

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - NOVEMBER 15, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:08 p.m. Councilmember Herrera Spencer led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 7:12 p.m. The meeting was conducted via Zoom.]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(22-722) Brian Kennedy, Alameda, discussed the City website, United States Immigration and Customs Enforcement (ICE) and sanctuary cities.

(22-723) Joshua Altieri, Alameda Housing Authority, provided a monthly update on the Housing Authority.

(22-724) Tod Hickman expressed concern about and discussed Spirits Alley.

(22-725) Sam Moriana, American Legion Post 647, discussed the condition of the Veterans' Building; outlined needed upgrades.

(22-726) Jennifer Rakowski, Alameda, expressed support for Alameda Japantown historic markers and upcoming event.

CONSENT CALENDAR

The City Clerk announced staff is requesting the winter warming services [paragraph no. 22-732] and Electric Utility Professionals of Alameda Memorandum of Understanding [paragraph no. 22-735] be removed from the Consent Calendar for discussion.

Expressed concern about continuing public meetings via Zoom: Tod Hickman.

Concurred with the previous speaker and expressed concern about Zoom meetings: Strudel A.

Expressed appreciation for being able to attend meetings remotely: Jenice Anderson, Alameda.

Stated that she would like the opportunity to attend meetings in person: Margaret Hall.

Concurred with the previous speaker and expressed concern about Zoom meetings: Estrela Villagrana.

Expressed appreciation for having remote meetings; discussed COVID-19 deaths in the prior month: Zac Bowling, Alameda.

Expressed support for hybrid meetings: Carmen Reid, Alameda.

Discussed Spirits Alley: Rudy Arguello.

Expressed support for hybrid meetings and for announcing the amount of Zoom participants: Carol Gottstein, Alameda.

Councilmember Herrera Spencer requested the teleconference findings [paragraph no. 22-731] be withdrawn from the Consent Calendar for discussion.

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

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

(*22-727) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular Meeting Held on October 18, 2022, and the Continued Closed Session Held on October 25, 2022. Approved.

(*22-728) Ratified bills in the amount of \$3,165,822.49.

(*22-729) Recommendation to Authorize the City Manager, or Designee, to Partially Accept the Improvements Completed by Alta Buena Vista Owner, LLC for Tract 8254, Plans for the Public Improvement of Clement Avenue Extension. Accepted.

(*22-730) Recommendation to Authorize the City Manager, or Designee, to Execute an Agreement with G & G Builders, Inc. for the Police Department Reception Area and Ramp Renovation Project, No. P.W. 11-19-53, for a Not to Exceed Amount of \$459,229. Accepted.

(22-731) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

Councilmember Herrera Spencer stated the public has commented on the matter; the staff report indicates that some organizations have gone to hybrid meetings; some organizations require all Councilmembers be present; the report did not include information related to Board of Supervisors or other cities; she has requested more information be included in the report; her Zoom shows 98 participants which includes City staff and Council; inquired the status of hybrid meeting capabilities.

The City Clerk responded the equipment is available and ready to go.

Councilmember Herrera Spencer inquired whether Council needs to provide direction in order to hold in-person meetings and utilize hybrid meeting functions; expressed support for a hybrid meeting process; stated that she joins Council meetings by using a conference room in City Hall and can attend without issue; noted three Councilmembers are present in City Hall for Council meetings; she has received correspondence from members of the public related to difficulties with meeting remotely and participating via Zoom.

Mayor Ezzy Ashcraft stated Zoom meetings indicate the number of participants; Council meetings are also broadcast on Facebook live, so there could be a potentially larger number of viewers.

Councilmember Knox White inquired whether he understands correctly that Councilmember Herrera Spencer has indicated that she will not be returning to Council Chambers in-person and is planning to continue to participate remotely from a conference room in City Hall.

Councilmember Herrera Spencer responded that she is in City Hall and is happy to participate in Council meetings in Council Chambers.

Councilmember Knox White stated in the past, Councilmember Herrera Spencer has indicated that she will not participate in-person; he is happy to return to in-person meetings once all Councilmembers are able to commit to being on the dais in-person at every meeting; meetings conducted without every member present does not work well; he continues to be supportive of returning to Council Chambers; expressed support for technology allowing the public to participate in hybrid meetings.

Councilmember Herrera Spencer stated Council always had the ability to not be present at every single meeting; members could previously call in and participate from an alternate location; stated it is impossible to commit to participating in every single meeting; as possible, she is able to in-person.

Vice Mayor Vella stated Councilmembers previously had to agendize their location; discussed her experience participating in Council meetings when pregnant; stated that she had to agendize her home address with her newborn in order to attend a Council meeting; she would have been required to open her home to the public; the provision is available; however, there are limitations; expressed concern over context being lost; stated in-person attendance was lower than the current amount; most of the audience members in the Council Chambers was City staff; the broadcast did not provide a sense of participants present in the Council Chambers; improvements can be made; in-person meetings did not provide the context being requested; Council needs to remember City Board and Commission members are volunteers; people need time to adjust; the season is approaching where a number of hospital units will be at capacity; Council should approve a uniform process across the City for everyone, not just Council.

Councilmember Herrera Spencer expressed support for Council considering use of the hybrid technology to allow remote participation by the public and Board and Commission members as needed; inquired when new changes will be in-effect for remote meeting participation.

The City Attorney responded if the State ends the state of emergency at the end of February as expected, all bodies will return to the traditional format of in-person meeting and listing remote

locations beginning in March; the timeline is soon; the current item allows Councilmembers not to list their home addresses regardless of which meeting format is followed; if Council does not approve the matter, remote members will have to list home addresses.

Councilmember Herrera Spencer inquired whether Council adoption of the findings enables hybrid meetings; inquired what motion is needed to approve hybrid meetings.

The City Attorney responded if Council wishes to return to Chambers while still allowing some Councilmembers to be remote without listing their home address, Council should adopt the findings and direct staff to facilitate a return to Chambers by a date-specific; stated staff will likely need time after direction is given; the findings must be approved in order to protect home addresses.

Councilmember Herrera Spencer moved approval of adopting the findings and directing the City Clerk to facilitate in-person meetings under a hybrid model.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated the motion allows Council to continue to allow remote participation.

Mayor Ezzy Ashcraft requested clarification of the motion.

Councilmember Herrera Spencer inquired whether the City could provide a hybrid meeting model at the next Council meeting, to which the City Clerk responded in the affirmative.

Councilmember Herrera Spencer re-stated her motion to approve the findings, while adding approval that the City can utilize a hybrid meeting model at the next Council meeting.

The City Attorney inquired whether the motion includes allowing the public to be in Council Chambers, to which Councilmember Herrera Spencer responded in the affirmative.

Mayor Ezzy Ashcraft inquired whether Council is approving the hybrid model for Boards and Commissions as well.

Councilmember Daysog seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated if the findings are approved, Council may continue to participate via teleconference without meeting certain Brown Act provisions; inquired which findings are being approved.

Councilmember Knox White made a substitute motion to approve the staff recommendation to approve findings to allow City meetings to be conducted via teleconference with no direction to return in person at this time.

Councilmember Daysog raised a point of order related to the motion made by Councilmember Herrera Spencer and seconded by himself.

Mayor Ezzy Ashcraft stated the initial motion appears to be moving in a new direction; inquired whether staff direction needs to be included.

Councilmember Knox White withdrew his substitute motion; stated that he will make a motion if the vote fails.

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

The City Clerk responded the motion is to adopt the findings and provide direction to staff to have the City Council meet in hybrid format at the next Council meeting; noted the findings are probably being approved in order to allow Boards and Commissions to meet remotely; however, specification has not been provided.

Mayor Ezzy Ashcraft stated that she would like to see a few more parameters of the hybrid meeting model spelled out; she does not feel as though she has a clear enough understanding of the hybrid model; questioned whether Council would limit the number of people in Chambers due to public health official reports or require masks to be worn inside; she would like more information and is not opposed to hybrid meetings; expressed support for being mindful of public health.

Councilmember Daysog stated Councilmembers have attended community meetings and should be able to hold in-person meetings; expressed support for hybrid meetings.

Mayor Ezzy Ashcraft stated some of the forums have been limited in duration and have not lasted more than one hour; Council meetings last longer than one hour; she would like to be mindful of public safety.

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.

Councilmember Knox White moved approval of the staff recommendation to approve the findings.

Mayor Ezzy Ashcraft inquired whether any direction to staff is being provided with the motion, to which Councilmember Knox White responded in the negative.

Mayor Ezzy Ashcraft inquired whether the matter is brought forth on a monthly basis, to which the City Clerk responded in the affirmative; stated due to timing, the matter will be brought back at the next Council meeting.

Vice Mayor Vella seconded the motion.

Under discussion, Vice Mayor Vella stated additional direction is not necessary since the matter is returning; sufficient discussion has occurred.

Mayor Ezzy Ashcraft inquired whether the discussion has provided sufficient information for the returning matter.

The City Clerk responded Councilmembers can reach out to let her know information to include in the staff report; the agenda is published next week; information can also be presented at the meeting.

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.

(22-732) Resolution No. 15999, “Authorizing the City Manager, or Designee, to Negotiate and Execute an Agreement with Alameda County to Accept \$60,000 in Grant Funding for Winter Warming Services; and Increasing Revenue and Expenditure Appropriations in the Homelessness Program by \$60,000.” Adopted; and

(22-732 A) Recommendation to Authorize the City Manager, or Designee, to Execute Related Documents and Agreements with Building Futures with Women and Children to Provide Winter Warming Services in an Amount Not to Exceed \$113,000.

The Economic Development Director gave a brief presentation.

Mayor Ezzy Ashcraft stated that she would support a motion to support the authorization as presented and provide additional direction to staff regarding winter warming services and winter warming shelters in Alameda; there is a housing and homelessness crisis in Alameda; the City needs many places for people to land on cold or rainy nights; the City has worked with Christ Episcopal Church for many years and has provided funding to add an Americans with Disabilities Act (ADA) accessible bathroom and shower; noted people in the last year were able to seek a place to stay overnight with connections to wrap-around services; stated this summer, the Church was told the City would no longer be funding the program; the need for services is still present; hotel vouchers served six individuals per year; on any given night, more than six people have needs; priority should be given to families and those with frail health; however, the majority of the homeless population are individuals; the City can do more; she would like additional direction given to staff.

Councilmember Herrera Spencer inquired how much will be used from the General Fund for the project, to which the Economic Development Director responded \$33,000.

Councilmember Herrera Spencer inquired whether Alameda’s homeless population would be prioritized, to which the Economic Development Director responded in the affirmative.

Councilmember Herrera Spencer inquired whether staff anticipates the services will be used solely by Alameda’s homeless.

The Economic Development Director responded the services have been only for Alameda’s homeless in the past; stated that she expects the same going forward.

Councilmember Herrera Spencer stated it is important for the City to spend General Funds to support Alameda’s homeless population; expressed support for helping Alameda’s homeless population with Alameda’s General Fund.

Councilmember Knox White stated one issue is the City has not been able to find an operator for the warming shelter program; the matter is a positive opportunity for the City.

Councilmember Knox White moved approval of the staff recommendation to accept the \$60,000 in grant funds, execute the agreement with Building Futures in the amount of \$113,000, and

direct staff to return as expeditiously as possible with options for how the City can move forward in continuing the warming shelter services.

Mayor Ezzy Ashcraft stated the Interim City Manager held a Zoom meeting with a possible provider and discussions are continuing.

Vice Mayor Vella 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.

(*22-733) Resolution No. 16000, "Approving a Memorandum of Understanding (MOU) Between the Alameda City Employees Association (ACEA) and the City of Alameda for a Thirty-Six Month Term Commencing July 1, 2022 and Ending June 30, 2025." Adopted.

(*22-734) Resolution No. 16001, "Approving a Memorandum of Understanding (MOU) Between the Management and Confidential Employees Association (MCEA) and the City of Alameda for a Thirty-Six Month Term Commencing July 1, 2022 and Ending June 30, 2025." Adopted.

(22-735) Resolution No. 16002, "Approving a Memorandum of Understanding (MOU) Between the Electric Utility Professionals of Alameda (EUPA) and the City of Alameda for a Thirty-Six Month Term Commencing July 1, 2022 and Ending June 30, 2025." Adopted.

The Human Resources Director gave a Power Point presentation.

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

(*22-736) Resolution No. 16003, "Approving a Revised Alameda Municipal Power Unrepresented (AMPU) Management Employees Compensation Plan for the Period Commencing July 1, 2022 and Ending June 30, 2025." Adopted.

(*22-737) Resolution No. 16004, "Approving a Revised Executive Management Compensation Plan for the Period Commencing July 1, 2022 and Ending June 30, 2025." Adopted.

(*22-738) Ordinance No. 3332, "Amending the Alameda Municipal Code Chapter 21 (Solid Waste and Recycling) to Comply with Senate Bill 1383 and Conform with Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance." Finally passed.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(22-739) Recommendation to Authorize the City Manager, or Designee, to Execute Two Agreements to Implement a Guaranteed Basic Income Pilot Program: (1) \$600,000 with

Operation Dignity to Serve as the Implementation Partner; and (2) \$309,940 with Abt Associates to Serve as the Research Partner with Funding from American Rescue Plan Act of 2021 Funds.

The Development Managers gave a Power Point presentation.

In response to Councilmember Herrera Spencer's inquiry, the Development Manager stated the eligibility criteria will be developed in coordination with the program partners with an advisory board that will consist of community and advocacy organizations, individuals with lived experience and City staff; staff is anticipating that the income threshold will be between 200 and 300% of the federal poverty level which corresponds to household income for a family of four of between \$55,000 and \$83,000, which would be for 8,000 to 12,000 Alameda households.

Councilmember Herrera Spencer inquired whether the criteria will be shared with the public, to which the Economic Development Manager responded in the affirmative.

Noted a signer on the agreement has a last name of Ashcraft; requested clarification whether the person is related to Mayor Ezzy Ashcraft; expressed concern over the ratio of administrative dollars to dollars paid; stated 50% of the benefit is being paid out to a research partner, which appears high; inquired the correct amount to be allocated and time for the program; urged Council to approval of the program: Matt Reid, Alameda.

Expressed support for the program; stated that she would support seeing a truly universal basic income; the program will help 150 households in a time of record inflation and could be a life-changing difference; since Council wants to emphasize data, it is large program cost: Jenice Anderson, Alameda.

Expressed support for the program; stated the program sheds light on the community; urged Council to support for the program: Brendt Mullan, Alameda.

Expressed support for the program; stated quality partners have been brought on board; staff has been looking at key implementation questions and data to be collected; she is confident that the program will be human driven and will provide data driven results: Jennifer Rakowski, Alameda.

Stated Transform Alameda has advocated for the City to use American Rescue Plan Act (ARPA) funds to develop a Guaranteed Basic Income (GBI) pilot program; expressed support for Council authorizing agreements with Operation Dignity and Abt Associates: Jackie Zipkin, Transform Alameda.

Stated staff has done wonderful work to shape the program for Alameda; the program will make a material difference in many lives: Savanna Cheer, Alameda.

Expressed concern over the Interim City Manager and agreements; urged the City to stop assigning tasks to the Interim City Manager and hire a permanent City Manager; expressed concern over City spending: Tod Hickman.

In response to comments about a signer with the last name Ashcraft, Mayor Ezzy Ashcraft noted there is no relation to herself.

Councilmember Knox White stated the Interim City Manager is doing a fabulous job; discussed

his work on the GBI subcommittee.

Councilmember Knox White moved approval of the staff recommendation.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated data sharing is important; the data generated by the pilot program will be used as a benchmark against other programs and will be shared with other programs; there is hope that the data will lead to permanent State and federal funding streams; waivers are needed so benefits do not negatively impact additional income received; expressed appreciation for the program.

Councilmember Daysog stated that he continues to believe it is not proper for City Hall to provide a limited number of funds for 150 households; if Council wishes to uplift, there should be an expansion to the number of families participating in the earned income tax credit program or any income-based program; City Hall is directing \$4.6 million, including overhead of \$1 million, to a limited handful of 150 households; the program is well intentioned; however, he will not support the matter.

Councilmember Herrera Spencer concurred with Councilmember Daysog; stated only 150 will be chosen out of 10,000; the expense of the program equates to \$30,066 per individual; however, each will only receive \$24,000 due to administration fees; expressed concern about administration costs being more than 20%; inquired what the City could use ARPA funds for instead of GBI; stated the City could spend ARPA funds on a broad list of things.

The Interim City Manager responded that she does not have the information at this time, but is happy to work with staff to provide lists of eligible expenses.

Councilmember Herrera Spencer stated ARPA funding could be spent on mental health services, computers, infrastructure and in-person meetings; the eligible list is long; Council is choosing to allocate funds to a small percentage of the population; expressed support for enlarging the pool by lowering the amount being spent on program administration; stated Alameda is a small city and should find ways to spread money to the greatest amount of eligible people.

Mayor Ezzy Ashcraft stated the program consists of 150 households, not individuals; the program is a pilot program and is based on good data; there is hope that the program will expand; expressed support for the participating in the program; stated that she has seen results in other areas.

Councilmember Herrera Spencer requested clarification about whether individuals are allowed to participate in the program; questioned the required family size for participation.

The Economic Development Manager stated staff envisions individuals would be able to apply; staff has not determined whether more than one individual could be eligible from a household; staff will work with partners to develop the program over the coming months.

Councilmember Herrera Spencer stated more than one individual within a household could be eligible for the program; individuals can apply for the program; depending on who is chosen for the program, the recipients could be 150 individuals.

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.

(22-740) Public Hearing to Consider Adoption of the 2023-2031 Housing Element and Related Zoning Amendments;

(22-740A) Resolution No. 16005, “Adopting a General Plan Amendment to Update the Housing Element of the General Plan and Change the Land Use Diagram Designation for Two Properties to Accommodate the City’s Regional Housing Needs Allocation for the Period 2023-2031, Affirmatively Further Fair Housing, and Comply with State Housing Element Law.” Adopted; and

(22-740 B) Introduction of Ordinance Amending Various Sections of Alameda Municipal Code Chapter XXX (Development Regulations) and the Citywide Zoning Map to Implement the Housing Element, as Recommended by the Planning Board. Introduced.

The Planning, Building and Transportation Director gave a Power Point presentation.

Councilmember Herrera Spencer inquired whether the City must upzone all residential neighborhoods in the Housing Element (HE) in order to Affirmatively Further Fair Housing (AFFH).

The Planning, Building, and Transportation Director responded staff must address Measure A in all residential districts; stated the State has provided written communication over many years indicating that Article 26 of the City Charter is fundamentally contrary to fair housing; staff had to remove the limitations of Measure A from all residential districts; the changes were required in the residential districts to attain certification.

Councilmember Herrera Spencer inquired whether the City Attorney believes the City must upzone all residential neighborhoods to gain approval of the HE.

The Assistant City Attorney responded Article 26 and its implementations are preempted to the extent it is in direct conflict with State Housing Law, which includes the AFFH requirement; stated strict compliance with Article 26 requirements, without the recommended modifications, would not meet State requirements.

Councilmember Herrera Spencer inquired whether other city HE have been approved without upzoning all residential neighborhoods.

The Planning, Building, and Transportation Director responded in the affirmative; stated some cities have not had to upzone or change every residential district, but those cities did not have a uniform limitation on affordable housing like Measure A; due to the requirements of Measure A being embedded in every residential zoning district, staff had to go into every residential district to remove the limitations.

Councilmember Herrera Spencer inquired whether the extent of the upzoning was required by the State; whether the City submitted a draft HE that did not include upzoning all residential neighborhoods; if so, was the submittal was rejected by the State.

The City Attorney responded staff cannot provide legal precision about the extent of the upzoning precisely necessary under State law; stated the State Housing and Community Development (HCD) makes decisions based on the City's submittal; staff is not able to calibrate the level of precision needed to indicate sufficiency; staff has concluded certain levels of upzoning were likely necessary; without providing some level of upzoning in the HE, the City likely would not have received approval by the State and the City would face non-compliance consequences.

Councilmember Herrera Spencer inquired whether the City submitted a draft HE to the State that did not have the current extent of residential upzoning.

The Planning, Building, and Transportation Director responded in the negative; stated the draft submitted was further pushed by the State; the 20 pages of amendments to the HE were the result of the State; the first draft HE did not meet State standards and the State pushed staff to make changes.

Councilmember Herrera Spencer inquired whether the 20 pages of amendments go to upzoning established residential neighborhoods.

The Planning, Building, and Transportation Director responded a large number of the 20 pages did address the residential upzoning.

Councilmember Knox White inquired whether the City is not upzoning all residential neighborhoods in Alameda and whether the HE is increasing the actual allowable density on lots, to which the Planning, Building, and Transportation Director responded in the affirmative; stated staff is only increasing the actual density allowed on a lot in the R-3, 4, 5, and 6 zones, as well as properties that fall within a quarter mile of transit.

Councilmember Knox White stated the HE includes about 45% of residential lots; inquired what AFFH requires.

The Planning, Building, and Transportation Director responded the HE includes an appendix that addresses the history of land use regulations in Alameda; stated some of the prior actions, procedures and laws resulted in unfair housing practices, segregation or differences between neighborhoods in cities; every city must perform analysis, including Alameda; staff had to look at the analysis and affirmatively take actions in the HE to remedy or correct prior actions; Alameda's analysis points out a history of redlining and still has noticeable zoning areas of low and high opportunity; State housing law states that cities must take actions to change tendencies and patterns; the City must address things which continue trends; one of the trends, as noted by the State, is the implementation of Article 26; Article 26 prevents any residential density above 21 units per acre in any residential district; under State Law, 21 units per acre is not an affordable density; Article 26 indicates the City is not allowing densities necessary for affordable housing and prohibits multi-family housing; the State recognizes multi-family housing as the most affordable type of housing; Article 26 prohibits multi-family housing; the State has stated Alameda must deal with the issues in the R-3 through R-6 zones, so staff modified the 21 units per acre density standard and removed the multi-family prohibition.

Councilmember Knox White stated the City must work to undo past harm in housing which appears in residential zones; if the City proposes placing housing in areas that are not

residential zones, the City would not be meeting the actual legal requirement of AFFH and the City would instead be further perpetuating the ongoing problem.

The Planning, Building, and Transportation Director stated the assessment is correct; under State Law, HCD makes the determination.

Councilmember Daysog inquired whether the courts have determined that there is an inconsistency between Measure A/Article 26 and State Law.

The Assistant City Attorney responded in the negative; stated the courts have not addressed the precise issue; staff has been informed in writing for many years by the State that Article 26 is violating State Law.

Councilmember Daysog inquired whether any developer of residential homes or any non-profit housing organization sued the City of Alameda and challenged Measure A in the courts in the last 10 years.

The Assistant City Attorney responded that she is not aware of any suits brought by a residential or non-profit developer challenging the City's Charter provisions.

Councilmember Daysog inquired whether any individual, local residents or Alameda community groups have challenged Measure A/Article 26 in the courts within the last 10 years.

The Assistant City Attorney responded that she is not aware of the City being sued or that any claims or lawsuits have been brought raising the issue.

Councilmember Daysog inquired whether there is an official opinion from State officials of an inconsistency between Measure A/Article 26 and State Law at this point in time which has not been validated in any way by courts.

The Assistant City Attorney responded it is staff's opinion that certain mandates in State HE law are inconsistent with the Charter and Measure A provisions; stated the opinion is consistent with the State HCD.

In response to Councilmember Herrera Spencer's inquiry, the Planning, Building, and Transportation Director stated the process to demolish a building in Alameda is no different today versus under the new HE; a Certificate of Approval would be needed for older buildings.

Councilmember Herrera Spencer inquired whether it would be possible for a single family home to be converted to a multi-family apartment building.

The Planning, Building, and Transportation Director responded it depends on the zoning district; stated every single family property owner can add two second units; under State and local definitions, three units are multi-family; depending on the zoning and size of property, the new zoning has the possibility to allow five units; the R-6 zone allows for more units than R-5 or R-4.

Councilmember Herrera Spencer inquired the maximum number of units on a 10,000 square foot lot.

The Planning, Building, and Transportation Director responded a 10,000 square foot lot in the

R-2 zone would allow 4 units; the R-6 zone would allow 7 to 8 units.

The City Attorney stated in the last housing cycle, Council took action to adopt a compliant HE by overriding Measure A in certain zoning districts by adopting multi-family overlays; the action received State certification; it is likely Council needs to take some action to override Measure A to comply with State law; staff is not able to provide Council with mathematical precision as to the exact number of units; Council's action during the last housing cycle, as reflected in the current HE recommendation, has some necessary overriding to comply with State law.

Expressed support for the HE; urged the City to adopt the HE; discussed his knowledge of Measure A/Article 26: Joshua Hawn, Alameda.

Urged approval of the HE and needed changes to the Alameda Municipal Code (AMC); stated approval is necessary to comply with State law and AFFH; there is a great need for housing throughout the Bay Area: Sophia DeWitt, Alameda resident and East Bay Housing Organizations (EBHO).

Stated the Chamber of Commerce fully supports the staff recommendation to approve the new HE and associated zoning amendments to meet State mandated housing needs and fair housing laws; businesses cannot thrive without housing in Alameda; many are commuting to work due to being unable to find local housing: Kelly Lux, Alameda Chamber of Commerce.

Stated 60% of voters voted to keep Article 26 less than two years ago; Article 26 is described by staff as if it was written by a shameful, racist, great-grandfather long gone; expressed concern over staff overdoing the will of the voters; stated the State has provided analysis on opportunity zones; the analysis is erroneous and unfit: Matt Reid, Alameda.

Expressed opposition to the upzoning of older, established neighborhood, including historic and commercial districts; urged Council to consider the changes to the HE submitted by Alameda Architectural Preservation Society (AAPS) while still meeting the Regional Housing Needs Allocation (RHNA) and AFFH; discussed proposed changes from the AAPS letter: Dolores Kelleher, AAPS.

Urged Council to oppose the massive upzoning in the HE; stated most of the HE will serve Alameda well; expressed concern over the upzoning of established neighborhoods, historic commercial districts and transit overlay parcels; discussed other HEs including massive upzoning to meet RHNA and AFFH; discussed correspondence: Joyce Boyd, Alameda, AAPS.

Read a quote; stated it is everyone's responsibility to share with future generations; arguments are not only misguided, but also hypocritical; urged Council to vote to pass the HE: Jenice Anderson, Alameda.

Stated that she has repeatedly expressed concern over the HE; provisions in the HE provide incentives for land speculation; she mistakenly assumed land speculation included assembling contiguous lots; discussed a maximum number of lots being aggregated; urged Council to ensure the HE includes a prohibition on redevelopment of multiple contiguous lots in historic areas: Betsy Mathieson, Alameda.

Stated getting HCD's approval is no small feat; the economically challenged and workforce should not struggle to deal with the expensive cost of living; the City needs more affordable, fair

housing; adopting the HE will increase communities in Alameda and show support: Brendt Mullan, Alameda.

Expressed opposition to the current HE; stated there is a great push to upzone densities through Alameda, which goes beyond State law requirements; AAPS and Alameda Citizens Task Force (ACTF) have performed research; the current HE goes far beyond the State requirements; urged Council to show restraint: Peter Conn, Alameda.

Urged Council to approve the final HE draft; stated the City has the advantage of being approved by HCD, thus making the City eligible for various State grants for transportation and affordable housing; urged Council not to allow amendments; stated the State will no longer tolerate local residents fighting to keep out more housing within neighborhoods: Mryna Bernadel-Huey, Buena Vista United Methodist Church.

Urged Council to adopt the ACTF recommendations; stated the recommendations would improve the HE to go towards minimum State requirements; questioned why the HE includes an excess of 20% over the requirement; discussed a neighboring lot utilizing transit overlay: Robin Hough, Alameda.

Expressed concern over staff attempting to change history and the will of the voters; stated that he can divulge what he likes during public comment; the matter is an aggressive land grab by developers and is attempting to destroy the City; urged Council to oppose the matter: Tod Hickman, Alameda.

Urged Council to read Attorney Sullwold's brief; stated the brief finds nothing which requires the massive upzoning of the R1 through R6 zoning districts to obtain a certified HE; ACTF and AAPS have come to the same conclusion; expressed support for the City getting written clarification from HCD as to whether the upzoning is required: Paul Foreman, ACTF.

Urged Council to pass the HE as recommended; stated housing is an important need in the City and State; the City needs to go forth and pass the HE; AFFH is being taken seriously: Elizabeth Kuwada, Alameda.

Stated the State does not require any of the additional units to be affordable; it is expensive to build; nothing affordable is coming; built units will be market rate; those who cannot afford to live in Alameda now will not be able to in the future; expressed concern about over delivering on requirements; urged Council to take recommendations from AAPS: Devon Westerholm, Alameda.

Stated that she supports the proposed HE with the exception of program 4, residential zoning changes; discussed the fair housing component; stated the fair housing component is being addressed without program 4; Alameda is not considered exclusionary; noted other cities have been approved without upzoning: Karen Miller, Alameda.

Urged Council to adopt the draft HE and the associated zoning amendments; stated the success of the HE is due to the work performed by staff; the problem of housing scarcity results in high costs; the HE amendments will not be a magic wand, but help put Alameda on a better track and make meaningful progress: Drew Dara-Abrams, Alameda.

Stated that she is strongly opposed to the blanket upzoning and the expansive transit overlay;

expressed concern over adverse consequences that may result in such a drastic decision and over the loss of green spaces and trees; stated open areas are essential to the health and well-being of residents; the concept of AFFH seems noble; however, all new developments will not be subject to rent control; the majority of new units will be market rate; urged Council to consider moderate growth: Carmen Reid, Alameda.

Stated the discussion of Article 26 is a red herring; putting apartments in the single family areas will not provide affordable housing; there is plenty of multi-family housing on Bay Farm Island and along Shoreline Drive; none of the units are affordable; expressed concern over the planning process: Jay Garfinkle, Alameda.

Expressed support for the matter; stated assistance is needed to help people live; the HE is an avenue to help allow housing for individuals that do not have housing; discussed a building he purchased and unit conversion; stated it is a shame that he has a unit that he cannot convert; he has helped people who would not be able to live in Alameda unless assistance had been offered: Ricardo Peinado, Alameda.

Expressed support for the City getting a first draft into compliance; stated the HE as-is has been given approval; the City would be at-risk if Council chooses to modify the HE; non-compliance has consequences; the City must take meaningful actions to overcome historical barriers to AFFH; discussed Oakland's initial HE rejection; urged staff to return with a pro-housing designation from HCD: Zac Bowling, Alameda.

Expressed support for the arguments given by Speakers Foreman, Reid, Weston, Miller, and Hickman; stated the majority of voters voted against blanket upzoning; ACTF has performed calculations; the City has already met requirements, including the fair housing requirements; expressed concern over pushing the State agenda: C B.

Expressed support for Council passing the HE; urged the section on Accessory Dwelling Units (ADUs) specify space in the main building rather than any building; stated if the fix is not provided, the City might be out of compliance with State ADU law; urged Council to pass the HE and zoning changes: Alan Teague, Alameda.

Stated the HE represents a vital part of Alameda's General Plan; the League of Women Voters believes the City's plan should foster fair housing at all income levels with provisions for access to transportation and accommodations for aging in place and those with health conditions or impairments; new developments should be of mixed density; the HE represents the desired standards; urged Council to vote in favor: Anne McKereghan, League of Women Voters.

Discussed the ACTF letter; stated any changes have time to meet the deadline; discussed density bonus projects which could result from proposed upzoning; presented pictures of building heights: Christopher Buckley, AAPS.

Urged Council to vote against the blanket upzoning of the City; stated the upzoning is unnecessary since the RHNA obligation is met without upzoning; the HE does not provide anything for affordable housing and promotes market rate housing which will be exempt from rent control; expressed concern over places under rent control being torn down to provide more market rate: Margaret Hall, Alameda.

Urged Council to reconsider blanket upzoning across Alameda due to impacts on many of the

historic districts; stated a certain amount of upzoning may be required to meet the RHNA obligation; multi-family overlays have previously been employed to meet the requirements while not overriding Article 26; there is a current period of tremendous flux; changes will affect housing in the future: Therese Hall, Alameda.

Stated there is a fundamental tension between neighborhood character and the common good of the need for housing that is cheaper and aggregate; few people will think either extreme is desirable; however, the latter option would materially achieve the goal of reducing the price of housing; the kind of upzoning being considered allows neighborhoods to be overtaken by condominium blocks; urged Council to focus on meeting the RHNA: Alexander Park, Alameda.

Urged Council to reduce or remove the transit overlay: stated that she is opposed to the transit overlay, which is not needed and can be addressed later if needed: Reyla Graber, Alameda.

Stated that he is opposed to the HE; urged Council to dig into the matter; expressed support for recommendations from AAPS: Kevin Frederick, Alameda.

Mayor Ezzy Ashcraft called a recess at 10:16 p.m. and reconvened the meeting at 10:35 p.m.

Mayor Ezzy Ashcraft requested clarification from the City Attorney about allegations of Brown Act violations raised during public comment.

The City Attorney stated the Brown Act and Government Code Section 54954.2.a make it clear that members of the legislative body, members of the Council or its staff, may briefly respond to statements made or questions posed by persons exercising their public comment rights; Council and staff may do so, even posing questions or statements not agendized; Council's brief responses are fully compliant with the Brown Act.

Councilmember Knox White expressed support for the comments and for City staff; stated staff has provided a balanced plan that is compliant with State law; staff has met both parts in meeting the RHNA numbers, as well as AFFH; the City started the project last fall; Councilmembers Daysog, Herrera Spencer and himself challenged the RHNA numbers and asked the Association of Bay Area Governments (ABAG) to look at whether there is a way to reduce the RHNA; Alameda was the sole city that had commitments to actually provide further support for climate, sea level rise and transportation needs; later that same fall, he asked his colleagues whether or not they wanted to challenge the validity of State law trumping local law, which was not challenge; four Councilmembers wanted to ensure compliance; the ship has sailed on challenging whether the State gets to trump local laws; AFFH means the City must address where harm has happened; while Council has heard a few members call in to speak, not one of the proposals addressed the problems as-is; problems have been furthered; the City is then bound by law to fix he problem; expressed support for comments provided by Speaker Teague; stated Speaker Teague highlighted a good change to ADU rules being not contingent on main buildings, but any building which can contain ADUs; proposed Council make the proposed change; the Planning, Building, and Transportation Director is shaking his head to affirm the change can be made; he would like to push back on the idea that the matter is a staff-driven process where nobody provided input; the iterations the proposed plans went through from day one to today are many; Boards, Commissions, community groups and Council had input and changes happened; it is unfortunate when Board and Commission volunteers, as well

as paid staff, are run to the ground as if they did not listen to input provided; the plan is balanced and is a compromise.

Councilmember Knox White moved approval of the staff recommendation [including adoption of related resolution and introduction of ordinance] with the amendment of removing the word “main” on page 116 in the zoning information on multi-family lots.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft requested clarification of the comments and concerns raised about identifying more units than the RHNA requirement; stated that she would like to know why the additional units are necessary and the meaning behind them.

The Planning, Building, and Transportation Director stated State guidelines require the City to provide a buffer; the RHNA obligation is 5,353 units over eight years; the pace of construction of housing has to triple in Alameda over the next eight years in order to meet the minimum standard; staff had been relying on a large number of projects believed to be moving forward; HCD requires the HE to have a 15 to 30% buffer; the buffer is required in the event some projects do not move forward and helps cities not immediately fall into default; default causes additional upzoning; staff is not planning on building more than the RHNA obligation and hopes to meet the obligation; the City’s buffer is proposed at 5% to 6%; HCD allowed Alameda to provide a much smaller buffer.

Vice Mayor Vella stated it is important to frame the matter as something that will help make housing more affordable; the matter will hopefully help reduce the overall costs and is critical as costs are increasing; finding patchwork fixes over-time to bypass larger issues needs to occur; the City needs to ensure compliance with AFFH requirements; discussed a historic Japantown celebration on Park Street and how the history embodies and encompasses many different communities; stated not all communities are preserved, celebrated or highlighted in the same way; Alameda does have a history of redlining and having covenants that have run and continue to be on paper even though unenforceable; there is still a lot of work to be done; the HE is a step in the right direction; she is proud of the work that has been put into the matter; in the 1990s many HE cases were settled; there is a history of the City allowing the continuance of workarounds, which is important for the City to correct; there have been discussions related to best spending City resources; it is not a good use of City resources to engage in costly lawsuits with the State; it is not a good use of City staff time or resources to hire outside counsel to engage in the process or jeopardize State funds the City could be receiving and should receive for projects; expressed support for the proposed HE.

(22-741) Councilmember Knox White moved approval of hearing the Rain Industries lease [paragraph no. 22-742] and ending by midnight.

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

Councilmember Daysog expressed support for the public comment and correspondence submitted; stated the debate focused on the question of how to achieve more units in residential neighborhoods and how to meet the AFFH requirement; the perspective presented by staff as

part of the HE says the City can meet its AFFH requirements in residential neighborhoods by substantially upzoning; noted Measure A limits housing density at 21 units per acre and is woven throughout the ordinance; stated upzoning existing neighborhoods as expressed in the HE as presented allows 30 to 60 units per acre in the varying residential districts; there is almost unlimited upzoning in the commercial district; upzoning adds density through new, separate units; some of the residents have expressed concerns related to adding density in neighborhoods through existing buildings and ADUs to supplement the increased density using existing buildings; many large, single family homes exist through the Island that could be divided into separate units; the process is not easy, however, it is one way to achieve more density in existing neighborhoods; if the City pursues the path of existing residential density, the numbers contemplated in the HE will likely not be achieved; however, the approach is one way to meet AFFH in existing neighborhoods; the City should consider the approach; ACTF has put forth the approach as an idea; there are different ways of dealing with the HCD challenge of increasing units in neighborhoods in order to address the AFFH requirement; some have recommended the approach of adding new, separate units; Article 26 was adopted in 1973, affirmed in 1991, and further affirmed in 2020 by voters; some people indicate that due to Article 26, the City needs to upzone as depicted in the HE, however, the conflicts with State law are only opinions and nothing has conclusively been determined one way or another; no court decisions have been made indicating Article 26 is not AFFH or is illegal; until there is a court decision, Article 26 will prevail; the residents of Alameda have supported the Article; the approach being taken with significant upzoning of residential neighborhoods is not the right way to try and achieve AFFH; there are other ways to support the AFFH requirement; he believes more housing should be provided at Alameda Point as a natural placement for housing units; the HE contemplates almost 1,500 units for Alameda Point out of the total 5,300 unit obligation; expressed support for doubling the amount considered for Alameda Point; stated Alameda Point can provide transit-oriented development; he has not been supportive of the direction of the HE; it appears as though there are three affirmative votes to move forward with the HE; he believes there are alternative ways of achieving the RHNA obligation as done in previous HE rounds; expressed support for targeted zoning and housing overlay; questioned the HE not being adopted; discussed the builder's remedy and developer building heights; stated there is standalone policy and Article 26 is still in place; Article 26 would still regulate the type of housing being contemplated; the builder's remedy is a bugaboo that other cities do not have.

Mayor Ezzy Ashcraft called a recess at 11:04 p.m. and reconvened the meeting at 11:09 p.m.

Councilmember Herrera Spencer expressed support for public comments and contributions throughout the HE process; concurred with comments provided by ACTF and AAPS; stated that she agrees with members of the community who raised concerns over the HE process; staff has a concept of what Measure A/Article 26 is; noted that the origin of the Measure occurred before her time in Alameda; stated approximately 4,000 units have the potential for upzoning; expressed concern over the risk of older housing stock being demolished; stated new housing being offered is not affordable; there is a technical definition of affordable for those who qualify with the majority of options being rentals; market rate rentals require three times the rent due to qualify at-minimum and excludes many renters; many renters have disclosed new units are unaffordable; she has concerns over the HE and its implementation; read a letter of challenge by the City and Council from July 9, 2021 to Matt Malloney related to the RHNA obligation appeal; stated that she believes the appeal will not be respected or honored and will be dismissed; the Mayor and Vice Mayor disagree with the challenge; the argument made by staff

was strong and included natural hazards and climate change; even though other cities have had appeal requests denied, she believes Alameda is unique as an Island with a population of almost 80,000; it was incumbent upon the Council to contest the RHNA numbers; a legitimate challenge was not submitted; there are numerous concerns related to upzoning; expressed concern over the process; stated there is a lot to be desired; the City did not do its best to present unique problems to the State.

Mayor Ezzy Ashcraft stated the matter is important to the City and State; Alameda is unique and special, however, Alameda is not the only city that is unique and special within the State; in large part, the reason the State finds itself in the housing crisis is due to bodies refusing to do as needed and approve more housing to keep up with the growing economy of the State; gentrification of neighborhoods and rent increases occurred; the State has run out of patience and has indicated it is time for action; requirements have been laid out; she is proud that Alameda stands to be the first city in the Bay Area to have its HE approved; the approval says a lot about the community of Alameda; Council has approved funding for financial aid and services; noted consequences for HE non-compliance; stated the City needs to step up its game and is doing so with the HE; she has a Statewide perspective on the matter due to her involvement with the League of California Cities and other bodies; many communities are finding ways to perform even through resistance; AFFH means that people can live where they want to in the City regardless of income; some of the housing options are affordable by design; expressed support for better communication; stated the HE is an opportunity to revitalize once thriving shopping centers by adding a mixture of housing with commercial; affordable by design housing is a real benefit of the HE; the City is acting as part of the solution, not as part of the problem; she has listened to all public comments, some of which expressed fear, anger and indignation; expressed concern over the source of information being used; urged people to read the HE; stated that she is grateful for the work done by staff and Council is ready to vote in support of HE, land designations and zoning amendments.

Councilmember Herrera Spencer stated that adding new housing will not be affordable; new housing being put in place is not able to be afforded by many.

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: 3. Noes: 2.

(22-742) Introduction of Ordinance Authorizing the City Manager, or Designee, to Execute a Ten Year (120 month) Lease, Substantially in the Form of the Attached Lease, with Rain Industries Inc., for Building 19, Located at 2175 Monarch Street, Alameda, CA.

The Community Development Director gave a brief presentation.

Mayor Ezzy Ashcraft stated Rain Industries, Inc. (Rain) performs testing near protected Least Tern breeding areas and will be compliant with procedures; inquired what will happen if a violation occurs.

The Community Development Director responded the lease states Rain would not be permitted to test during the Least Tern breeding season; staff would need to place Rain on notice that they are not permitted to test during breeding season; staff would report to oversight agencies and report any activities.

Mayor Ezzy Ashcraft inquired whether any violation of testing during breeding season would constitute a breach and default of the lease, to which the Community Development Director responded in the affirmative.

Councilmember Herrera Spencer inquired the status of the City receiving the consultant analysis of building sale versus lease at Alameda Point.

The Community Development Director responded staff hopes to have a draft from the consultant within the month; she will circulate the draft internally to other department heads for comment and will return to Council in February with a presentation or workshop to receive input on a policy going forward.

Councilmember Herrera Spencer inquired the rationale behind bringing the matter forth now versus after staff has the opportunity to review the draft consultant report.

The Community Development Director responded the matter has been in play for quite some time; staff brought the matter in July with a recommendation for approval of Saildrone; staff solicited a lease in advance of the July date in order to generate revenue for the City; leasing the building does not prohibit the City from later selling the building while the lease is in place; the company is in need of the space.

Councilmember Herrera Spencer inquired whether it is staff's professional opinion that having a tenant with a ten year lease does not impact the ability to sell the building.

The Community Development Director responded the lease does not impact the sale of the building; stated there could be an impact in the sense that one sort of buyer over another would be interested in the space; some might be comfortable having a tenant to continue paying rent.

Councilmember Herrera Spencer inquired whether the lease would not tie up the property for ten years due to the ten year lease.

The Community Development Director responded the lease term is for ten years, however, ten years is not terribly long at Alameda Point; stated staff has been working on the development for quite some time; the lease will generate revenue for the City and benefits the City.

Stated ten years is a long time for Spirits Alley; expressed concern over City support and staff; stated staff has violated direction from Council related to the lease/sale study; expressed concern over the Public Records Act (PRA) process: Tod Hickman, Alameda.

Stated that he does not know why any City would want to turn down an opportunity to bring high tech investors into the community with well-paying jobs; the technology is new and can benefit the State of California; Alameda can be proud to have Rain Industries; urged Council support the innovators: Brendt Mullan, Alameda.

Urged Council to vote no on Rain; stated that he does not see how a young company will be able to pay the rent by the second year; stated that not much is known about the investors: Rudy Arguello, Alameda.

Questioned whether Saildrone contributed to Mayor Ezzy Ashcraft's campaign; urged anyone who received political contributions to recuse themselves: Carmen Reid, Alameda.

Mayor Ezzy Ashcraft stated Saildrone contributed to her campaign, however, she returned the contributions; she has not received campaign contributions from anyone looking to do business within the City and has refused contributions from others looking to do business with Alameda; discussed the closure of public comment.

Councilmember Knox White stated Council has provided direction to staff to return with the matter ahead of the study for sale and lease of buildings; he looks forward to hearing about how the matter develops over time.

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

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated that he had been disappointed with the situation regarding Saildrone; Saildrone is a company that has contributed a lot to the City; the Saildrone situation is not a good one and he is not convinced that the process has been served; it will be difficult for him to support the matter.

Councilmember Herrera Spencer stated that she has concerns related to the process; she strongly disagrees with staff's opinion that having a tenant in a property with a ten-year lease will not impact the ability of the City to sell the property; inquired the cost of the consultant performing the sale versus lease analysis.

The Community Development Director responded that she does not have the most current amount; stated that she can follow up to provide the amount.

Councilmember Herrera Spencer stated the amount is likely not \$1,000 and is a pretty good amount of money; estimated the cost is at least \$30,000 or more; stated that she does not think it is appropriate to proceed until Council has the analysis; Rain could be a viable tenant; expressed support for the City coming up with something that would include having public use of the air tower; stated the decision for a ten year lease term will impact the ability to sell the property; she will not be able to support moving the matter forward at this time.

Mayor Ezzy Ashcraft stated that she spent a lot of time speaking with Saildrone; Saildrone had been disillusioned in the way they feel they were treated and subsequent delays in process; Saildrone is not leaving Alameda, but also will not be growing in the proposed space; she still holds out hope for Saildrone to find additional space at Alameda Point; urged Council to consider not letting the perfect be the enemy of the good; her first choice of user for the space would have been Saildrone; she values the service Rain provides; Rain is a new company and has accomplished a lot; the work being performed is important to the State; discussed the need for fire services; stated the product being developed by Rain is a force multiplier and is an innovative and important use; urged Councilmember Daysog reconsider his support for the matter.

Councilmember Daysog stated that he appreciates the discussion; questioned what more can be asked of a company; noted Saildrone has been with the City for over ten years and has the financial wherewithal; Rain is a great company; the substance, service, and product of Saildrone versus Rain are both interesting; he is incredibly disappointed in the process; he can support the matter and vote in the affirmative; there will be a time where the staff recommendation will

need to stick with the recommendation.

Mayor Ezzy Ashcraft stated there is room to vastly improve the processes; inquired whether Councilmember Daysog would support the matter.

Councilmember Daysog responded in the affirmative; stated that he would like to vote in opposition of the matter; expressed concern over the process with Sairdrone.

Vice Mayor Vella stated the City can improve its processes; a lot had been done to try and work with Sairdrone; expressed support for moving the matter forward.

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.

CITY MANAGER COMMUNICATIONS

(22-743) The Interim City Manager stated the City and State have both terminated their State of Emergency declarations which has implications for local rental protections; urged renters to reach out to the Alameda Rent Program; announced a Webster/Posey Tube closure, a playground re-opening at Lincoln Park, and the unveiling of the first Japantown markers; discussed the Alameda Firefighters annual toy program.

ORAL COMMUNICATIONS, NON-AGENDA

(22-744) Carmen Reid, Alameda, expressed concern over oral communication during Council meetings; urged Council to double check and provide more time when calling public comment.

COUNCIL REFERRALS

(22-745) Consider Directing Staff to Reform the Fee Towing Companies Require Alameda Residents to Pay to Retrieve Towed Vehicles. (Councilmember Daysog) Not heard.

(22-746) Consider Directing Staff to Address Massive Corporations Purchasing Housing. (Councilmember Herrera Spencer) Not heard.

(22-747) 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 12:00 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 15, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:06 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 5:23 p.m. The meeting was held via Zoom.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(22-718) Public Employee Appointment/Hiring Pursuant to Government Code Section 54957; Title/Description of Position to be Filled: City Manager.

(22-719) Conference with Legal Counsel, Worker's Compensation Claim (Pursuant to Government Code Section 54956.95); Claimant: Employee – Fire Department, City of Alameda; Claim Nos: 1995500009, 1395500075, 2195500074, and 2195500073; Agency Claimed Against: City of Alameda.

(22-720) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiators: Jessica Romeo, Human Resources Director, Nico Procos, General Manager Alameda Municipal Power, and Steve Woo, Senior Human Resources Analyst; Employee Organizations: International Brotherhood of Electrical Workers (IBEW); Under Negotiation: Salaries, Employee Benefits and Terms of Employment.

(22-721) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 650 West Ranger Avenue (Building 92), Alameda Point, Alameda, CA Parcel #74-1375-2; City Negotiators: Community Development Director Lisa Maxwell, Assistant Community Development Director Nanette Mocanu, and Assistant City Attorney Len Aslanian; Negotiating Parties: Alameda Point Collaborative and the City of Alameda; Under Negotiation: Price and Terms of Potential Purchase by the City; Property: 2450 Saratoga Street, 801 West Ranger Avenue (Building 114) Alameda Point, Alameda, CA Parcel # 74-1368-9-2; City Negotiators: Community Development Director Lisa Maxwell, Assistant Community Development Director Nanette Mocanu, and Assistant City Attorney Len Aslanian; Negotiating Parties: Alameda Food Bank and the City of Alameda; Under Negotiation: Price and Terms of Potential Lease/Sale from the City of Alameda.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Workers' Compensation Claim, the case involves four workers' compensation claims filed by an employee of the Fire Department with approximately two decades of service to the City; Applicant suffered multiple injuries, including those to the shoulders, neck and hands as a result of work duties; the Council authorizes the City Attorney to settle the pending workers' compensation claims in an amount not to exceed \$190,000 by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Absent; and Mayor Ezzy Ashcraft: Aye; Ayes:4. Absent: 1; regarding Labor Negotiators, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Abstain; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 4. Abstain: 1, regarding Employee Appointment/Hiring, staff provided information

and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Abstain; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 3. Noes: 1, Abstain: 1, regarding Building 92 and Building 114, Council gave direction to staff with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:52 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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