

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 6, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:07 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 5:11 p.m. The meeting was held via Zoom.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(22-513) Conference With Legal Counsel – Workers' Compensation Claim (Pursuant to Government Code Section 54956.95); Claimant: Employee – Police Department, City of Alameda; Claims: 095500044, 1295500076, 0995500018, 1795500026, 1295500067; Agency Claimed Against: City of Alameda.

(22-514) Public Employee Appointment/Hiring (Pursuant to Government Code Section 54957); Title/Description of Positions to be Filled: City Manager/Interim City Manager.

(22-515) Conference With Labor Negotiators (Government Code Section 54957.6); City Negotiators: Nancy Bronstein, Interim City Manager, Nico Procos, General Manager Alameda Municipal Power, Jessica Romeo, Human Resources Manager, and Steve Woo, Senior Human Resources Analyst; Employee Organizations: Alameda City Employees Association (ACEA), Management and Confidential Employees Association (MCEA), Electric Utility Professionals Association (EUPA), International Brotherhood of Electrical Workers (IBEW), Alameda Police Officers Non-Sworn (PANS), Alameda Municipal Power Unrepresented Employees (AMPU); Under Negotiation: Salaries, Employee Benefits and Terms of Employment.

(22-516) Conference With Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 950 West Tower Avenue (Building 39) Alameda Point, Alameda, CA; City Negotiators: Community Development Director Lisa Maxwell, Assistant Community Development Director Nanette Mocanu, and Assistant City Attorney Len Aslanian; Negotiating Parties: City of Alameda and StopWaste; Under Negotiation: Price and Terms of Lease. Not heard.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Workers' Compensation Claim: the case involves five workers' compensation claims filed by a former employee of the Police Department; Applicant suffered injuries to his back and leg as a result of his work duties; he retired via industrial disability retirement on December 31, 2021; the Council authorized the City Attorney to settle the pending workers' compensation claims in an amount not to exceed \$125,000 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 Employee Appointment/Hiring, staff provided information and Council provided direction with no vote taken; regarding Labor, 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.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:48p.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 6, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:35 p.m. and 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

(22-517) The City Clerk announced the agreement with Alameda Unified School District for the swimming pool [paragraph no. 22-538] and the lease for Building 11 [paragraph no. 22-553] were withdrawn and would not be heard.

Mayor Ezzy Ashcraft stated that she would call her nominations [paragraph no. 22-518] next.

COUNCIL COMMUNICATIONS

(22-518) Mayor's Nominations for Appointment to the Golf Commission, Historical Advisory Board (HAB), Housing Authority Board of Commissioners (HABOC), Library Board and Public Utilities Board (PUB).

Mayor Ezzy Ashcraft nominated Eric Husby, Alexander Kaufman, Michaela Joseph-Brown, and Bachir Hadid for appointment to the HABOC; Thushan Amarasiriwardena to the Library Board; Elise Hunter to the PUB; Hank Hernandez and Megan Borthwick to the HAB; and Ed Downing to the Golf Commission.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(22-519) Proclamation Declaring September 15th through October 15th, 2022 as National Hispanic Heritage Month.

ORAL COMMUNICATIONS, NON-AGENDA

(22-520) Steve Mar questioned when the City will eliminate the local emergency.

(22-521) Jeff Rosen, Pacific Fine Foods, expressed concerns over the future, beautification, safety and commercial plan of West Alameda and Spirits Alley.

(22-522) Jacob Loffsner expressed concerns over safety conditions and changes made to Spirits Alley; stated tourism is being effected.

(22-523) Zoom User discussed his experience in Alameda; stated the City has bounced back from the closure of the Navy base; expressed concern over businesses at Spirits Alley and Alameda Point being neglected.

(22-524) Rory Shields, Alameda, expressed support for the West End of Alameda and Spirits

Alley; stated that he is concerned over the disheveled appearance of the area; questioned whether the City has a short or long term plan to remedy the appearance.

(22-525) Marilyn Rothman, Alameda, expressed concern over power outages, the Police response to Community Assessment Response and Engagement (CARE) team calls and a Police Auditor for Police oversight not being hired yet.

(22-526) Lesa Ross, Alameda, discussed the closure of Safeway on Bay Farm Island; discussed food deserts; questioned whether the City has a plan to keep food sources open.

CONSENT CALENDAR

The City Clerk announced the terms of the Interim City Manager contract with Nancy Bronstein [paragraph no. 22-529].

Discussed regulations pertaining to disasters and COVID 19; urged the Council to end the emergency declaration: No Name Required.

Expressed concern over local businesses not being promoted by the City; stated that he would like the City to stop using COVID-19 as a reason not to allow people to visit Alameda Point; urged businesses be open: Rudy Arguello, Alameda.

Questioned how changes to Alameda Point are affecting local businesses; expressed concern about the health of businesses on the West End; stated that she would like to ensure businesses at Alameda Point are not forgotten: Deb Balot, Alameda.

Read Government Code Section 54953 pertaining to the Brown Act and Government Code Section 8630 pertaining to existing conditions; stated continuing the local emergency must be based on existing conditions: Cecilia Venucci.

Expressed concern over COVID-19 excluding people; discussed the Zoom public comment process; stated that he does not appreciate the use of the COVID-19 crisis to justify using Zoom: Tod Hickman.

Stated Public Health Officials make public health decisions; decisions are made by using readily available data based on facts; the COVID-19 emergency declaration should still be in effect; Alameda County is still a high community transmission area: Savanna Cheer, Alameda.

Discussed her experience serving on the Commission on Persons with Disabilities; stated undoing the emergency declaration will cause an inability for people such as herself to serve on City Board and Commissions or run for elected offices; the issue relates to equity; urged Council to continue the emergency declaration: Beth Kenny, Alameda.

Expressed support for comments provided by Speaker Kenny; stated Zoom meetings are a way for all to participate in public meetings; she would like to see the emergency declaration continue: Melodye Montgomery, Alameda.

Councilmember Knox white stated that he would like the COVID-19 Emergency Declaration [paragraph no. 22-____] removed from the Consent Calendar for discussion.

Councilmember Herrera Spencer requested the teleconference findings [paragraph no. 22-____], the vehicle purchases [paragraph no. 22-____], and final passage of the rent ordinance [paragraph no. 22-____] be removed from the Consent Calendar for discussion and recorded a no vote on the resolution establishing parking restrictions [paragraph no. 22-____].

Councilmember Herrera Spencer moved approval of the remainder of the Consent Calendar.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Daysog recorded a no vote on the resolution establishing parking restrictions.

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

(*22-527) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission and Regular City Council Meeting Held on June 21, 2022; and the Special and Regular City Council Meetings Held on July 5 and 12, 2022. Approved.

(*22-528) Ratified Bills in the amount of \$22,285,361.04.

(*22-529) Recommendation to Approve Agreement Appointing Nancy Bronstein as Interim City Manager at an Annual Salary of \$278,409, Commencing on August 1, 2022, and Authorize the Mayor to Sign the Agreement on Behalf of the City. Accepted.

(*22-530) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a One Year Agreement with The Village of Love Foundation to Provide Homeless Outreach Team Services for Alameda's Homeless Population in an Amount Not to Exceed \$150,000. Accepted.

(*22-531) Recommendation to Authorize the Interim City Manager to Ratify a One-Year Subscription Renewal with KIS Computer Company for the Purchase of Barracuda Backup Server Appliance, Storage and Maintenance in the Amount Not to Exceed \$57,171. Accepted.

(22-532) Resolution No.15951, "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.

Councilmember Knox White stated there is a difference between the current matter and the teleconference findings; the current matter does not impact whether Councilmembers can meet remotely and is related to food and restaurant delivery fees, City Manager spending authority, and some rent protections; he is currently in support of the local emergency; however, when the matter returns in October, he will be voting no; it is time to remove the local emergency; the City can continue under the State emergency; expressed support for providing direction to staff to bring back an ordinance amending the food delivery ordinance to change the current end date to the end of the State's emergency declaration.

Councilmember Herrera Spencer stated that she would like the City Attorney to comment on the matter; she would like to information on City, County and State levels of local emergency.

The City Attorney stated the declaration of local emergency does not affect the ability for Council to meet telephonically; the matter authorizes the City Manager to spend above regular spending limits for emergency purposes, the limits on food delivery services, and provides limitations on evictions and certain rent increases; the County and State declarations of emergency will not be affected by the City's declaration; the County and State have different eviction controls in place which may or may not impact the City.

Councilmember Herrera Spencer stated that she understands the State eviction moratorium ended June 30, 2022; Alameda County still has an eviction moratorium; if the City vacates its moratorium on rent increases, the County still provides protections.

The City Attorney stated the issue remains to be litigated; Alameda County has taken the position that its eviction protections apply to incorporated cities.

Councilmember Herrera Spencer stated that she agrees with public speakers; the matter should be based on current conditions; Alameda County hospitalizations were at 30% availability as of September 2nd, with COVID-19 patients being less than 5% of the total; she does not believe the City currently has an emergency occurring based on the data; she will not vote in favor of the matter.

Councilmember Daysog stated that he will continue to vote no on the matter; it is time for the City to begin moving its way back to normalcy; other cities are having public meetings; the City should orient itself toward normalcy.

Mayor Ezzy Ashcraft stated that she follows science and has had the privilege of hearing from some of the top scientists in the country; expressed support the City protecting itself; discussed precautions taken to decrease the impact of COVID-19; stated COVID-19 is still happening; pandemics are taken seriously; expressed support for the direction proposed by Councilmember Knox White; stated Council needs to look at tailoring the declaration to the City's needs; the pandemic has not impacted everyone equally; following science has helped put Alameda in a better place; it is time to start moving forward; the City must be able to provide a hybrid form of public meeting.

Councilmember Knox White moved approval of the staff recommendation [adoption of the resolution] with direction to staff to return in October with an ordinance that will continue the food delivery protections with a new sunset date of the State's COVID-19 emergency and information about the State and County rent protections.

Councilmember Daysog stated that he believes the matter has a 60-day cycle; inquired whether the matter is being brought back at a 30-day interval.

The City Attorney responded in the affirmative; stated the matter is on a 60-day cycle; the next time staff must bring the matter forth would be the first meeting in November; staff can bring the matter before Council sooner; noted changing the sunset clause is an easy task; stated providing information on State and County rent protections would be a bit more work; staff could bring the matter back at the second meeting in October based on the amount of information desired.

Councilmember Knox White expressed support for the update being provided at either the first or second meeting in October; stated the information for State and County are relatively consolidated.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she will not be supporting the motion; she would rather end the local emergency and address the items at this time or separately.

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.

(22-533) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

Councilmember Herrera Spencer inquired the status of hybrid meeting capabilities at City Hall.

The City Clerk responded the new hardware has been installed; stated the project is still being completed with a final punch-list of items to be completed; tonight is another test of functionality; staff will continue to make progress refining the equipment upgrade.

Councilmember Herrera Spencer inquired whether there is an anticipated timeline for project completion.

The City Clerk responded a meeting is scheduled for next week; the service provider will have an update at the meeting.

Councilmember Herrera Spencer stated that she would like to maintain a hybrid meeting capability; expressed concern over the time taken to complete hybrid functionality; stated there have been concerns from the public over in-person participation; inquired the process for moving forward.

The City Attorney responded the matter allows the City the choice of having a traditional Brown Act meeting, a hybrid meeting, or a completely remote meeting; stated approving the matter does not commit the City to one of the three choices; however, if Council does not approve the findings, the City Council, Boards, and Commissions must return to a traditional Brown Act meeting; if any member participates remotely, the public must be allowed to be present at their location; the location must be posted publically and members of the public must be allowed to provide public comment from the remote location.

Councilmember Herrera Spencer inquired whether all Councilmembers have to be present in-person to be able to proceed; stated that she understands Councilmembers do not have to be present.

The City Attorney responded in the historical nature of Brown Act meetings, Councilmembers do not have to be physically present; however, the remote locations must be posted, members of

the public must be allowed to be present and speak from the posted location; approval allows Council, Boards and Commissions to avoid said limitations.

Councilmember Herrera Spencer discussed jurisdictions that have returned to hybrid meetings; stated that she would like information provided when the matter comes before Council; it is important to acknowledge the digital divide; not everyone has access to internet service; people are being excluded; it is critical that the City offers the opportunity for members of the public to participate in-person; expressed concern over people being able to successfully participate in remote meetings.

The City Clerk stated that she has information on other jurisdictions; the breakdown is not included in the staff report since the reports are published 12 days prior; within Alameda County, 8 cities are meeting remotely, with the City of Piedmont being able to decide on hybrid or remote, and 6 cities meet in a hybrid manner.

Councilmember Daysog stated that he will vote no on the matter; he recalls the numbers from the July 12th meeting being 3 cities meeting hybrid; the increase in cities having hybrid meetings trends toward hybrid; there is value in having the public participate via Zoom.

Mayor Ezzy Ashcraft stated the City Clerk is currently testing hardware and software on hybrid meeting capabilities; updates can be provided each meeting.

Councilmember Knox White stated Commissioners need to be able to participate in meetings via Zoom without having to disclose their location; Council is not making any decisions about how meetings are actually performed.

Councilmember Knox White moved approval of the staff recommendation.

Vice Mayor Vella stated the City has been holding public meetings and moving towards a hybrid model; moving toward a hybrid model, as opposed to requiring people to disclose their home location, is incredibly important; in addition to disclosing location, the space also has to be available for the public; there are nuances to the requirement.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated it is possible to setup special rooms for Commissioners to participate in meetings.

Mayor Ezzy Ashcraft stated people have differing limitations; some Commissioners are visually impaired and have difficulty getting to meetings in-person; some are immunocompromised or have those who are within their household and are concerned with attending meetings in-person; flexibility is key; those experience difficulty connecting to the meeting via internet can access via telephone call.

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.

(*22-534) Recommendation to Accept the Report for the Period of July 1, 2021 Through June 30, 2022, on (1) Litigation and Liability Claims Settlements; (2) Workers' Compensation

Settlements; (3) Personnel Settlements; and (4) Determination on Whether Any Records Previously Withheld from Disclosure Have Now Become Available to the Public. Accepted.

(*22-535) Recommendation to Accept the Work of Chrisp Company for Fiscal Year 2020-21 Sign and Striping Maintenance Project, No. P.W. 10-21-35. Accepted.

(22-536) Recommendation to Authorize the Purchase of One Compact Multi-Purpose Sweeper for \$175,696.68 from Municipal Maintenance Equipment, Inc. and Three Electric Vehicle Parking Enforcement Units from Configurator Westward Industries for \$152,636.52; and Authorize a Price Adjustment of \$60,404.93 for a Previously Authorized Purchase of a 2023 Horton 623 Type I Ambulance from Professional Sales and Service, L.C.

Councilmember Herrera Spencer stated the description of the matter includes a price adjustment; the staff reports indicates the adjustment is an increase; the title of the matter should have indicated the price adjustment is an increase; she supports the increase and the matter generally; however, she would like to have had more transparency; expressed concern over the purchase of three electric vehicles (EV); stated that she is concerned about the safety of the parking enforcement vehicles.

The Public Works Director stated safety was considered when selecting the electric parking enforcement vehicles; staff considered the dual-door entry feature, which allows entering or exiting from either side of the vehicle; the vehicle is higher up; staff considered ergonomics; repetitive stress injuries can occur over time in more traditionally-shaped vehicles; the proposed EVs provide less up and down movements, a high strength roll-bar chassis and are narrow to reduce traffic congestion; the proposed EV is the used in San Francisco and Berkeley.

In response to Councilmember Herrera Spencer's inquiry regarding ratings, the Public Works Director stated that she does not know, but follow up and provide the information.

Councilmember Herrera Spencer expressed concern about accidents and purchasing vehicles that do not have third-party safety ratings; stated other cities use larger vehicles that might be able to better withstand accidents.

Councilmember Knox White moved approval of the staff recommendation.

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

(*22-537) Resolution No. 15952, "Amending Mapping Condition No. 3 of Resolution 15689, Granting an Extension to the Alameda Housing Authority for Recording a Final Map for Tract 8561 (North Housing)." Adopted.

(*22-538) Recommendation to Authorize the Interim City Manager, or Designee, to Enter into a Joint Use Agreement with Alameda Unified School District (AUSD) for the Operation and Maintenance of the District Swimming Pools, Including an Addendum Regarding Renovation of the Emma Hood Swim Center at Alameda High School; and

(*22-538A) Adoption of Resolution Amending the Recreation and Parks Department General Fund Operating Budget for Fiscal Year 2022-23. Not heard.

(*22-539) Resolution No. 15953, "Approving the Acceptance of \$800,000 Grant Funds from the San Francisco Bay Restoration Authority for the De-Pave Park Planning Project and Allocate \$50,000 of General Funds as Grant Matching Funds." Adopted.

(*22-540) Resolution No. 15954, "Declaring Nine Project Sites at Alameda Point, Including Building 2, Building 22, Building 24, Building 41, Building 44, Building 114, Building 168, Building 169 and Building 170 to be Exempt from the Surplus Land Act." Adopted; and

(*22-540A) Resolution No. 15955, "Declaring Nine Project Sites at Alameda Point, Including Building 2, Building 22, Building 24, Building 41, Building 44, Building 114, Building 168, Building 169 and Building 170, Exempt from the Surplus Land Act and Authorizing the Acting Interim City Manager, or Designee, to Comply with the Surplus Land Act Procedures Related to the Properties Notwithstanding Their Exempt Status." Adopted.

(*22-541) Resolution No. 15956, "Amending the Alameda Landing Community Facilities District (CFD 13-1) 2021 Bonds Fund (806) and the General Liability Internal Service Fund (611) Budgets for Fiscal Year 2022-23." Adopted.

(*22-542) Resolution No. 15957, "Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000 for the Alameda Library." Adopted.

(*22-543) Resolution No. 15958, "Authorizing the Interim City Manager, or Designee, to Negotiate and Execute a Lease-Purchase Agreement with Moose Boats LLC Through the United States General Services Administration Procurement Program Substantially in the Form of the Attached Agreement; and a Financing Agreement with JP Morgan Chase Bank, NA for the Purchase of One M2-38 Moose Boat Catamaran Waterjet Fire Rescue Boat in an Amount Not to Exceed \$1,500,000." Adopted.

(*22-544) Resolution No. 15959, "Confirming Compliance with State Housing Laws, as Required by the Metropolitan Transportation Commission to Maintain Regional Transportation Funding Eligibility." Adopted.

(22-545) Resolution No. 15960, "Authorizing a Request to the California Department of Transportation to Establish Parking Restrictions on Various Portions of Central and Encinal Avenues on State Route 61." Adopted.

Since Councilmembers Daysog and Herrera Spencer recorded a no vote, the motion 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.

(*22-546) Ordinance No. 3325, "Adopting a Military Equipment Use Policy for the Alameda Police Department." Finally passed.

(22-547) Ordinance No. 3326, "Amending the Alameda Municipal Code by Amending Article XV (Rent Control, Limitations on Evictions and Relocation Payments to Certain Displaced Tenants) to Adopt and Incorporate Provisions Concerning Capital Improvement Plans (CIP) and Maritime Residential Tenancies for Rental Units in the City of Alameda." Finally passed.

Councilmember Herrera Spencer stated Council has received several pieces of correspondence requesting the matter be continued to allow for more discussion; inquired the process if Council decide to continue the matter.

Special Counsel stated continuing the matter is of concern; the ordinance clarifies that the City's rent control protections apply to people who rent berths at floating home marinas; Council intent had been to ensure people in floating home marinas were protected; Council directed staff to make contact with all marina operators in order to gain better clarification about whether the ordinance needs to apply to a wider group; the effort will be undertaken; however, staff still recommends final passage in order to provide protections.

The City Attorney stated the changes to the ordinance related to CIP are simply technical; staff is not making any substantive changes; Council has requested staff do more work on the CIP portion; staff will complete the additional work in late 2022 or early 2023.

Councilmember Herrera Spencer inquired whether there is a certain amount of time required for a final reading to occur and the significance of not approving final passage.

Special Counsel responded the ordinance was introduced on July 12th; tonight is the next regular Council meeting; the ordinance will take effect 30 days after final passage.

Councilmember Herrera Spencer inquired whether it is possible for Council to make changes to the ordinance in the future.

Special Counsel responded in the affirmative; stated staff will be looking at a number of issues with respect to people that rent berths at all marinas as well as the CIP portion; the CIP portion is separate and will return to Council in the future.

Councilmember Herrera Spencer inquired whether the procedure if Council desires to change the ordinance.

Special Counsel responded ordinances can be revised in a couple of ways; stated staff typically brings changes forth for Council consideration; however, Council may request an item return for revision; Council can prepare and present changes if directed by Council.

Councilmember Knox White moved approval of final passage of the ordinance.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated that she met with Special Counsel and owners of floating home marinas in order to better understand existing concerns.

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

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(22-548) Resolution No. 15961, "Appointing Amanda Bugge as a member of the Commission on Persons with Disabilities." Adopted; and

(22-548A) Resolution No. 15962, "Appointing Jane Schmitz as a member of the Commission on Persons with Disabilities." Adopted; and

(22-548B) Resolution No. 15963, "Appointing Gerald Bryant as a member of the Social Services Human Relations Board." 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.

The City Clerk administered the Oath of Office to Ms. Bugge, Ms. Schmitz, and Mr. Bryant.

Mr. Bryant, Ms. Bugge and Ms. Schmitz made brief comments.

Mayor Ezzy Ashcraft called a recess at 9:25 p.m. and reconvened the meeting at 9:40 p.m.

(22-549) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a Sixth Amendment to the Disposition and Development Agreement (DDA) between the City of Alameda and Alameda Point Partners (APP), LLC for the Site A Project at Alameda Point. Introduced;

(22-549A) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a First Amendment to the Development Agreement (DA). Introduced; and

(22-549B) Resolution No. 15964, "Approving Eden Housing, Inc. as the Qualified Affordable Housing Developer for Development of Block 10B of Site A at Alameda Point and Authorizing the Interim City Manager, or Designee, to Negotiate and Execute Agreements and All Other Necessary Documents to Effect Said Development." Adopted.

The Community Development Director gave a Power Point presentation.

Councilmember Herrera Spencer inquired how many affordable housing units will be for purchase versus for rent.

The Community Development Director responded the decision is going to be dictated by market conditions; stated the developer intends to leave some flexibility so units can be sold; the decision will be made when the units come online.

Councilmember Herrera Spencer stated a condominium overlay has been discussed; inquired how many have been built.

Jessica Murphy, Cypress Equity Investments, responded Alameda Point Partners is committing to overlaying a condo map on the future development; stated affordable housing will be determined by the qualified affordable developer; the affordable developer's mission and ability to secure funding would probably be two important elements to determine whether the product is for rent or for sale.

Councilmember Herrera Spencer discussed affordable by design and townhomes versus condominiums; inquired about square footage.

Ms. Murphy responded densities will range from about 20 units per acre to 30 units per acre; stated higher density townhomes would have a lower square footage; lower density townhomes would have higher square footage; design has not progressed far enough and would progress after the current entitlement stage.

Councilmember Herrera Spencer inquired the smallest square footage of the for sale townhomes that have already been built.

The Community Development Director indicated the information would be provided momentarily.

Mayor Ezzy Ashcraft suggested hearing public comment and providing the response after.

Stated the development teams looks forward to continuing to work with the City and community to execute the plan; momentum is critical; the developers want to achieve further success and facilitate the launch of West Midway; moving Site A forward is very important to attracting investments needed to make improvements, achieving economic development goals and fulfilling the recently approved Housing Element; Joe Ernst, SRM Partners.

Discussed Corsair Flats; stated Site A has delivered hundreds of additional units of housing, new parks, transit infrastructure and an urban fabric that will catalyze development of the former Base for years to come; Eden Housing is honored to be selected again as the qualified, affordable housing developer for Phase 1B and cannot wait to bring another phase of critical, affordable housing to the heart of Site A; urged Council to vote in favor of the DDA Amendment; Louis Liss, Eden Housing.

Stated that she is a strong supporter of Site A; however, she has a concern about the retail already approved; the proposed DDA could change the approved retail use to commercial use, which could later become work-live units; asked the City Council to preserve the retail approved in Phase 1, which totals 24,149 square feet out of the total 300,000 square feet of retail; stated waterfront retail is an important amenity; it is just as important as parks and open space; businesses have expressed concern and a desire to have places for employees to eat; Karen Bey, Alameda.

Expressed support for the developers at Alameda Point committing to use a signatory union general contractor, which will hire local and pay the standard wages and benefits for the area; discussed union general contractors; stated the project will provide hundreds of union construction jobs and create opportunities for women, minorities and local hires to advance their careers as carpenters during this time of potential economic downturn; Local 713 supports the

project for all the benefits it will provide to the community, including much needed housing and jobs creation: Don Hokett, NorCal Carpenters Union Local 713.

In response to Councilmember Herrera Spencer's earlier question, Stephanie Hill, Trammell Crow, stated minimum of square footage for the townhomes is 1,448 square feet.

Councilmember Herrera Spencer inquired whether the square footage is for a unit for sale, to which Ms. Hill responded it is a for sale townhome.

In response to Councilmember Herrera Spencer's inquiry about the sale price, Ms. Hill stated that she does not have said information.

In response to Councilmember Herrera Spencer's inquiry affordable housing units, the Community Development Director stated existing and future affordable housing would be rental units.

Councilmember Herrera Spencer inquired whether the person living in the unit would acquire any equity, to which the Community Development Director responded in the negative.

Councilmember Herrera Spencer stated that she will not be supporting the amendment; discussed her concerns about prior amendments and market rate housing; stated other developers have made units with less square footage for sale; Alamedans are being pushed out of the community; new housing being built is only rental units or high end units for purchase; discussed pricing; expressed support for people at lower income levels having the opportunity to purchase units and not having to rent their entire lives; stated affordable by design is intentionally being built so that someone in the middle will hopefully be able to purchase a home and so that the City is not only building extremes; having affordable, below market rate for rent only means people will never be able to buy; at the opposite extreme, the townhomes are actually bigger sized homes for Alameda, which is a serious problem; in the past, the developer indicated middle-income people would have an opportunity to purchase units; zero units have been built by the developer that are housing for middle-income people to purchase; discussed jobs; stated people building the homes will never be able to purchase them; the City has to intentionally build housing for the middle to purchase.

Councilmember Daysog stated that he is excited about the community theater being contemplated; discussed the community theater and Historical Museum, particularly with respect to making sure the design of the former structure doesn't overwhelm the latter structure; stated that he is excited about extension of the waterfront park; parks along the water bring people to the water; discussed how objectives and the DDA, such as recreation and 25% affordable housing, make the project difficult to pencil; stated the City imposed a lot of challenges; for the project to be financially viable, certain decisions have to be made; outlined requests, such as 25% affordable, investments in transit and recreational amenities including the waterfront park, causing the amount of for sale condos for middle-income not to be present; stated the project is something to be incredibly proud of; the project has to move along and satisfy as many people as possible; discussed the municipal services fee; stated that he thinks this is a very good project and he appreciates the community's patience.

Councilmember Knox White expressed appreciation for Councilmember Daysog providing a reminder about why the project looks the way it does; stated Council can sit and wish non-possible things would be built or can move forward with needed housing; discussed financing.

Councilmember Knox White moved approval of the staff recommendation [including introduction of the ordinances and adoption of the resolution] with great appreciation.

Councilmember Knox White stated housing is building the infrastructure for Alameda Point; discussed infrastructure; stated Site A is the catalyst.

Councilmember Daysog seconded the motion.

Under discussion, Vice Mayor Vella expressed support for public housing; stated the City is not going to achieve everything relative to housing in one project; it will be accomplished by a patchwork of projects, which will hopefully be distributed throughout the City, and by removing barriers to density and building different types of housing; she supports the project and recommendations before Council tonight; the City has come up a long way with the project and is getting a lot out of it; discussed project benefits, including backbone infrastructure and housing for all income levels; expressed appreciation for the condo overlay; stated that she looks forward to voting for the project tonight.

Mayor Ezzy Ashcraft stated it is so true that the City is not going to accomplish everything to provide housing in one project; discussed a model where a portion of rent goes into an escrow account and the Housing Authority purchasing buildings; stated the City is not overlooking the middle; it is possible to create models; voting against Site A would lose an opportunity to get Alameda Point tenants new, modern, environmentally friendly, sustainable housing in a real neighborhood; discussed impacts on Alameda Point residents and businesses, infrastructure, the difficulty of making the project pencil out, increasing costs and supply chain issues.

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.

(22-550) Recommendation to Provide Direction to Staff on Responses Received to the Request for Proposals for Leasing Building 19 Located at 2175 Monarch Street; and, if Recommendation is Approved: and

(22-550A) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a Third Amendment to the Lease, Substantially in the Form of the Attached Agreement, with Saildrone, Inc., a Delaware Corporation, for Building 12, Located 1050 West Tower Avenue, Alameda, CA, to Add Building 19, Located at 2175 Monarch Street, Alameda, CA, to the Premises with a Five Year Lease Term with Five Year Option to Extend. Not introduced.

(22-551) Councilmember Knox White moved approval of hearing the 1620 Fernside Boulevard lease [paragraph no 22-555] and the Amber Kinetics lease [paragraph no 22-556] and ending by 11:40 p.m. and hearing the Fixed Automated License Plate Readers (ALPRs) [paragraph no 22-554] under Continued Items on September 20, 2022.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she will not be supporting the motion; expressed concern about hearing the leases before the ALPRs.

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

The Assistant Community Development Director gave a brief presentation

Councilmember Herrera Spencer stated at the July 12th meeting, the previous Interim City Manager indicated the item would return in October or maybe September with analysis done by an economic consultant in regards to purchasing versus leasing, the stock of other available buildings and transportation of chemicals; none of the information has been provided; inquired where is the economic consultant's report.

The Community Development Director responded staff is working on the project with Keyser Marston and anticipates having a draft in October; stated the project is complicated and taking a bit of time; staff intends to schedule a Council study session.

In response to Councilmember Herrera Spencer's inquiry about the cost of the report, the Community Development Director stated that she does not know the amount.

Councilmember Herrera Spencer expressed concern about entering into a ten year lease without the benefit of the report; inquired whether the report would provide an analysis of pros and cons of options.

The Community Development Director responded in the affirmative; stated the Saildrone lease is actually four years and eleven months due to constraints of the Surplus Lands Act (SLA); the lease does not close the opportunity for the City to sell the building.

The Assistant Community Development Director stated the report will address leasing versus selling buildings; discussed revenue related to selling or leasing.

Councilmember Herrera Spencer inquired whether having a tenant with a ten year lease has no impact on the building sale price.

The Assistant Community Development Director responded staff does not know; discussed appraisals; stated the buildings are desirable and there is nothing similar in the Bay Area.

Mayor Ezzy Ashcraft expressed concern about the time and staying on the agenda item; stated that she looks forward to the future discussion about sales versus leases.

Councilmember Herrera Spencer stated when the report comes back, Council may decide to sell the property; inquired whether or not the property will have a lower market rate by having a long-term tenant.

The Assistant Community Development Director responded the City will not be able to sell the property if a tenant has a ten-year lease unless language is included in the lease; the tenant is asking for a ten year lease, which makes sense since their other buildings have leases that expire in ten years.

In response to a request for clarification, the Assistant Community Development Director stated a ten-year lease with credit-worthy tenant might actually add value to the building.

Mayor Ezzy Ashcraft stated the tenant might be interested in purchasing the building; inquired whether the tenant would have first right of refusal.

The Assistant Community Development Director stated the tenant has first right of refusal on the existing building being leases.

The Community Development Director reiterated there is no reason the City would not to be able to sell the building.

Councilmember Herrera Spencer inquired whether a determination is being made to prioritize the tenant purchasing the building at a price that might not necessarily be market value.

Mayor Ezzy Ashcraft stated the City typically does an appraisal.

The Assistant Community Development Director responded staff does not like to leave one penny on the table and definitely will try to get market rate.

The Community Development Director stated the purchase option is going to apply to the new building.

Mayor Ezzy Ashcraft inquired whether there might be possibility in the future, to which the Community Development Director responded in the affirmative.

The Assistant Community Development Director stated staff could come to Council to recommend selling the building.

Mayor Ezzy Ashcraft questioned there not being response to the Council direction to address other tenants when the matter returned; noted Astra has withdrawn and is no longer interested.

Councilmember Knox White inquired about Pyka and about Rain Technology's interest in the building.

The Assistant Community Development Director responded Pyka is laser focused on Building 11, not Building 19; stated staff has questions about Rain Technology's financial capacity, which is why Sairdron is being recommend; the City might have other options available for Rain that will return at a later date in closed session.

Councilmember Knox White inquired whether Council is being asked to discuss Building 19 without said information.

The Community Development Director responded staff has had conversations with Rain about ideas.

Mayor Ezzy Ashcraft stated a building considered as a potential option just recently became available.

The Community Development Director stated staff plans to talk to Rain about said building; outlined building differences.

Vice Mayor Vella stated the tower is important to Rain; inquired whether said aspect has been considered or discussed.

The Community Development Director responded in the affirmative; stated a variety of potential scenarios have been explored; staff has had a number of conversations with both of the potential tenants about opportunities for sharing the space and Rain having access to the building; unfortunately, Saildrone indicated the option is not feasible.

Vice Mayor Vella inquired how Council is expected to vote tonight and put things in motion relative to the building that would not be able to be undone; stated Council gave direction to have all of the alternatives presented, including what was being proposed and with whom; expressed concern about Council making a decision without having all of the information.

Mayor Ezzy Ashcraft stated that she thinks Rain is a great company, wants them succeed and would love to see them stay in Alameda if the City can find the right space; she reached out to the Port of Oakland since the Port has an unused air traffic control tower at the North Field; she connected her Port contacts with Rain; the problem is the drones fly at a height that would be in conflict with incoming aircraft; the U.S. Fish and Wildlife Service administers the Alameda Point Northwest Territories and would have to allow the use; activity in the area is prevented during least tern breeding season; the permit to operate has not been done yet; Rain has cannot apply for a permit because they are not a tenant; she encouraged Rain to look at other buildings; expressed concern about all of the necessary pieces not being in place; suggested hearing from public speakers.

Discussed and expressed support for Rain Technologies: Vicki Sedlack, Alameda Education Foundation.

Expressed support for having a business related to Spirits Alley in the building: David Lodge.

Stated that he is a Fire Fighter; expressed support for Rain Technologies: Jonathan Cox, Alameda.

Expressed support for using the building for events: Rudy Arguello.

Discussed how important the building is to Rain Technologies and outlined Rain's accomplishments: Maxwell Brodie, Rain Technologies.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated Council is free to ask questions and Mr. Brodie is free to answer or not at his pleasure.

Mayor Ezzy Ashcraft stated that she has been out to visit Rain and had a nice tour; stated Rain does not have a permit from U.S. Fish and Wildlife Service; inquired what would happen if the City found space for Rain and then U.S. Fish and Wildlife did not approve Rain's permit; inquired if Rain knows how long it would take to get an answer from U.S. Fish and Wildlife.

Mr. Brodie responded the City's consultant did not bring up the U.S. Fish and Wildlife Service permit, but he is happy to check through his records; the entire operation area discussed with

the City is within the City's property boundaries; therefore, he understands a Fish and Wildlife permit is not necessarily applicable, especially considering that Rain will operate outside of the least tern breeding season; Rain is really good at solving problems and working collaboratively with stakeholders; he would be happy to speak with the appropriate people.

In response to Mayor Ezzy Ashcraft's inquiry, the Assistant Community Development Director stated the tenant would not need a U.S. Fish and Wildlife permit if they are operating outside of the least tern season; a license agreement to do drone testing has been discussed; Rain was informed testing cannot be done while the least tern is nesting April through August; Rain agreed to said stipulation; if testing were year-round, Rain would have to work with U.S. Fish and Wildlife, which is not uncommon; tenants work with a biologist to get a decision from U.S. Fish and Wildlife.

Stated Community Action for Sustainable Alameda (CASA) had an opportunity to visit Rain and was very impressed by the organization; CASA hopes the City's focus on job creation, tax revenue generation, financial strength and stability is prioritized alongside issues around the urgency of wildfires; the Tower provides an excellent example of adaptive reuse: Debi Ryan, CASA.

Stated Building 19 is a beautiful piece of architecture and has parking that will support Spirits Alley; the control tower would be an incredible place for artisan food vendors; expressed concern about Sprits Alley being destroyed and the Mayor receiving a large contribution from Saildrone: Tod Hickman.

Mayor Ezzy Ashcraft noted that she returned the contribution.

Expressed support for Rain Technology; discussed Alameda's Economic Development Strategic Plan; stated it would be best if a solution could be found that keeps both companies; the air traffic control tower is the only applicable building for Rain; the City should find an alternate facility for Saildrone: Lori Bilella, Alameda.

Stated that she loves both of the companies; her preference is Saildrone; she hopes the City works hard to find a solution also to keep Rain; Saildrone has been in the City the longest and has strong financials; the City does not want to lose Saildrone: Karen Bey, Alameda.

Stated space is available on Bay Farm Island; discussed historic preservation: Jacob Loffsner.

Mayor Ezzy Ashcraft stated in large part, she agrees with Karen Bey, who has been following the Base redevelopment for a long time; expressed concern about not having enough information about Rain's situation.

(22-552) Vice Mayor Vella moved approval of continuing the meeting.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Daysog inquired when the meeting would end, to which Vice Mayor Vella responded midnight.

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

Mayor Ezzy Ashcraft stated questions should be answered before the matter returns; requested clarification on the following return: the biologist's opinion, protections Rain would have to observe if they were to get the control tower, how Rain would run their business only doing testing seven months of the year, other possible buildings Rain could use, whether a pop-up tower on another building could provide needed sight lines and whether other space in Alameda Point might not be so problematic for testing.

Vice Mayor Vella stated that she understands Saildrone is not interested in sharing space; she would like to understand why steps cannot be taken to share access to the tower; other companies have shared access.

Mayor Ezzy Ashcraft questioned if it might be possible to have an entrance that goes to the tower, such as an exterior stairway.

Vice Mayor Vella stated questions were previously raised about sale versus lease; if a policy for the entire Base is not done, it is fine, but a response relative to the building is needed.

Councilmember Knox White stated Saildrone is one of the companies the City is extremely proud of; the company started in Alameda and was small; the City has supported Saildrone to grow bigger and bigger; Rain is also already here and wants to grow; the City's economic development strategy addresses growing smaller companies; discussed Saildrone's immediate expansion needs and expansion being helped by collaboration, including the fiber optic network; stated without Building 19, Rain will probably leave; he believes Mr. Jenkins when he says Saildrone has security concerns about sharing spaces; he also believes Mr. Brody when he says other spaces will not work; he is not sure how the City can make a decision; everyone wants Saildrone and Rain; perhaps the new building that is available might help answer some questions; he does not have any specific questions he wants answered; what he wants collaboration to the greatest extent possible.

The Interim City Manager expressed concern about the matter returning at the next meeting; stated staff would need to return in October to ensure all questions are answered.

Councilmember Herrera Spencer outlined the direction given on July 12th; stated that she wants the economic consultants analysis report on sale versus lease and information on the building stock, transportation chemicals, and whether promises were made to Spirits Alley; stated the building is extremely unique; she is interested in looking at other uses that would support Spirits Alley and allow the public to access the building; Rain might be able to provide access to the public through classes; she would be curious to find out if either tenant would allow the public to have access; tech and office space close off the community; she leans towards trying to sell the building, which is a good way to bring in money and support infrastructure; at this point, she would support Rain over Saildrone because it is the highest and best use of the building if the City cannot find another use that would support Spirits Alley.

Vice Mayor Vella stated that she is worried about the short turnaround and is interested in trying to focus the conversation; the sale versus lease conversation is a separate, hefty item that is going to come back to Council as part of Building 19; she wants to see if there is a way to

maximize access to the tower through a shared use agreement and pursuing other sites for Rain; she likes Councilmember Knox White's suggestions; sale versus lease is a more robust discussion that should be accompanied by buildings tours.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated a motion would be helpful; in particular, staff is interested in knowing whether or not the analysis of sale versus lease should come before or after Building 19.

Councilmember Daysog discussed subleases and using space for storage; stated any lease should require landlord consent for subletting; he is open to having thresholds which require City Council approval, such as length of time or type of use; he wants to guard against subleases.

Councilmember Knox White moved approval of directing staff to engage in conversations with Rain and Sairdron to identify what can be worked out, whether it be space sharing or looking at additional spaces that have come on the market that could meet one of the entities staffing needs; the sale versus lease conversation should come back as a separate item after Building 19; Building 11 should be a part of the conversation, but direction cannot be included under this item; both companies are very important and Council wants to understand what the City needs to do to make it work; the matter should be brought back expeditiously and be heard in October.

Mayor Ezzy Ashcraft expressed support for getting clarity around the biologist opinion that may be required for doing testing.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she thinks the analysis of sale versus lease is needed before addressing Building 19; once a lease is done, a decision will have been made on what many people think is the most important building on the Base; having the analysis before entering into a long-term deal is critical.

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

(22-553) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a Ten-Year Lease, Substantially in the Form of the Attached Agreement, with Pyka, Inc., a Delaware Corporation, for Building 11, Located at 1190 West Tower Avenue, Alameda, CA. Not heard.

(22-554) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Purchase Agreement with Flock Safety for the Acquisition, Support, and Maintenance of a Fixed Automated License Plate Reader System Not to Exceed \$518,824.38 for Five Years and to Provide an Update on Related Technologies. Continued to September 20, 2022.

(22-555) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a Consent to Assignment and Assumption of Lease in Favor of Daniel Patrick Nichols With Respect to the Lease of Real Property Between Agnes McKinley, Successor Trustee of Mihailo Crnjanski, and the City of Alameda for the Tidelands Parcel Adjacent to the Uplands Parcel at 1620 Fernside Boulevard, Alameda, CA. Not heard.

(22-556) Introduction of Ordinance Authorizing the Interim City Manager, or Designee, to Execute a Fourth Amendment to the License with Amber Kinetics, Inc., a California Corporation, to Extend the License Term for Twelve Months for the Unimproved Lot Located at 641 West Red Line Avenue, Alameda, CA. Not heard.

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(22-557) Consider Directing Staff to Reform the Fee Towing Companies Require Alameda Residents to Pay to Retrieve Towed Vehicles. (Councilmember Daysog) Not heard.

(22-558) Consider Directing Staff to Address Massive Corporations Purchasing Housing. (Councilmember Herrera Spencer) Not heard.

(22-559) Consider Directing Staff to Create a Requirement for Upfront Payment of Candidate Statements if a Candidate for Local Elected Office Has a Balance Due from a Prior Election. (Councilmember Knox White and Vice Mayor Vella) Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:02 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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