golf will treat the land is not known.

The Recreation and Parks Director stated the rough estimate includes hazardous abatement and testing; the mural will need components taken from a contractor; the landscaping is planned for the surrounding concrete area; there will be a cost for the contractor to remove concrete and fencing and costs for re-landscaping; the costs add up.

Mayor Ezzy Ashcraft inquired whether Greenway Golf will continue to maintain the landscaping for the duration of the lease.

The Recreation and Parks Director responded in the affirmative; stated the amendment adds current lease requirements for the area; the language does not exclude a storage use; however, the use is not intended; Greenway Golf's intention is to beautify and landscape the space.

Councilmember Herrera Spencer inquired how many years are left on the lease, to which the Recreation and Parks Director responded approximately 41 years.

Councilmember Herrera Spencer inquired whether Greenway Golf will be paying additional money for the space.

The Recreation and Parks Director responded the existing lease structure is not based on a square footage formula; Greenway Golf pays a flat fee of \$175,000 per year; the

fee increases January 2023 to \$300,000 or 8% of gross revenue; lease of this type are generally based on gross revenue rather than square footage.

In response to Vice Mayor Vella's inquiry about the timeline, the Recreation and Parks Director stated the addition would fold into the same lease term of 40 years.

Councilmember Herrera Spencer stated the amount could be significantly less than estimated range of \$100,000 to \$200,000; inquired whether there is documentation to support the estimated figures.

The Recreation and Parks Director responded in the negative; stated the figures could be less or significantly more if hazardous abatement be required; \$100,000 is not high based on the many park construction projects completed over her nine year tenure; park projects cost more than often thought.

Councilmember Herrera Spencer stated if the cost are closer to \$200,000, the cost would be \$400 per month for storage space over the 40 year lease; expressed support for having more numbers to ensure Council is not giving away the City's property.

Mayor Ezzy Ashcraft stated there can be consideration if Council desires to specify the area not be used for storage.

Stated that he is reaffirming the commitment to refurbishment and restoration of the fire tower; there is a commitment to beautify the space whether or not the tower remains standing; the space will not be used for storage; the project is about beautification and adding a focal point to the entrance of the Golf Course and for homeowners in the area; Greenway Golf is excited to take the opportunity to undertake the work; there has been enthusiastic feedback from the Alameda Fire Department (AFD), homeowners and golf patrons; there has been positive feedback from the community generally; the project will be expensive, especially if abatement is needed; the City has been open about the unknown condition of the building: Umesh Patel, Greenway Golf.

Acknowledged the partnership between Greenway Golf and the City; stated the partnership has improved the focal point and speaks to the intention of continuing to bring joy to the community and visitors; the space is currently not being used to capacity; turning the space into a nice piece of land far outweighs the value of storage; Greenway Golf will deliver quality to any project: Patrick Harris.

Expressed concern about the upcoming Housing Element; urged Council consider the possibility of the space being used for potential housing; stated the City will be in a pinch to find available space; the proposed area could serve as an equitable housing function: Zac Bowling, Alameda.

Mayor Ezzy Ashcraft outlined a portion of Exhibit 1, page 2; stated her primary concern for the fire tower structural safety; she would like to required licensed California professional engineers evaluate the condition of the tower; expressed support for

making the exhibit more equitable between the City and Greenway Golf; stated that she would find the terms to be more balanced by adding: "if tenant and the City jointly determine that both demolition and renovation of the fire tower are infeasible,....," the area is City property; the City should have a say in decisions made; expressed support for including language in the amendment stating the property shall not be used for any type of storage during the lease.

Councilmember Daysog inquired whether permission is given to demolish or whether the Council has to provide support if Greenway Golf determines demolition is feasible.

The Recreation and Parks Director stated the intent is to have consultation with the City; the language can be strengthened to include that the City will have final say on whether or not the tower is demolished.

Councilmember Herrera Spencer inquired whether there is a reason the City cannot continue to use the storage space.

The Recreation and Parks Director responded the intention is to beautify the space; stated having large and heavy equipment is not conducive to a nice visual entry to the Golf Course; Greenway Golf intends to landscape the area.

Councilmember Herrera Spencer inquired whether the current blacktop area will be demolished for landscaping, to which the Recreation and Parks Director responded in the affirmative.

Councilmember Herrera Spencer stated there is already a nice area at the Golf Course approach; it is unknown whether the proposed area needs to be pulled up and beautified; the tower should be beautified; however, the storage area in the back may not need to be converted to more beautification and landscaping.

The Recreation and Parks Director stated any landscape, tower and mural plans will have to go through the Golf Commission and Planning Board; the improvements are in consultation with the City.

Councilmember Herrera Spencer stated the City currently uses the storage area and may need to use the space in the future; inquired whether there is a way to add panels or fabric to conceal the storage area to aid beautification of the space; expressed support for keeping the area available for alternative use; stated the City has historically stored items in the proposed space for projects on Bay Farm; expressed support for the City keeping the area if Greenway Golf does not need the space.

The Recreation and Parks Director stated there are a couple options for storage and staging; there is a location across the street that will continue to be under the responsibility of the City where cars parked and construction material and equipment is stored; staff can work with Greenway Golf to stage items in the parking lot if needed; busses have been staged in the location during summer.

Councilmember Herrera Spencer stated if possible, she would like Council to be more involved in the process versus handing off the matter; Council may want to keep more of the proposed area; she is unsure whether the area needs to be given to Greenway Golf; the City has needs and use for the proposed area.

Mayor Ezzy Ashcraft inquired whether the needs for the area are in reference to housing.

Councilmember Herrera Spencer responded that she will not specify the needs; stated the space has been used for storage; she is not opposed to considering housing for the space; there is sufficient area; the size of the storage area is unknown and was not presented; expressed support for having a proposal return to Council depicting the amount of space Greenway Golf needs.

Vice Mayor Vella expressed concern about the language as drafted; stated that she would like language included to require testing of hazardous materials at the onset; the results of testing need to be shown to the City; expressed support for more direction relative to the testing process; stated the process currently seems vague; she has concerns based on the type of structure; she would like to ensure there is a process for the City to oversee testing and abatement; expressed concern about turning the proposed area over for the duration of the lease; the parcel was originally left out of the lease for a reason; she would like to have staff comment on the reason for passing the area off to Greenway Golf at this time; inquired whether the reason is related to funding.

Mayor Ezzy Ashcraft stated the amendment has not specified which entity should perform the testing; noted Vice Mayor Vella's involvement with the Lead Abatement Board; stated Council needs to specify using a testing agency licensed in the State of California.

Vice Mayor Vella expressed concern about the testing agency understanding which portion of the building to test and the elements for which to test.

The Recreation and Parks Director stated the area was not originally included in the lease because the then existing management of Greenway Golf did not want the parcel; at the time, the City did not actively state there was a desire to keep the parcel; new management is interested in beautifying the space, which has been discussed by the Golf Commission numerous times over the years; expressed support for the approach to the hazard abatement; stated staff can specify that only licensed California professional engineers will evaluate the integrity and also specify Greenway Golf is responsible for hazardous material testing by a licensed consultant; a licensed contractor can be hired to do the abatement.

Mayor Ezzy Ashcraft inquired whether the results of testing will be shared with the City.

The Recreation and Parks Director responded in the affirmative; stated the language

can be combined with the addition of having both the City and Greenway Golf determining demolition; within the original agreement, Greenway Golf is required to comply with all County, State and federal regulations; there are strict guidelines and reporting regulations; Greenway Golf will be required to report to the Alameda County Environmental Health Agency or Department of Toxic Substances Control (DTSC) in relation to what is found from the fire tower abatement; staff can include an overall reference in the original agreement and add specificity in the proposed amendment as well.

Vice Mayor Vella stated that she would like to ensure there is transparency in the testing results coming back to the City; expressed concern about having the City handing off testing; stated that she would like to be aware of who is performing testing and ensure reports are received; many projects do not test or do not test proper places; proper testing is important and should be transparent in order for the City to understand what hazards exist and to ensure proper abatement; inquired what happens to the parcel if there is a need for housing in the next 50 years; inquired whether the City would return to Greenway Golf to negotiate getting the parcel back.

The City Attorney responded the parcel is currently zoned park land; stated in order for the City to develop the space into housing, the City Charter requires action be taken; the current provision leases the space to Greenway Golf for 40 years; the City would have to request the land back if it is needed; provisions can be built in subject to negotiation between the Recreation and Parks Director and Greenway Golf for return of the property if the City desires to build housing in the location.

Mayor Ezzy Ashcraft stated that she does not believe the property would be in the map areas being looked at to meet the Regional Housing Needs Assessment (RHNA) allocation.

Councilmember Knox White noted voter approval would be required; the area is not currently being used as a park; inquired whether the parcel would be taken out of the inventory if Council adds the area to the Golf Course.

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

The City Attorney stated at this time, staff does not recommend an in depth analysis about the possible protections which can be built into the lease amendment in order to provide the ability to build housing if desired by Council; the discussion relates to lease protections; some lease protections are allowable pending negotiations by the Recreation and Parks Director.

The Recreation and Parks Director stated Greenway Golf agrees to a revision clause for housing; Greenway will need to receive compensation from the City for any funds spent

on beautifying the area if the housing clause is enacted.

Vice Mayor Vella stated Council needs to give direction about potential language that will return for approval; the language will matter.

Mayor Ezzy Ashcraft stated the matter includes the introduction of an ordinance; inquired whether the changes being made will require returning for introduction.

The City Attorney responded given the volume of changes being made, the matter will need to return to Council for another first reading.

Mayor Ezzy Ashcraft inquired whether the input provided by Council thus far has been sufficient and is able to be compiled by staff.

The Recreation and Parks Director stated Council wishes to: specify that the space is not to be used for storage, require licensed California professional engineers to evaluate the integrity of the tower, to specify that Greenway Golf is responsible for any hazardous materials, testing, and will require a licensed consultant to test with a contractor to abate, to comply with County Environmental Health and provide reports to the City for review and approval of next steps, for Greenway Golf and the City to jointly determine demolition and the inclusion of a revision clause for potential housing with Greenway Golf receiving compensation from the City for any funds spent on beautification of the space.

Mayor Ezzy Ashcraft inquired the method for handling the hold harmless provision; questioned whether the amendment will reference back to the original lease.

The Chief Assistant City Attorney responded staff can reiterate the language in the amendment.

Councilmember Herrera Spencer expressed support for the matter returning with research related to the parcel being subject to the Charter as parkland.

The City Attorney stated staff will likely share the information confidentially and not in an open session staff report.

Councilmember Herrera Spencer stated the information will be relevant to the upcoming discussion.

Mayor Ezzy Ashcraft stated a number of things may be needed for the parcel; inquired the concern for the information being presented in open session.

The City Attorney responded the recommendation is to share legal information with Council in a confidential memorandum about options for use of the property related to housing; if Council wishes to publically share the information included in the memo, Council may do so by a vote of three Councilmembers.

Mayor Ezzy Ashcraft inquired whether staff will schedule the matter to return for Council discussion.

The City Attorney responded in the affirmative; stated staff will need some time to analyze Charter Section 22-12; staff will need a few weeks to provide the confidential memo.

Mayor Ezzy Ashcraft expressed support for remaining cognizant of Greenway Golf's timeline and ensuring the City is causing unnecessary delay.

Councilmember Knox White stated that he is surprised to find out that Council would need to vote in order to de-classify how the City views the parcel; it is odd to suggest that whether or not parkland is public land is not disclosable; it is valid to discuss disposal, strategies and negotiations in closed session; however, he expects to be open with the people that own the land on the zoning.

Mayor Ezzy Ashcraft stated there may be other considerations for disclosing the information by a confidential memo.

The City Attorney stated staff can prepare a short analysis for Council related to Charter section 22-12 and the proposed property; he will defer to the Recreation and Parks Director on when the entire matter can return to Council for discussion.

The Recreation and Parks Director stated staff can bring the matter back by the second Council meeting in June.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated staff will provide the memo to Council the first week of June.

Councilmember Daysog stated that he is concerned about anything regarding housing in the area; there has been a history of concerns about housing in the area.

CITY MANAGER COMMUNICATIONS

(21-348) The City Manager announced that the City plans on initiating bargaining negotiations with the Alameda Police Officers Association, the Alameda Police Management Association and the Alameda Fire Chiefs Association within 30 days; made an announcement regarding the next vaccine clinic; announced the appointment Nishant Joshi as the next Police Chief.

ORAL COMMUNICATIONS, NON-AGENDA

(21-349) Clinton Tan, Alameda, stated that he is among the dozens of families that lost the means to pay for rent as a result of Housing Authority policies in 2018 and 2019 ; he is still trying to reach a just settlement; it is unethical for a public agency like the

Housing Authority to levy debt against low-income families with no calculation provided and to allege misconduct against the same low-income families through biased internal administrative hearings, increasing the housing insecure and homeless population.

(21-350) Zac Bowling, Alameda, discussed Assembly Bill (AB) 672 which allows for housing on golf courses.

COUNCIL REFERRALS

(21-351) Consider Scheduling a Performance Evaluation for the City Manager as Soon as Possible. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer stated the item does not need to be heard; however, will remain on the agenda until the evaluation has been completed.

(21-352) Consider Addressing the Surplus Lands Act, including Lobbying Efforts and Assembly Bill 1486. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Councilmember Herrera Spencer moved approval of having the matter return for Council discussion.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Knox White stated that he will be voting no since Council already discussed the matter.

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

(21-353) Consider Directing Staff to Place the Audit Report Approved April 20, 2021 on a Future Agenda to Allow the City Auditor to Give a Presentation. (Councilmember Herrera Spencer).

Councilmember Herrera Spencer gave a brief presentation.

Councilmember Herrera Spencer moved approval of directing staff to place the matter back on the agenda and allow for comments from the City Auditor.

Councilmember Daysog seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated the reason she originally voted against allowing additional speaking time to the City Auditor was due to yelling on multiple occasions; recommended that comments be worked out ahead of time and not to yell at

the conductor of the meeting.

Councilmember Herrera Spencer stated the audit disclosed significant deficiencies and material weaknesses for two years; it is important to allow the City Auditor to coordinate with the City Manager and have time on the agenda to speak to the public.

Councilmember Knox White inquired whether the motion is to have the City Auditor return to speak for five minutes; noted the material deficiencies were provided in a letter drafted by staff and the auditors performing the audit; questioned whether Council is directing staff to work on the matter.

Councilmember Herrera Spencer stated that she is not requesting staff to work on the matter; her understanding is that the City Auditor previously reached out to City staff and was set aside time as a member of the public; noted the City Manager announced that he would work with the City Auditor to allow for more than a two minute speaking time; it is important for the elected City Auditor to speak to the public; a presentation is allowed up to ten minutes.

Councilmember Knox White stated the audit on the Consent Calendar would make the presentation five minutes in length; questioned whether the proposed motion is to have the City Auditor provide a five minute presentation including comments on the staff work.

Councilmember Herrera Spencer stated discussion at a previous meeting included allowing for the presentation to be on the public side; the five minute rule is newly adopted by Council; the City Auditor was not previously limited to five minutes and was given time to present; expressed support for treating the City Auditor's presentation as other presentations and up to ten minutes be provided.

Vice Mayor Vella inquired whether the intention is to bypass the current Council Rules of Order and revert to previous Council Rules of Order which are no longer in effect.

Mayor Ezzy Ashcraft inquired whether the matter is looking forward to the upcoming year's audit process.

Councilmember Herrera Spencer stated the City Manager announced that he would set the audit as a Regular Agenda Item, not in defiance of Council Rules of Order, to allow the City Auditor time to present.

The City Manager stated that he has indicated to the City Auditor that future audit presentations will be placed on agenda as a Regular Agenda Item; staff previously paced the matter on the Consent Calendar; there had been internal confusion about speaking time.

Councilmember Daysog stated that his interpretation of the motion is to invite the City Auditor back to complete his report; two minutes of speaking time was not enough to

provide sufficient rendering and analysis of the audit.

Councilmember Herrera Spencer concurred with Councilmember Daysog's interpretation.

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: No

Vice Mayor Vella inquired whether Council is setting the amount of time for the presentation and whether the matter is being placed on the Regular Agenda to give the City Auditor two minutes of speaking time.

Councilmember Knox White stated that he understood the direction to allow for a ten minute presentation; however, the City Auditor's previous comments were almost completed, which would mean ten minutes would not be needed; the City Auditor will return to Council and complete his comments.

Vice Mayor Vella inquired whether the matter will be placed on the agenda as a Regular Agenda Item or a Consent Calendar Item.

Councilmember Knox White stated the matter is assumed to be placed as a Regular Agenda Item.

Councilmember Herrera Spencer stated Councilmember Knox White's rendition is correct; the matter would be placed on the Regular Agenda and will be retroactive to capture the previously presented audit.

Vice Mayor Vella inquired whether public comment would be closed and that the matter is considered a continued agenda item or whether the matter will be considered new.

The City Attorney responded the matter brought forth will be placed on the Regular Agenda and the public will have a right to comment.

Vice Mayor Vella inquired whether Council's previous acceptance of the audit would be undone.

The City Attorney responded the matter will be similar to bringing a presentation forth for Council discussion, such as a presentation from the Historical Society; the presentation will not have an impact on the audit and will simply be brought forth as a presentation to Council.

Mayor Ezzy Ashcraft expressed concern about setting a precedent.

The City Manager stated his previous recommendation was direction for the upcoming 2022 audit.

The City Clerk noted the report will be titled as a presentation by the City Auditor and kept simple with the audit report referenced; the presentation will be timed, with no Council action.

Vice Mayor Vella stated that she would like to be clear that the recommendation is strictly for a presentation with no Council action.

Councilmember Daysog stated the matter will only be a presentation; if the presentation yields substantive information, the information will be addressed at a future Council meeting.

The call for the question continued: Vice Mayor Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

COUNCIL COMMUNICATIONS

(21-354) Mayor's Nominations for Appointment to the Housing Authority Board of Commissioners and Social Service Human Relations Board. Not heard.

(21-355) Councilmember Daysog recommended a remembrance for fallen Alameda Serviceman, Staff Sergeant Thomas "Tommy" Fogarty for the upcoming Memorial Day; expressed support for starting the naming process in his memory.

Mayor Ezzy Ashcraft noted there is an annual tradition in Alameda at Veteran's Park for Memorial Day.

(21-356) Councilmember Herrera Spencer discussed the Memorial Day tradition at Veteran's Park; noted the USS Hornet may host a similar event; announced the upcoming City Council Budget Workshop; discussed funding opportunities for outdoor recreation; urged the public to advocate for desired funding topics; discussed a new recycling area on Davis Street for composting; .

(21-357) Mayor Ezzy Ashcraft discussed a trip taken with staff to San Jose to see emergency modular housing being built; noted one site is on San Jose surplus land and the other site is on Caltrans property; discussed an Association of Bay Area Governments (ABAG) regional planning committee meeting related to RHNA allocations; announced a vaccine clinic event at Mastick Senior Center; stated Pfizer vaccines have been approved for adolescents ages 12 and up; older teens are getting vaccinated; discussed a United Against Hate rally protesting incidents of violence and aggression towards members of the Asian American and Pacific Island community; noted the upcoming Council Budget Workshop will include Council discussion on American Recovery Plan Act funds.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:11 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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