

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

Mayor Ezzy Ashcraft convened the meeting at 5:28 p.m.

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

Absent: None.

AGENDA ITEMS

(22-748) Listening Session and Partnership Opportunities with Local Indigenous People and Ohlone Tribes.

The Recreation and Parks Director made brief introductions.

(22-749) The City Clerk stated there are two 10 minute presentations.

Councilmember Knox White moved approval of allowing 10 minutes for each presentation.

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.

Corrina Gould, Confederated Villages of Lisjan, gave a Power Point presentation.

(22-750) Councilmember Knox White moved approval of allowing an additional 5 minutes.

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.

Ms. Gould completed her presentation.

Alan Leventhal, Muwekma Tribe of San Francisco Bay Area, gave a Power Point presentation.

(22-751) Councilmember Knox White moved approval of allowing an additional 5 minutes.

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.

Mr. Leventhal completed his presentation.

Stated the City is getting ahead of itself and is not qualified to be making related decisions; expressed concern over money being given to pet projects: Tod Hickman.

Expressed support for the presentations; stated there is a moral obligation in recognizing the land being lived and profited from comes from the presented histories; the matter is an opportunity to receive Federal benefits; there is a local responsibility to the people who have stewarded the land: Lacey Hunter, First Congregational Church.

Discussed her studies of anthropology relating to native California tribes; expressed support for recognizing the Muwekma Ohlone tribes; stated Café Ohlone will be opening in Berkeley; discussed a suspension of the Confederated Villages of the Lisjan: Carmen Reid, Alameda.

Stated the Shuumi Land Tax is an invitation to support the vital work of Indigenous women; the City has recognized that the land was unrightfully taken from Indigenous people and taken by white colonists; the tax payment is the first step in acknowledging injustices; urged Council to continue to pay the land tax: Linda Buchheim, Alameda.

Expressed support for the presentations; stated that she wishes the matter could have been a community event: Margaret Hall.

Mayor Ezzy Ashcraft stated many recommendations have been provided in the staff report, including an action plan to raise awareness of Native American history in Alameda; the presentation and item are a first step; discussed her attendance at an Alameda County Mayors Conference where Ms. Gould gave a presentation.

Councilmember Knox White expressed support for the presentations; stated both presentations highlighted the complex relationship shared by all in relation to the land; he would like the matter to be a continued series going forward; inquired how a City can negotiate a complex relationship amongst multiple groups and organizations that can show a direct lineage and tie to the land, while working in different places with different viewpoints; he believes there is not just one thing the City can do; the City can support Federal recognition and simultaneously work with interested groups to bring a more direct connection to the land in Alameda with the hope that the approaches will come together over time while working through the complex matters.

Mr. Leventhal stated the Muwekma tribe proceeded in the early 1980s by working as a consortium with other scholars to put together and compile primary documentation that became many feet of documentation for the Bureau of Indian Affairs; stated many documents have been summarized and published; there needs to be a critical review of the historical background; tribe administrators ask the question: how have populations of people benefitted from the enterprises; tribes have entered into partnerships and worked with museums to provide educational displays; formulating educational processes which go above and beyond within the existing resources of school districts and other entities, including higher learning, can provide the kind of information that gives both credibility and strength; Muwekma people from Milpitas have entered into a partnership where Milpitas will fly the Muwekma tribe flag and hold performances; stated Muwekma active and former military service people need to be highlighted and celebrated; discussed an educational water shed center in Sunol and Los Altos and Los Gatos historical museum exhibits; stated small grants and exhibit areas help tell the story of the history in Alameda County, however, there has been no response to provide either since the 1980s.

Mayor Ezzy Ashcraft stated the information is surprising; noted people can use their memberships to inform and question organizations.

Ms. Gould expressed support for Alameda being the first to pay the Shuumi Land Tax and change a park name; stated the Confederated Villages of Lisjan Nations has done a lot of work with cities; the City of Albany has raised a flag and changed language on signage near its City entry and is the second city to pay Shuumi Land tax; tribes are working to create relationships with different cities; there is work being done to co-create spaces to allow for learning about history and a curriculum throughout the Bay Area; expressed support for a whole curriculum spanning throughout school districts; discussed her experience as a consultant for the Oakland Museum; stated that she is working with the Museum to be join the Board; tribal members are taking participation to heart; members are discussing climate change, its effects on places and engagement knowledge; tribes being recognized by the State of California's Native American Heritage Commission provides an ability to speak on behalf of ancestral places; tribes have a voice regarding sacred sites, protection, development and general plans; members sit in consultation around general plan changes and have created relationships with cities; consulting with cities is a good way for tribes to be involved; members have sat with cities in dozens of Housing Element plans; education is also very important; the Confederated Villages of Lisjan has provided education for two decades; people are saying names due to the education being provided.

Councilmember Daysog stated the staff report included seven partnership opportunities; the most concrete opportunities are points 5 and 6; 5 is creating a local policy regarding how to manage Shellmound remains found during development; 6 is creating an action plan to raise awareness of Native American history and culture in Alameda; there is reference to a requirement in the Alameda Museum contract to develop, expand, and display collections of Indigenous people; the points provide clear guidance on the type of things the City can provide to promote understanding of the history and cultures of

the area; there is an open-endedness to the other recommendations; he is unsure where the points would take the City and hesitates to offer comment; 5 and 6 are discrete and concrete; Council has received correspondence about the Shuumi Land Tax; he has supported the tax payment contribution and the payment amount is reasonable going forward; there are many things the City can do to support City Hall being responsive to the immediate and past history and people.

Councilmember Herrera Spencer stated it is interesting that the Oakland Museum has not had exhibits; the museum does a lot of cultural work; there are issues regarding who determines the legitimacy of tribes; there have been questions on incorrect tribal determinations; she has read research articles from UC Berkeley and Stanford and has not supported the voluntary contribution donation to the Shuumi Land Tax; she will continue not to support the tax payment; expressed support for a determination being made by the Federal government related to the connections to the City of Alameda; many Alameda residents paying taxes have needs; the City regularly declines to help said needs; she is Mexican American; the matter and story are not unique; there are similar stories from other people in the Country; her focus is to try and help all people within the City; expressed support for military service; stated it is important for concerns to be vetted by scholars; Council has received conflicting information and correspondence regarding the Lisjan tribe; expressed support for understanding the true agents and leaders of the tribe.

Vice Mayor Vella stated thoughtful prompts were included in the staff report for how the City can continue facilitating discussions and conversations; Council can take the perspective of current and future challenges for local Indigenous peoples; Council can think about how the City can best build relationships; she appreciated the presentation instructing an understanding of others' collective history and the history faced by Indigenous peoples; she appreciates the staff work in getting the City where it is and providing a list of options to pursue; \$11,000 per year is something the City can afford and is worth pursuing; she appreciates the inquiry provided by Councilmember Knox White and the responses; expressed support for the list of options and signage; stated signage is critical; people are allowed to be more thoughtful and make connections to be more welcoming to build relationships the more prompts are seen and recognized; she would like the City to come up with a policy relative to shellmounds in working with the Indigenous communities to ensure the City does not continue policies and practices that have been harmful, are not culturally competent and are damaging.

Mayor Ezzy Ashcraft discussed the unveiling of a monument to Japantown at the Marketplace on Park Street; stated that she also has met with Ruby Bridges to celebrate walk to school day; in her time growing up in Alameda, she never heard the story of Japantown and she only learned about Ruby Bridges in later years; there is so much untold history of the Country; America has a sordid history of invading lands; there are many instances of untold history and history which has been swept under the rug; it is time to bring the history to light and deal with it; the fact that this group is not the only group to have experienced land theft does not make it any less legitimate; discussed the book *Do The Work* by: Kate Schatz; stated Council is not currently voting

on a course of action; Council is providing direction; she is looking forward to 2023 and the new City Manager; the current topic should be part of the upcoming Council workshop; expressed support for land acknowledgement and an action plan to raise awareness; stated that she would like to reach out to the school district and supports a Bay Area wide curriculum and policy on managing the Shuumi Land Tax; inquired what the City can do to help with Federal recognition; questioned whether the City passing a resolution would help the process.

Ms. Gould responded the Confederated Villages of Lisjan is not seeking Federal recognition; stated the Muwekma tribe is seeking Federal recognition and is the only tribe that has tried twice and been denied; cities do not need to see tribes as competing; cities can make relationships with each tribes separately; tribes would not decide to work with one group and not another; the matter is about relationship building; Federal recognition is a ball of wax that the Lisjan have decided not to pursue; people have been sitting on the Federal recognition list for over 50 years; it is not comprehensible for the Lisjan tribe to spend that much time on recognition; the Lisjan tribe decided to work within its territory to bring education, awareness and cultural competency to reengage tribal members in language and land, and to work for all who live within the territory; tribal recognition may occur when members have passed.

Mr. Leventhal urged Council to review his entire presentation; stated the Muwekma tribe obtained a formal determination of previous unambiguous Federal recognition in 1996; members had been corrected in stating that the Muwekma tribe had never been terminated; only Congress can terminate a tribe; discussed legislation surrounding Indian affairs; stated there is still movement for Federal recognition of the Muwekma Ohlone tribe due to seeking status clarification.

Mayor Ezzy Ashcraft stated there is still work to be done; the presentation is available for review by Council and the public; she would like to provide direction to staff to return with a focus on the action plan to create awareness in the community; she would like a greater community conversation to help inform the kinds of actions Council should take; acknowledgement is an easy action the City can take.

Councilmember Knox White stated that he has come to understand the City can move forward with intent in the work being done to show actual change; some organizations develop land acknowledgement without further action being taken; expressed support for Alameda's land acknowledgement being the beginning of work.

Councilmember Knox White moved approval of providing staff direction to return to a public workshop with an engagement and education plan, for staff to come to the priority setting workshop and discuss the issues in relation to where they fall under Council priority.

Councilmember Knox White noted the payment of the Shuumi Land Tax is a budget discussion; the matter will be before Council in March.

Mayor Ezzy Ashcraft expressed support for an in-person, outdoor public forum.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Knox White stated the motion includes direction for staff to return to future Council and discuss priorities.

Vice Mayor Vella proposed a friendly amendment for the land tax being included as part of the staff report for the budget process; expressed concern over the timing of the action plan versus budget planning.

Councilmembers Knox White and Daysog accepted the friendly amendment to the motion.

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.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
SUCCESSOR AGENCY TO THE
COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- -DECEMBER 6, 2022- -6:45 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:18 p.m.
Councilmember/Commissioner Herrera Spencer led the Pledge of Allegiance.

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

Absent: None.

CONSENT CALENDAR

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

Expressed concern about the investment report and minutes: Tod Hickman.

Councilmember/Commissioner Herrera Spencer requested the Investment Report
[paragraph no. 22-752 CC/22-016 SACIC] be withdrawn from the Consent Calendar for
discussion.

Mayor Ezzy Ashcraft suggest the motion be held until after Council addresses the
Investment Report.

(*22-017 SACIC) Minutes of the Joint City Council and SACIC Meeting Held on October
18, 2022. Approved.

[Note: The Consent Calendar vote was taken under the Investment Report.]

(*22-753 CC/22-018 SACIC) Recommendation to Accept the Investment Transactions
Report for the Period Ending September 30, 2022.

The City Treasurer gave a brief presentation.

Councilmember/Commissioner Herrera Spencer stated the report is quarterly; noted
there are very low interest rates; stated the City is lucky to have the City Treasurer to
present and explain the matter; next quarter transactions will likely show more of the
same trends; inquired the anticipated results for the annual report.

The City Treasurer responded the annual report will cover through June 30, 2023;
stated the results will depend on what occurs from now until then; he has not seen
interest rate increases this sharp in 30 years; the immediate impacts are dramatic,

however, long-term effects will put the City in a good spot to earn interest going forward; he expects negative numbers similar to last year, but interest rates will be up and the City will still be positive over the life of the portfolio; the City's portfolio performance has been above average; the trades will benefit the City over time; the report solely shows transaction reports; the annual investment report is much more robust; if Council desires, he will attend the meeting to address the annual report and provide more detail.

Councilmember/Commissioner Herrera Spencer requested clarification of the acronym PFM.

The City Treasurer responded it is Public Finance Management (PFM); stated the City has two portfolios managers; one PFM is one of the largest investment funds for municipalities and other State organizations; the other is Chandler Asset Management (CAM) that provides a similar profile with a good reputation; CAM has been helpful managing the City portfolio and supporting the production of reports while streamlining operations.

Councilmember/Commissioner Herrera Spencer inquired whether the annual report will include a copy of the Council investment policy.

The City Treasurer responded the annual investment report is timed with the approval of the investment policy; stated the report will include the investment policy; the timeline delay is due in part to functionality and the Sunshine Ordinance requirements.

Mayor/Chair Ezzy Ashcraft stated when Councilmembers have a question of interest to the full Council, the information is shared with Council prior to the City Council meeting and oftentimes can be shared with the public in order to save time.

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

AGENDA ITEM

(22-019 SACIC) Resolution No. 22-16, "Declaring That the Property Located at 2350 Fifth Street is Exempt Surplus Land Pursuant to Government Code Section 54221(f)(1)(D)." Adopted;

(22-019A SACIC) Resolution No. 22-17, "Authorizing the Conveyance of the Property Located at 2350 Fifth Street to the City of Alameda in Accordance with the Terms of a Purchase and Sale Agreement Between the Successor Agency to the Community Improvement Commission of the City of Alameda and the City Reflecting a Purchase Price of \$430,000;" and Authorizing the City Manager, or Designee, as Executive Director of the Successor Agency, to Execute the Purchase and Sale Agreement and Take Other Actions Necessary to Complete the Conveyance of the Property." Adopted;

and

(22-754 CC) Introduction of Ordinance Authorizing Acceptance of the Property Located at 2350 Fifth Street from the Successor Agency to the Community Improvement Commission of City of Alameda in Accordance with the Terms of a Purchase and Sale Agreement Between the City and the Successor Agency to the Community Improvement Commission of City of Alameda; and Authorizing the City Manager, or Designee, to Execute a Purchase and Sale Agreement Reflecting a Purchase Price of \$430,000 with the Successor Agency to the Community Improvement Commission of City of Alameda, Execute and Record Necessary Affordable Housing Covenant for Approximately 55 Years, and Take Such Other Actions Necessary to Complete the Conveyance of the Property. Introduced.

The Community Development Director gave a brief presentation.

Councilmember/Commissioner Herrera Spencer inquired whether the City could choose to comply with the Surplus Lands Act (SLA).

The Community Development Director responded compliance is elective; stated the matter fits squarely within the exemption; the City could offer the space as surplus land of Council so chooses.

Councilmember/Commissioner Herrera Spencer inquired whether the SLA requires land to initially be offered to affordable housing providers; stated staff believes utilizing the exemption is appropriate since the use will be for a homeless housing project, which is consistent with the SLA goal; inquired what money the City will use for the \$430,000.

The Economic Development Manager responded the funds are from the General Fund.

Mayor/Chair Ezzy Ashcraft stated the discussion only reflects the purchase of the land.

Councilmember/Commissioner Herrera Spencer inquired what would happen to the land in 55 years; stated the affordable housing requirement will no longer be available in 55 years.

The Community Development Director responded the City will own the land and the encumbrance will be gone.

Councilmember/Commissioner Herrera Spencer inquired whether the City can use the space for any type of housing, to which the Community Development Director responded in the affirmative; stated the City can provide the space for any type of use.

Councilmember/Commissioner Herrera Spencer inquired whether staff knows the previous listing sale price.

The Community Development Director responded that she does not recall the amount;

stated the second transaction amount had been close to one million dollars at roughly \$980,000; noted the transaction fell apart due to the bids for utility costs not being workable; the cost to add utilities is greater than anticipated at the time.

Councilmember/Commissioner Herrera Spencer inquired whether the City offered the property for sale at less than the one million dollars; stated the report indicates the value is set to \$430,000.

The Community Development Director responded in the affirmative; stated the value is derived from the valuation being discounted for the cost to add useable utilities.

Councilmember/Commissioner Herrera Spencer inquired whether the City ever listed the parcel for the reduced price.

The Community Development Director responded in the negative; stated that the potential buyers included the analysis as part of their due diligence.

Councilmember/Commissioner Herrera Spencer inquired whether there is a reason the City never offered the site for the reduced price to the public at large.

The Community Development Director responded in the negative; stated the parcel has been found as a viable use and has focused on the proposed transaction.

The Economic Development Manager stated the original amount offered had been in the range of \$270,000 but had not been viable.

Expressed concern and suggested other uses for the funds: Tod Hickman.

Mayor/Chair Ezzy Ashcraft expressed support for the matter moving forward; stated the site is important for transitional housing for those who are about to be or are formerly homeless; the transitional housing will help people find permanent housing.

Councilmember/Commissioner Knox White moved approval of the staff recommendation [including adoption of the resolutions and introduction of the ordinances].

Vice Mayor/Commissioner Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she understands the housing will prioritize City residents; inquired whether all initial residents will be Alameda residents.

The Community Development Director responded the City is able to prioritize Alameda residents and initially fill the facility with 100% Alameda residents with permission from the County.

Councilmember/Commissioner Herrera Spencer inquired whether the participants have already been selected, to which the Community Development Director responded in the negative.

Councilmember/Commissioner Herrera Spencer inquired how staff will know that all participants are Alameda residents.

The Community Development Director responded stipulation will be the goal; stated staff has the opportunity and quantity to perform the requirement; if staff is unable to house 100% Alameda residents, a broader net would be cast with the help of the County.

Councilmember/Commissioner Herrera Spencer stated staff does not currently know whether the housing population will in fact be 100% Alameda City residents.

The Community Development Director stated that she will not know until people are identified, however, she plans on the program housing 100% Alameda residents.

Councilmember/Commissioner Herrera Spencer stated that she does not believe staff will know the program will house 100% Alameda residents; it is important that everyone is clear committing to house Alameda residents as the priority; she disagrees that the program population is currently known; requested clarification on whether other General Fund monies have been allocated to the project and whether program funding does not all come from ARPA funds; inquired whether General Fund money will other than the \$430,000 will be allocated to the program.

The Economic Development Manager responded \$1 million in General Fund dollars have been approved for the program; stated \$430,000 is to be spent on acquisition; the balance will go towards contingency.

Councilmember/Commissioner Herrera Spencer inquired whether the City is responsible for running the program for 25 years, to which the Economic Development Manager responded 20 years.

Councilmember/Commissioner Herrera Spencer further inquired what occurs with the program if no available funding or other funding sources are available and whether the City will utilize General Fund money to keep the program going.

The Community Development Director responded the City has five years identified for funding the service; stated staff intends to apply for grants; funding is not currently secured for the program.

Councilmember/Commissioner Herrera Spencer inquired the anticipated annual cost for the program, to which the Community Development Director responded \$2 million.

Councilmember/Commissioner Herrera Spencer stated the City will be responsible for the remaining 15 years; there is exposure to the City for an additional \$30 million from the General Fund.

Mayor/Chair Ezzy Ashcraft inquired the identification process for potential residents of Dignity Village; stated that there are enough unsheltered individuals in Alameda to fill the program's first round; Dignity Village residents will be aided to find housing, which will not necessarily be within Alameda due to the lack of permanent housing stock; housing is available within Alameda County; expressed support for doing anything possible to help move people from transitional to permanent housing; discussed the City working collaboratively with other cities to house a number of formerly unsheltered and unhoused individuals; stated it is great to house Dignity Village with 100% Alameda residents.

The Community Development Director responded the process will be multi-pronged with a team consisting of all the City's social service providers and staff members; stated the providers will work to identify good candidates for the transitional housing; staff has placed some individuals in the emergency supportive housing; they are receiving social services while becoming housing-ready; the individuals will also be good candidates for the transitional housing of Dignity Village; staff will look to local experts for recommendations; Village of Love will be utilized due to their contact with the local unhoused population.

Councilmember/Commissioner Daysog noted that he posted responses to his questions asked prior to the meeting on Facebook.

On the call for the question, the motion carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Knox White: Aye; Spencer: No; Vella: Aye; and Mayor/Chair Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - DECEMBER 6, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 8:00 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: The meeting was conducted via Zoom. Note: Vice Mayor Vella left the meeting at 9:10 p.m. and returned at 9:34 p.m.]

Absent: None.

AGENDA CHANGES

(22-755) Mayor Ezzy Ashcraft stated that she would like to move the Astra lease [paragraph no. 22-785] after the Community Facility District [paragraph no. 22-766].

Councilmember Knox White suggested moving up the Draft Active Transportation Plan (DATP) [paragraph no. 22-783].

Mayor Ezzy Ashcraft stated the first four agendized items should be heard fairly quickly; she is aware that the Draft Transportation Plan has many speakers but there is hope to get through the first few matters quickly.

Councilmember Herrera Spencer inquired whether there is time-sensitivity to the Astra lease.

Mayor Ezzy Ashcraft responded there is concern that the matter will not be heard; stated there is limited time to conduct business at the next Council meeting; the matter relates to lease revenue for the City and the agreement has been a long time in the making.

Councilmember Herrera Spencer inquired whether the DATP can wait to be heard until the next Council meeting.

Mayor Ezzy Ashcraft responded in the negative; noted the matter has many public speakers; stated the Consent Calendar has many items and can hopefully be heard quickly; expressed support for moving through the agenda as proposed; her intention is to get to the DATP tonight.

Vice Mayor Vella stated that she would like to be part of the DATP discussion and hear public comment, but she will likely have to step out at some point during the meeting for a family matter.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(22-756) Estela Villagrana, Building 43 Winery, expressed concern about Spirits Alley.

Regular Meeting
Alameda City Council
December 6, 2022

(22-757) Tod Hickman discussed free speech; stated that he would like to debate the City Council; discussed Spirits Alley.

(22-758) Therese Hall, expressed concern about the removal of Magnolia trees in Chochenyo Park and over the public being limited to 2 minutes on the entire Consent Calendar.

CONSENT CALENDAR

(22-759) Councilmember Herrera Spencer moved approval of increasing the speaker time to 3 minutes.

Councilmember Daysog seconded the motion, which 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.

Expressed concern about public speaking time on the Consent Calendar, about the items that are on the Consent Calendar, and the City Manager contract [paragraph no. 22-762]; stated that he does not support the teleconference findings or the Rain Industries Inc. matters [paragraph nos. 22-771 and 22-782]: Tod Hickman, Alameda.

Showed slides; expressed concern about the Housing Element transit overlay; stated the overlay leaves the mapping to the control of AC Transit with no control by the City; expressed support for the waiver being shown as a zoning map overlay: Christopher Buckley, Alameda Architectural Preservation Society (AAPS).

Expressed support for the City Manager contract and for the coastal resiliency project; stated that he would like to see commercial zoning allocations being limited to Table E2 amounts: Paul Beusterien, Alameda.

Expressed concern over bureaucratic, political manipulation; stated that he hopes each Councilmember has read and understands each matter; he is unclear on the process Council has taken for the City Manager contract: Jay Garfinkle, Alameda.

Expressed support for comments and recommendations provided by Speaker Buckley; stated the transit overlay is an unnecessary overreach and would adversely affect historical neighborhoods; urged Council to provide more information related to Rain Industries; expressed support for hybrid City Council meetings: Carmen Reid, Alameda.

Urged Council take another look at the zoning amendment related to shopping centers; expressed concern over the status of the Harbor Bay shopping center; stated the Harbor Bay lagoons harbor many types of wildlife: Reyla Graber, Alameda.

Expressed that she would like to have another person read a long statement she has prepared; expressed concern over the speaking time limit; expressed support for in-person Council meetings: Estela Villagrana.

Expressed support for in-person, hybrid meetings; stated that she wishes the City Manager

contract had been a transparent process and; expressed concern over the City Manager contract, the Police Auditor, and the Rain Industries lease; stated it is not necessary to upzone the Housing Element: Margaret Hall.

Expressed support for in-person Council meetings; discussed an in-person Police beat meeting; expressed concern over the City Manager contract and for many cars being parked at Astra; stated the zoning amendment should be a regular agenda item: Jim Strehlow, Alameda.

Stated the City needs to return to in-person meetings immediately; Council can choose their level of mask protection the same as the public; citizens have the right to participate in City government; expressed support for a hybrid meeting format and for a transparent City Manager appointment process; stated that she is concerned about the City Manager's qualifications: Therese Hall, Alameda.

Stated that she is not happy with Council; expressed support for Councilmember Herrera Spencer and for hybrid meetings; stated the pandemic is over; expressed concern election campaign funding and the City Manager: Rosalinda Corvi, Alameda.

Stated the vote to deny extending the public speaking time is part of causing the rage; expressed concern over the amount of items on the Consent Calendar, the City Manager contract, and Police tasers; expressed support for Police body cameras and for comments provided by Speaker Buckley: Matt Reid, Alameda.

The City Clerk announced the terms of the City Manager contract [paragraph no. 22-762].

Councilmember Herrera Spencer requested the City Manager contract [paragraph no. 22-762], the Police policy manual [paragraph no. 22-763], the Axon Enterprise, agreement [paragraph no. 22-764], the Police Auditor [paragraph no. 22-765A], the teleconference findings [paragraph no. 22-771] and the Housing Element [paragraph no. 22-781] be pulled from the Consent Calendar for discussion.

Councilmember Daysog requested the CDM Smith agreement [paragraph no. 22-772] be pulled from the Consent Calendar for discussion.

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

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

(*22-760) Minutes of the Special and Regular City Council Meetings Held on November 1, 2022. Approved.

(*22-761) Ratified bills in the amount of \$5,136,501.29.

(22-762) Recommendation to Approve Agreement Appointing Jennifer Ott as City Manager Effective January 3, 2023.

Councilmember Herrera Spencer stated that she will not be supporting the nomination; expressed concern over the process; stated there is more opportunity for the public to be involved in the process when a City Manager is hired; groups can meet with potential candidates; she is concerned with the timing; discussed her election to the Alameda School Board and her limited participation with the selection of the Superintendent at the time; stated that she has served with Ms. Ott in the past; concerns have been raised by the public related to impartiality; there have been previous challenges in speaking to developers; the Site A Disposition and Development Agreement (DDA) has had multiple iterations; expressed concern over Ms. Ott's involvement with the former City Manager Jill Keimach and public comments provided in support of Ms. Keimach during a Council meeting; stated Ms. Ott's support of Ms. Keimach is a serious issue; as Council decided to move forward with an independent investigation, it was critical for City employees and Councilmembers remain impartial during the investigation.

Councilmember Knox White stated that he has shared he would only support a candidate with unanimous Council support; the City has seen four and a half Interim City Managers over the past year and a half; the turnover is related to stability issues and Council dynamics; he will abstain on the matter due to lack of unanimity; his abstention on the matter does not indicate a lack of support; Ms. Ott is a talented and capable individual with high integrity; he will remain true to with his initial commitment, however, he would like to reiterate that his abstention is not a reflection of the candidate.

Councilmember Daysog stated Ms. Ott is the right person to be the next City Manager; he has worked with Ms. Ott since 2003 during the process of the Alameda Theatre, as well as through consulting for the City; Ms. Ott has helped move key parts of Alameda Point through development including the Site A zoning, entitlement, General Plan and Master Infrastructure Plan processes; residents have expressed concern over Ms. Ott's impartiality; stated that he has no doubt Ms. Ott has the best interest of all Alameda; urged Ms. Ott be given a chance; expressed support for the City Manager contract.

Councilmember Daysog moved approval of the contract.

Vice Mayor Vella seconded the motion.

Under discussion, Vice Mayor Vella stated that she has worked with Ms. Ott during her first term on Council; she has always appreciated how Ms. Ott has conducted herself and the work performed; some of the concerns raised have not been correctly attributed to Ms. Ott; expressed support for being able to work with Ms. Ott in a new capacity; stated the City will benefit from Ms. Ott's leadership.

Mayor Ezzy Ashcraft concurred with Vice Mayor Vella and Councilmembers Daysog and Knox White; stated the City is fortunate to be hiring Ms. Ott; discussed Ms. Ott's involvement with the revitalization of the Alameda Theatre; stated residents have raised concerns over Spirits Alley, however, Ms. Ott has not been with Alameda for over four years and will hit the ground running; Ms. Ott knows the City and various projects; the City hires the City Manager in Closed Session; Ms. Ott had been part of a strong selection of candidates; personnel or City Manager candidates typically have yet to inform their current employer; the same process occurs for the City Attorney; Council's direct reports are appointed by Council; many residents are excited to have Ms. Ott return.

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

(22-763) Recommendation to Authorize Updates to the Existing Alameda Police Department Policy Manual to Conform to Best Practices and to Ratify Policies that Have Been Updated Pursuant to Legal Updates, Significant Liability Issues, and Imminent Safety.

The Police Captain gave a brief presentation.

Councilmember Knox White moved approval of the staff recommendation with the understanding the matter aligns the City with the State.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated Council received an email from the public raising concerns over the cite and release ordinance proposals; the concerns are about moving back towards the failed days of three strikes; requested clarification.

Mayor Ezzy Ashcraft noted the Police Captain's presentation and subsequent motion provided by Councilmember Knox White provided the clarification requested.

Councilmember Herrera Spencer stated it is important to address concerns raised by the public.

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.

(22-764) Recommendation to Authorize the City Manager, or Designee, to Negotiate and Execute a Five-Year Agreement with Axon Enterprise, Inc. to Acquire Body-Worn Camera (BWC) Equipment and 80 Conducted Energy Devices (CED), Generally Known as Tasers, for a Total Purchase Price, Not to Exceed \$1,103,180.93.

The Police Chief gave a Power Point presentation.

Councilmember Herrera Spencer requested clarification about the number of tasers being requested.

The Police Chief stated the matter is a force option tool and is in line with industry standards and best practices for equipping staff with appropriate tools; the Police Department is recommending the equipment be assigned to all staff at the ranks of Sergeant and Officer; staff is not recommending the equipment for Command Officers.

Councilmember Herrera Spencer moved approval of the staff recommendation.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Knox White stated that he will not be supporting the matter;

discussed the t resignation of a significant number of board members due to the company not following its stated ethics commitments; stated he would need more information on what is occurring and any safeguards with facial recognition and use of the data and collection in order to support the matter.

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

(22-765) Resolution No. 16006, “Amending the Salary Schedule, Adding the Classification of Independent Police Auditor, Approving Workforce Changes in the City Attorney’s Office to Add One New Position and Authorize the City Attorney to Fill the New Position.” Adopted; and

(22-765 A) Resolution No. 16007, “Amending the Fiscal Year 2022-23 General Fund Operating Budget to Transfer \$167,000 from Non-Departmental to the Police Auditor Division in the City Attorney’s Office.” Adopted.

The City Attorney gave a brief presentation.

Councilmember Herrera Spencer requested clarification about the budget; inquired whether the amount includes benefits.

The City Attorney responded \$300,000 was budgeted; stated a lesser amount is being transferred since the position will only be filled for half of the year; staff believes the salary in the mid to high \$100,000 range; the salary is consistent with the salary survey review; the amount does not include benefits; some of the funds will be used to find and prepare working space for the Police Auditor; staff has transferred a portion of the originally budgeted \$300,000 amount to satisfy the needs consistent with Council direction.

Councilmember Herrera Spencer inquired how soon the Police Auditor will be hired.

The City Attorney responded it is difficult to say; stated staff is working with the Human Resources to post the position; the hiring process will depend on the quantity and quality of applicants; the position could be filled as soon as early 2023, but could be later depending on the application process.

Councilmember Herrera Spencer inquired what would occurs if the matter is not approved tonight, to which the City Attorney responded staff will take no further action or will take other direction if Council decides not to proceed.

Councilmember Knox White moved approval of the staff recommendation [including adoption of the resolutions].

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 1. [Absent: Vice Mayor Vella – 1.]

(*22-766) Recommendation to Accept and File Various Community Facilities Districts (CFD) Reports for Fiscal Year (FY) Ending June 30, 2022, including: CFD No. 03-1 (Bayport Municipal

Services District); CFD No. 13-1 (Alameda Landing Public Improvements); CFD No. 13-2 (Alameda Landing Municipal Services District); CFD District No. 14-1 (Marina Cove II); and CFD No. 17-1 (Alameda Point Public Services District). Accepted.

(*22-767) Recommendation to Accept the Development Impact Fee (DIF) and Fleet Industrial Supply Center (FISC)/Catellus Traffic Fee Report. Accepted.

(*22-768) Recommendation to Accept the 2013 Local Library Bond Measure Annual Report. Accepted.

(*22-769) Recommendation to Accept the Police and Fire Construction Impact Fee Annual Report. Accepted.

(*22-770) Recommendation to Accept the Annual Review of the City of Alameda's Affordable Housing Unit Fee Requirements Consistent with Section 27-1 of the Alameda Municipal Code; Accept the Annual Affordable Housing Unit Fee Fund Activity Report; and By Motion, Find that: 1) Unit/Fee Requirements Set Forth in Local Law Remain Reasonably Related to the Impacts of Development, and 2) the Affordable Housing Units, Programs and Activities Required by Local Law Remains Needed to Support the Production of Affordable Housing in the City of Alameda. Accepted.

(22-771) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

The City Clerk gave a brief presentation.

Councilmember Herrera Spencer inquired the timeline for hybrid meeting capabilities; stated that she understands the equipment for hybrid meeting capabilities is currently available and the City can move forward with hybrid meetings.

The Interim City Manager responded the technology for hybrid meetings is available and staff plans to return in January with options on how the City can move towards hybrid meetings.

Councilmember Herrera Spencer inquired whether the report will be brought to the first Council meeting in January.

The Interim City Manager responded there will be a new Council and City Manager; stated that she will do her best to bridge the divide to provide an update at either the first or second meeting in January.

Councilmember Herrera Spencer stated it looks like a decision will be able to be made by February regarding hybrid meetings; discussed a Restoration Advisory Board (RAB) meeting; noted the meeting was hybrid; stated the meeting had no COVID protocol and precautions were at the discretion of attendees; only three of the fifteen attendees wore masks during the meeting; the City should be able to find a way to hold hybrid meetings since RAB meetings are in a hybrid format; expressed support for resuming public meetings; stated that she believes there are members of the public who have not participated during the time meetings have been held remotely; she has had equipment problems even while at City Hall.

Councilmember Knox White moved approval of the staff recommendation with direction to return to Council.

The matter was tabled.

(22-772) Recommendation to Authorize the City Manager, or Designee, to Execute a Third Amendment to the Agreement with CDM Smith to Increase Compensation by \$586,000, Including Contingencies, for a Total Aggregate Compensation Not to Exceed \$3,158,930, to Complete the Plans and to Provide Construction Support for the Central Avenue Safety Improvement Project.

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

Councilmember Daysog expressed support for staff's responses to his inquiries; stated that he has posted the responses on Facebook; expressed concern over parking spaces at the north-west corner of Central Avenue and Webster Street; stated the property includes the building as well as some commercial property; noted that he has not received any campaign funding from the owners; stated the property owner has been a stalwart of Webster Street for many years and has been fighting hard to save as much parking space as possible; he has reached out to staff regarding the feasibility of saving one parking space along the Central Avenue side of the property; staff indicated the policy in place encourages daylighting; while he would have liked to have saved the parking space for the property, he will continue to try other alternatives; he has previously been reluctant over the project, however, the addition of the roundabouts on Central Avenue and Fourth and Third Streets present an opportunity to provide a different approach; expressed support for artistic expression in the center of roundabouts; stated that he has thought about the Central Avenue project and he has been concerned about an over-reliance on engineering traffic safety; expressed support for the Police Department increasing traffic enforcement; stated that he can now support the project given the changes to the Central Avenue engineering plans; he would like improvements made to the Sherman Avenue roundabout.

Councilmember Daysog moved approval of the staff recommendation.

Councilmember Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated that she is not aware of a roundabout at Sherman Avenue.

The Planning, Building, and Transportation Director stated the City does not have the funding for a roundabout at Sherman Avenue; the roundabout has been approved, but has not been funded.

Mayor Ezzy Ashcraft stated that she thought there was not enough space; inquired the status.

The Senior Transportation Coordinator responded Council approved the roundabout at the intersection of Sherman, Encinal, and Central Avenues; stated there has been a request to analyze the site further to see whether the roundabout can be improved; housing in the south-

west corner of the roundabout would have to be removed to make the roundabout feasible without restricting any approaches; staff has provided a memo to Council from CDM Smith detailing the status; the roundabout is not moving forward due to lack of funding; staff would like to purchase some of the gas station property to make the space work a bit better; the property purchase would still require restrictive movements.

Councilmember Knox White stated Council did not approve the staff recommendation at the previous meeting; Council approved an alternate that had less support, but included direction to see if staff can purchase a portion of the gas station.

Mayor Ezzy Ashcraft concurred with Councilmember Daysog's comments related to the roundabout; stated the area is a scary confluence of traffic.

Councilmember Herrera Spencer stated that she will be opposing the matter; she has serious concerns about having roundabouts by the high schools; noted multiple speakers have expressed concern as pedestrians, including members of the blind community.

Mayor Ezzy Ashcraft requested staff to clarify work being done with the disabled communities.

The Senior Transportation Coordinator stated staff has been keeping the Commission on Persons with Disabilities informed; several educational presentations on roundabouts have been held since 2021; staff has had focus groups with CDM Smith and the blind community; a couple members of the blind community have been corresponding with Public Works engineers to learn more; staff has observed Lafayette's roundabouts to experience roundabouts in-person and increase comfort; staff is not seeing opposition.

Councilmember Herrera Spencer stated that she does not think the information has been shared with Council; pedestrian had other concerns; expressed support for outreach being conducted and possible project improvements; stated that she still has serious concerns over pedestrians, bicyclists, and new drivers at a very busy intersection; expressed concern over the proximity of the roundabouts; stated that she anticipates the matter will be a serious problem.

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

(22-772 CONTINUED) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

Vice Mayor Vella seconded the motion.

Under discussion, Vice Mayor Vella stated that she has been to Kaiser multiple times and admissions typically take six to eight hours; the delay is due in large part to so many sick people with sick children who have Respiratory Syncytial Virus (RSV), flu, and other illnesses; she looks forward to hearing proposals for hybrid meetings from staff; expressed concern over members of the public thinking they have to get sick in order to be heard.

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

Regular Meeting
Alameda City Council
December 6, 2022

Ayes: 3. Noes: 2.

(*22-773) Recommendation to Authorize the City Manager, or Designee, to Partially Accept the Improvements Completed by Catellus Alameda Development, LLC, for Alameda Landing Waterfront Park, Phase 1 (Now Officially Named Bohol Circle Immigrant Park). Accepted.

(*22-774) Recommendation to Authorize the City Manager, or Designee, to Execute an Agreement with Bjork Construction Company, Inc. for the Littlejohn Park Recreation Building Restoration Project, No. P.W. 11-21-39, in an Amount Not to Exceed \$1,591,260. Accepted; and

(*22-774A) Resolution No. 16008, "Amending the Fiscal Year 2021-23 Capital Budget to Increase Revenues and Expenditures in the Littlejohn Park Recreation Center Rebuild Project (C55500) in the Amount of \$1,877,686 Using \$1,822,475 in Insurance Reimbursement and \$55,211 in General Funds." Adopted.

(*22-775) Resolution No. 16009, "Authorizing the City Manager, or Designee, to Execute All Necessary Documents with the Federal Emergency Management Agency and California Office of Emergency Services to Accept \$1,500,000 in Grant Funding from the Congressional Community Program and Obligate Said Funding for the Design Phase of the Bay Farm Island Flood Protection and Coastal Resilience Project." Adopted.

(22-776) Resolution No. 16010, "Approving a Final Map and Authorizing the City Manager, or Designee, to Execute Subdivision Improvement Agreements (SIA) for Tract 8534, Broadway and Santa Clara Avenue." Adopted.

Since Councilmembers Daysog and Herrera Spencer recorded no votes, 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.

(*22-777) Resolution No. 16011, "Approving Participation in California's Clean Fuel Reward Program and Delegating Authority to the General Manager to Execute the Participating Electric Distribution Utility Joinder Agreement to the Clean Fuel Reward Program Governance Agreement." Adopted.

(*22-778) Resolution No. 16012, "Accepting the West Alameda Transportation Management Association (WATMA) Annual Report, Declaring a Statement of Compliance Under Periodic Review for Development Agreements for the Alameda Landing Mixed Use Residential and Commercial Projects, and Recommending Transfer of Responsibility for the Alameda Landing Transportation Demand Management (TDM) Plan to the Citywide Alameda Transportation Management Association (ATMA)." Adopted.

(22-779) Resolution No. 16013, "Authorizing the City Manager, or Designee, to Apply For, Execute an Agreement and Related Documents for, and Accept a \$500,000 Grant from the U.S. Department of Housing and Urban Development (HUD) for the Dignity Village Project Located at 2350 5th Street, Alameda, California; and Increasing Revenue and Expenditure Appropriations in the Grants Fund by \$500,000." Adopted.

Since Councilmember Herrera Spencer recorded a no vote, the motion carried by the following vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(*22-780) Resolution No. 16014, “Authorizing Application to the County of Alameda for \$1,663,654 of Measure A-1 Funds from the City Base Allocation; and Use of the \$1,663,654 of Measure A-1 Funds for the Rebuilding the Existing Supporting Housing of Alameda Point Project (RESHAP).” Adopted.

(22-781) Ordinance No. 3333, “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.” Finally passed.

Mayor Ezzy Ashcraft noted the discussion at first reading was robust.

Councilmember Daysog read the remainder of Speaker Buckley’s statement; stated a request was made to show the transit overlay housing waiver on the zoning map; the transit overlay mapping is based on the location of “high frequency transit corridors” rather than an actual map or verbal description of actual corridors as they existed on the date of the zoning amendment adoption; the overlay is based upon the current locations of the high frequency transit lines; inquired whether the buffer would stretch out to other streets if other streets become high transit corridors; stated the City should instead have the overlay targeted to specific corridors as they currently exist.

The Planning, Building, and Transportation Director responded the issue has been discussed by Speaker Buckley and the Planning Board at length over many meetings; stated the transit overlay, a local zoning designation, is modeled on a number of State laws around the importance and benefit of putting higher density housing where there is high frequency transit; if the transit goes away, it is understood the benefits of the provisions would no longer exist; mapping the area indicates the benefits will occur whether or not transit exists; the language is drafted so that if transit is working at high frequency, the zoning benefits accrue to the properties within one quarter mile; the Planning Board has recommended the zoning as provided; staff will need to monitor the Housing Element (HE) annually and will need to monitor where and how many units are being built; staff expects to make adjustments to the HE year by year; staff recommends approval of the second reading; the City will have a State certified HE and will avoid any consequences of non-compliance; if Council does not approve the second reading, the City will not have a certified HE until the necessary zoning is approved; staff does not want the City to fall out of compliance with State law.

Mayor Ezzy Ashcraft stated the housing at shopping centers will vitalize the areas and provide affordable by design housing; inquired whether there is no limit on the number of housing units that can be built at a shopping center.

The Planning, Building, and Transportation Director responded zoning establishes a whole number of limits on what can be built; stated the primary limits are existing height limits at shopping centers and the requirement that a significant amount of the land at shopping centers be maintained for commercial services; the concept of the mixed-use housing zoning at shopping centers is to provide housing in close proximity to shopping; there is no desire to lose the shopping and stores in the process of building housing at shopping centers; the Harbor Bay

shopping center can add housing within the existing height limits and other form-based standards, however, 90,000 square feet of ground floor retail space must be maintained including a large format grocery store; the ability to add housing is constrained, even at large shopping center sites.

Mayor Ezzy Ashcraft stated the Harbor Bay shopping center is not going away to provide only housing; all developers and those expressing interest will know that 90,000 square feet of retail including a large format grocery store must be maintained at the site.

The Planning, Building, and Transportation Director noted the South Shore shopping center requires four times the amount of maintained space; stated the ratio is related to acreage; Harbor Bay shopping center is ten acres and South Shore shopping center is 44 acres.

Councilmember Herrera Spencer inquired whether there is a possibility for a developer to qualify for a density bonus which would then exceed the allowable height limit.

The Planning, Building, and Transportation Director responded in the affirmative; stated density bonuses are always available for any zoning in California related to housing; there is the possibility a developer will request a waiver to accommodate additional housing; the waiver only occurs when the developer provides additional affordable housing.

Councilmember Herrera Spencer inquired whether the height limit could be surpassed.

The Planning, Building, and Transportation Director responded in the affirmative; stated staff is noticing the market indicates little desire to go beyond five or six stories due to the difference in construction type; he cannot say that exceeding the height limit will never happen, however, due to construction costs, high-rise construction is undesirable.

Councilmember Herrera Spencer inquired whether commercial shopping centers have requirements and what occurs when space is vacant.

The Planning, Building, and Transportation Director responded in the affirmative; stated the zoning is structured so that the square footage must be present; the City does not have the ability to require a land owner to lease to a particular person; City-owned land is different and would be processed similar to Alameda Point; Council has certain leverage with City-owned property; the City can only require floor area be maintained for shopping centers; the City will not allow someone to demolish existing commercial space; a lot of the space is currently vacant, however, the City needs commercial floor area to be maintained; unmaintained space loses the privilege to provide housing.

Councilmember Herrera Spencer inquired whether housing cannot be built if a developer is not able to find a grocery store for the space.

The Planning, Building, and Transportation Director responded the developer must maintain the space; stated there is nothing which can be done to prevent a grocery store from leaving the space, however, the City can prevent a developer from demolishing the space if there is a desire to build housing.

Councilmember Herrera Spencer stated a developer would be able to build housing regardless of whether or not a tenant occupies the space; the space simply must be maintained.

The Planning, Building, and Transportation Director stated commercial floor area must be maintained; in theory, the space can remain vacant.

Councilmember Herrera Spencer expressed concern over commercial businesses leaving; inquired whether housing can be built as long as the commercial space remains, even while vacant.

The Planning, Building, and Transportation Director responded in the affirmative; stated the City is indicating the space is needed for businesses; the City cannot make private property owners sign leases, however, the City can mandate the space be maintained; Park and Webster Streets require ground floor, commercial space; noted housing and office space is allowed above the ground floor, however, the City's zoning has required ground floor commercial space.

Mayor Ezzy Ashcraft there is no reason to believe that Safeway wants to leave the Harbor Bay shopping center; the proposed model has been performed elsewhere and is attractive due to the creation of housing close to essential services; it is possible that another business will fill the vacant space; there will always be a grocery store and neighborhood-serving retail.

The Planning, Building, and Transportation Director stated businesses in shopping centers have been very supportive of the proposal over the past three years; businesses will likely perform better as retailers with people living directly adjacent.

Mayor Ezzy Ashcraft stated the site is a transit corridor that has a bus and is walking distance to the ferry; over the last five years, there have been fewer automobile registrations with the Department of Motor Vehicles; people are not driving as many cars.

Councilmember Daysog stated that he believes the City can meet its State required responsibility of building 5,300 housing units in ways that do not promote the super upzoning as presented in the HE; he believes the alternatives will also Affirmatively Further Fair Housing (AFFH); there are ways to work around Measure A as was done in the previous HE process.

Councilmember Herrera Spencer stated the language regarding Harbor Bay shopping center states at least 300 units, but there is no cap; inquired whether Council have a cap of 300 or 400 but is choosing not to do so.

The Planning, Building and Transportation Director responded 300 units is the commitment made to the State of California; the HE requests credit for at least 300 units; it is a promise to the State, not a zoning requirement; if 300 units are not built, the units will have to go somewhere else or the City will be out of compliance with the HE, which is what annual reports are all about and why he is emphasizing the annual report; Councilmember Daysog is correct; the City will actually exceed the required number in the first year and can start reducing the zoning.

Councilmember Herrera Spencer stated her question is whether Council can impose a cap; a cap is not being done; inquired whether Council could impose a cap in the future.

The Planning, Building and Transportation Director responded the zoning was structured based on a principle discussed at length at the Planning Board and with the community over the last 3 years, which includes the physical form of the City, such as building height and mixed use; how many people live in the buildings is not of concern if the building meets physical expectations in terms of things like building height; the goal is to get as much housing as possible; smaller units are more affordable than big units; to answer the question, the city could put caps and limit the number of families in the buildings.

Councilmember Herrera Spencer stated that she wants the record to reflect that if there are 3 votes in the future, Council can put a cap on the number of shopping center units.

In response to Councilmember Herrera Spencer's inquiry, the Planning, Building and Transportation Director stated there is an absolute right to build to the height limit standards in the zoning.

Councilmember Herrera Spencer inquired whether a future Council can change reduce the height limit.

The Planning, Building and Transportation Director responded in the affirmative; stated the future Council would need to show that that RHNA obligations are being met; if Council wants to down zone an area, another area of the City would have to be found to up zone if the RHNA is not being met.

Councilmember Herrera Spencer requested the City Attorney to confirm whether the landowner does not get an automatic right to build to whatever height limit and then have a density bonus that allows the limit to be exceeded and that a future Council could come back and limit the number of units and lower the height limit.

Mayor Ezzy Ashcraft stated that she is a little confused by the question; a developer today has whatever rights are on the books for the shopping center development as the Planning, Building and Transportation Director noted; everyone has to comply with the HE and RHNA numbers; inquired whether something is missing.

The City Attorney responded in the negative; stated that he thinks the Mayor is right; he is not sure he fully understand the question either; the bottom line is developers have the right to develop based on what State and local law allows; because State law has become very pro housing, there are many opportunities for developers to seek exemptions; a perfect example is that prior to the HE, the density bonus law has been used to essentially override certain limitations, including Measure A; a developer has the rights available under State and local law at the time of the application.

Councilmember Herrera Spencer stated that her question is in regards to a cap; inquired whether Council could put a cap on the number of units at a shopping center; stated for instance, current language says at least 300 units at the Bay Farm shopping center; inquired whether Council could put a cap of 400 units.

The Planning, Building and Transportation Director responded if a future City Council wants to put a density standard, such as 30 units per acre, back into the zoning, 10 acres could have 300 units; doing so would be considered down zoning; a number of State laws on the books today

place constraints on a Council's ability to do so; if able to overcome the constraints and hurdles, a future Council could do so; noted it could not be done tomorrow.

In response to Mayor Ezzy Ashcraft's inquiry regarding density bonus, the Planning, Building and Transportation Director stated State density bonus is always going to apply; if the question is can State density Bonus be avoided; the answer is no.

Councilmember Herrera Spencer stated that is not her question; inquired whether the City has to allow housing at the Bay Farm shopping center or whether the HE could have designated housing is not allowed there.

The Planning, Building and Transportation Director responded the City had to identify where Harbor Bay housing would be; stated housing sites must be provided throughout the entire City, including Bay Farm Island; during discussion with the Bay Farm community, the community acknowledged that part of State law; staff presented the Bay Farm community with two sites: the Harbor Bay Club and the shopping center; staff feels the shopping center is the better site because of access to transit and shopping; the Bay Farm community almost unanimously agreed.

Councilmember Herrera Spencer inquired whether the City could not submit a HE without housing on Bay Farm, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Herrera Spencer stated that she is concerned about the language: "at least 300 units" at the shopping center; she would not be surprised if the amount is significantly higher; people might have pushed back harder if the amount were more.

Mayor Ezzy Ashcraft stated that she is struggling to see a problem; if a developer is able to get more than 300 units at the site, the units are going to be pretty small and will likely be elusive, affordable by design units; maybe the units can even be for sale units; a lot of concern has been raised about opportunities to create equity; she sees it as a win-win; discussed walking door to door in neighborhoods on Harbor Bay; stated residents want to see the shopping center revitalized and understand the need for more housing and every area of the City doing its part; she is excited about the potential.

By consensus, 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.

(22-782) Ordinance No. 3334, "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." Finally passed.

Councilmember Herrera Spencer requested staff to address concerns raised by members of the public about CEQA or analysis of the impact of the proposed use of the drone helicopters on the least tern and other birds.

The Community Development Director stated staff has done some due diligence into the regulatory approval obtained by Rain and is satisfied all necessary approvals have been

obtained; Rain has committed to not fly during the least tern breeding season and is okay with a limitation of only flying helicopters for 9 months.

The Management Analyst stated the lease premises are actually separate from the testing location; the testing location is the Northwest Territories, which would be under a different agreement than the lease; the lease does not allow testing at Building 19.

Councilmember Herrera Spencer inquired who would handle monitoring, City staff or someone from the Federal government, to which the Community Development Director responded monitoring is at a variety of different levels; whatever agency is overseeing a particular function would be the organization that would ensure compliance.

Councilmember Herrera Spencer inquired who members of the public would contact if they have concerns.

The Community Development Director responded they should contact City staff; staff can elevate the concern whether it is about a City permit or a particular agency.

Councilmember Herrera Spencer stated the Council requested a report about sale versus lease of the buildings out at the former Base; requested an update.

The Community Development Director stated the report should be received any day and will then be circulated among staff; a Council report can be prepared early next year.

Mayor Ezzy Ashcraft noted the new City Manager is going to want to have a lot of input.

Councilmember Daysog stated that he is concerned about an emerging proliferation of cargo containers, which he wants to guard against; inquired whether any provision precludes subleasing space to cargo containers.

The Community Development Director stated the lease has restrictions and limits some same activities; subleases have to be approved; the City would have discretion to disapprove a use it does not find desirable.

Councilmember Daysog inquired whether the Council has to prescribe that right now; expressed concern about cargo containers, which he thinks are eyesores.

Mayor Ezzy Ashcraft inquired whether Councilmember Daysog is referring to Building 19.

Councilmember Daysog responded in the negative; stated that he just means in general; properties are subleasing space; perhaps language could be included that would preclude subleasing involving cargo containers, which he does not want to see anymore.

The Community Development Director stated the City has rights to approve the particular subtenant and use and can exercise greater discretion around that sort of unattractive use.

In response to Councilmember Daysog's inquiry, the Management Analyst stated any use would be evaluated and approved by the City.

Councilmember Daysog inquired whether the matter would come to Council and how Council would be aware of the permit.

The Community Development Director stated approval is through the Planning, Building and Transportation Department, not Council; approval goes through an administrative process.

Councilmember Daysog proposed an amendment to require Council approval of cargo container permits.

The City Attorney stated Council has recently asked about consent with respect to other leases; the Council imposed heightened consent language in the Astra lease where sub leases have to be approved by Council; the current lease does not contain the same language; if the Council wants to add language, the matter would have to return to Council for first reading; the lease follows other traditional leases, which permits staff level approval.

The Assistant Community Development Director stated the Planning, Building and Transportation Director required a use permit for any tenant wanting to do anything outside on hangar row, which was implemented a while ago; if a tenant wants to drop a container, they would have to get a use permit and go through a public process.

Councilmember Daysog inquired whether the public and Council can monitor the public process and appeal the use permit, to which the Assistant Community Development Director responded in the affirmative.

Councilmember Daysog stated that his concern about cargo containers at Alameda Point has been long standing; he is beginning to see a proliferation and thinks the City needs to start guarding against it; he is satisfied with the permit process outlined; Councilmembers will have to monitor the process, which is a burden he can bear for now; requested the City Attorney to confirm that a Councilmember can call for review a permit.

The City Attorney responded that he thinks that is right; stated a permit would be required for outdoor use, subleasing of interior space would not, which is why Council directed staff to bulk lease provisions in future leases.

Councilmember Herrera Spencer noted two Councilmembers must sign on to a call for review; inquired whether Rain can bring in any subtenant.

The Community Development Director responded Rain has to seek approval; stated the lease includes criteria; for instance, staff have to vet the financial condition and suitability of the tenant; there are guard rails to try to make sure the match is acceptable.

Councilmember Herrera Spencer stated Council is supporting Rain as the highest and best use; Rain is a startup; she is not sure how stable Rain is going to be; inquired whether Rain could lease out the tower for office space and whether staff would be responsible for approval.

The Community Development Director responded staff would have to look at the specific facts to determine whether or not the use is a good fit or the subtenant is viable; stated a number of factors would have to be weighed.

Vice Mayor Vella stated staff has heard Council; she shares Councilmember Daysog's concerns about containers and vetting; she is not too worried about two Councilmembers having to submit a call for review in the event something is of concern.

Vice Mayor Vella moved final passage of the ordinance.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated that he is satisfied with the path laid out by staff.

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.

(22-783) Vice Mayor Vella moved approval of continuing the DATP to December 20, 2022 at 5 p.m.

In response to Mayor Ezzy Ashcraft's inquiry, the City Clerk outlined the next Council meeting.

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

(22-784) Vice Mayor Vella moved approval of hearing new items after 11 p.m. starting with the Astra lease [paragraph no. 22-785] first, followed by the Recreation Fees [paragraph no. 22-786], Building Code ordinance [paragraph no. 22-787], and CFD bonds [paragraph no. 22-766] and continuing up until midnight.

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

Mayor Ezzy Ashcraft called a recess at 10:35 p.m. and reconvened the meeting at 10:51 p.m.

(22-785) Ordinance No. 3335, "Authorizing the City Manager, or Designee, to Execute a Lease with Astra Space, Inc., a Delaware Corporation, Substantially in the Form of the Lease Attached to the Staff Report, for Fifty-Nine Months for Building 360, Located at 1900 Skyhawk Street, at Alameda Point." Finally passed.

The Community Development Director gave a brief presentation.

Discussed shipping containers; expressed concern about Astra, the staff report, the presentation, staff and his First Amendment rights: Tod Hickman.

Mayor Ezzy Ashcraft apologized to staff for the comments made; stated it offends her sense of right and wrong to hear a very hard working staff attacked unfairly and unjustifiably.

Vice Mayor Vella stated that she believes in the First Amendment, but does not believe in offensive, targeted comments that are completely out of order, not related to the item at hand and disrespectful of the public's time; requested the public to ensure comments are about the actual item, not just a rant about previous items or things not on the agenda.

Mayor Ezzy Ashcraft stated the public can speak and has First Amendment rights to make public comment; questioned whether making the meeting take as long as possible serves the public.

Stated as indicated at the first reading, a Project Stabilization Agreement (PSA) was very close to being finalized; the parties got together rather frequently and hashed out the last remaining items amicably, he is proud the PSA has been signed; thanked Astra for working through the difficult issues: Andreas Cluver, Alameda County Building Trades Council.

Discussed the Transportation Demand Management (TDM) policy; expressed concern about Astra not seeming to care and having many vehicles; stated the TDM does not seem to be working: Jim Strehlow, Alameda.

Stated that she is delighted and thrilled about reaching the second reading today; expressed appreciation and pride: Dani Gomes.

Councilmember Knox White move approval of the item [final passage of the ordinance].

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer inquired about the number of vehicles being parked and requirements to use public transportation.

The Assistant Community Development Director responded that she does not have any statistics, but can look into the matter; stated complaints can be filed in the Planning, Building and Transportation Department, which is responsible for the TDM at Alameda point.

Councilmember Herrera Spencer inquired whether the lease limits the number of cars.

The Community Development Director responded that she does not think there is a parking limit in the lease; stated parking would have to be within the lease premises.

Councilmember Herrera Spencer stated Astra has a very large parking lot; housing is being built that has very little parking in order to encourage everyone to take bicycles, public transportation, or walk; the purpose is defeated when companies have a very high number of drivers; parking lot size should be considered; discussed Astra stock prices and Astra getting a warning about being removed from the Nasdaq; inquired whether a significant drop in the stock value impacts staff's financial review.

The Assistant Community Development Director responded staff does not look at stock prices and does not find it to be an indicator of the health of a company; staff looks at the cash on hand; if something were to happen to Astra, the City would inherit a building that has been greatly improved with millions of dollars; discussed the cost-benefit analysis; stated Astra has always been current on rent.

In response to Councilmember Herrera Spencer's inquiry, the Community Development Director stated a lease provision allows Council to approve subtenants.

Mayor Ezzy Ashcraft stated that she would find following stock prices a dizzying exercise because the stock market has fluctuated so much lately; concurred with staff about Astra's past performance; stated that she received some information: approximately 20% of Astra employees take public transportation to work and 20% are Alameda residents, many of whom ride their bikes to work; Astra is a big company with a lot of employees; there are benefits to having that type of company in Alameda; discussed ferry ridership.

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.

(22-786) Resolution No. 16015, "Amending Master Fee Resolution No. 12191 to Add and Revise Recreation and Park Fees for Calendar Year 2023." Adopted.

The Recreation and Parks Director gave a Power Point presentation

Expressed concern about the fee increases and impacts on the disadvantaged; urged Council to freeze all fees; expressed appreciation for not being interrupted; stated elected officials and government workers do not get the benefit of people being nice; discussed the public being able to treat elected officials and government workers however they want, say what they want, including criticizing and calling out incompetency; stated the fee increase is regressive and hurts the poorest in the community; expressed concern about the Recreation and Park Commission: Tod Hickman.

Councilmember Knox White moved approval of the changes to the Master Fee schedule as proposed by staff [including adoption of the resolution].

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Herrera Spencer discussed nonprofits having to pay the increase from \$7 to \$8; stated it is the wrong time for the increase; she appreciates increases not being done during COVID; discussed people continuing to suffer financially; stated people of all incomes should be able to participate; the fees were always very expensive for her family; if the fees are not approved, General Fund support of \$75,000 to \$100,000 would be required; questioned whether American Rescue Plan Act (ARPA) funds could have been used; stated that she will not be able to support the fee increase and would prefer to use ARPA funds or the General Fund.

Mayor Ezzy Ashcraft stated how many programs are offered is impressive and meeting the needs of residents from the youngest to the oldest; the City has a robust scholarship program and does a comparable study every year; Alameda is not the highest or the lowest.

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.

(22-787) Introduction of Ordinance Amending the Alameda Municipal Code by Amending: (1) Article I (Uniform Codes Related to Building, Housing, and Technical Codes) of Chapter XIII (Building and Housing) to Adopt the 2022 Edition of Chapter 1, Division II Scope and Administration, the 2022 Edition of the California Building Code, the 2022 Edition of the California Residential Code, the 2022 Edition of the California Historical Building Code, the 2022 Edition of the California Electrical Code, the 2022 Edition of the Plumbing Code, the 2022 Edition of the California Mechanical Code, the 2022 Edition of the California Energy Code, the 1997 Edition of the Uniform Housing Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings; and (2) Adopting the 2022 Edition of the California Fire Code, Including Appendix Chapters 4, B, C, D, E, F, G, H, I, K and O, with Necessary Additions and Amendments to Section 15-1 of Chapter XV (Fire Prevention) Due to Local Climatic, Geological, or Topographical Conditions; and (3) Adopt the 2022 Edition of the California Green Buildings Standards Code with Necessary Additions and Amendments to Section 13-10 of Chapter XIII (Building and Housing) Due to Local Climatic, Geological, or Topographical Conditions. Introduced.

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

Councilmember Herrera Spencer requested a description of what is considered a major remodel.

The Planning, Building and Transportation Director stated it is a situation where either 50% of the existing foundation is replaced or there is an addition of over 50% of the existing foundation for purposes other than repair or reinforcement or where over 50% of the existing building floor area is being remodeled, including unfinished space; the definition is similar for both of the local amendments.

Councilmember Daysog inquired whether representatives from the East Bay Realtors Association provided input.

The Sustainability and Resilience Manager responded a number of workshops on the proposed amendments were held; stated some were attended by local real estate professionals; she is in regular touch with the local Real Estate Association, which has expressed support for the definition and proposal.

Stated that he fully supports the Fire portion of the ordinance; everything about the Building Code portion is driving up costs; discussed costs, regressive policies, green being a farce: Tod Hickman.

Stated the City has done outreach with contractors, not just realtors; expressed concern about the definition of alterations and electrification, including the exclusion of commercial kitchens; Margaret Hall.

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

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she will not be supporting introduction of the ordinance; stated it is not appropriate for the City to go beyond what the State is requiring; she has serious concerns about additional costs to upgrade homes in Alameda; many of the homes are older and may need a new foundation; discussed using electricity versus natural gas.

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.

(22-788) Resolution No. 16016, "Authorizing the Issuance of City of Alameda Community Facilities District (CFD) No. 22-1 (Alameda Marina) 2022 Special Tax Bonds, and Approving Related Documents and Actions." Adopted.

The Finance Director gave a brief presentation.

Expressed concern about the public not getting a chance for clarifying questions; stated the report is very abbreviated; urged Council not to approve this at this time; stated something that is going to last 30 years should be decided by the new City Council; inquired the cost to the taxpayers; stated there are very definitive comments about where the climate is going; discussed climate change and sea level rise: Tod Hickman.

Mayor Ezzy Ashcraft reminded Mr. Hickman the matter is a CDF bond and he should remain on topic.

Expressed concern about being interrupted: Tod Hickman

Mayor Ezzy Ashcraft stated that she is conducting the meeting and will insist on Mr. Hickman staying on topic.

Stated these are 30 year bonds; a thorough review was not provided; the public was not able to ask clarifying questions; he does not understand being interrupted so many times and why he cannot just ask some questions; expressed concern; urged Council to postpone the matter for a few months to do further investigation and let the new Council take on the responsibility of 30 year bonds: Tod Hickman.

Councilmember Knox White moved approval of the staff recommendation.

Vice Mayor Vella second the motion.

Under discussion, Vice Mayor Vella noted public comment is typically not an opportunity is not for questions and answers, it is actually for comments.

Councilmember Daysog stated to be consistent with his previous vote, he will not be supporting the matter tonight; his curiosity is peaked by the reference to capitalize interest, which sounds like new information; his understanding is certain payments cannot be made during the initial stages of bond repayment; stated what the community facilities district will pay for is obviously necessary; some level of sea walls and other improvements along the shoreline are needed; he likes that the project has ability to respond in case sea level rise projections are off; discussed projections.

Councilmember Herrera Spencer inquired the maximum annual cost, to which the Finance Director responded \$5,608 to \$8,100 a year based on square footage.

Councilmember Herrera Spencer requested confirmation that the dollar amount will never be exceeded.

The Finance Director responded the City's financial advisor informed her there is a 2% increase annually, which is the same 2% increase as Prop 13 property taxes.

In response to Councilmember Herrera Spencer's inquiry, Wing-See Fox, Urban Futures, stated for the higher end of the town homes \$8,100 would increase to \$14,384.

Councilmember Herrera Spencer stated the amount should have been in the staff report; the staff report speaks to sea level rise; discussed relevance of sea level rise; requested the City Attorney to address the matter.

The City Attorney responded perhaps comments on sea level rise were seen as potentially misplaced because the item before had green items.

Councilmember Herrera Spencer inquired whether she can speak about sea level rise, to which the City Attorney responded Councilmembers generally have wide latitude to speak about any items on the agenda that relates to the agenda.

Councilmember Herrera Spencer inquired whether a member of the public can speak to sea level rises, to which the City Attorney responded that he supposes.

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.

(23-783) Adoption of Resolution Adopting the Draft Active Transportation Plan. Continued to December 20, 2022.

(22-789) Introduction of Ordinance (Surveillance Technology) to Require City Departments to Obtain City Council Approval Before Acquiring Surveillance Technology and to Require an Annual Surveillance Report Concerning the City's Use of Surveillance Technology. Not heard.

CITY MANAGER COMMUNICATIONS

Regular Meeting
Alameda City Council
December 6, 2022

(22-789A) The Interim City Manager stated there has been a lot of rain and more is in the forecast; there is a self-serve sandbag station near City Hall West; to help protect against flooding, people can take up to 5 free sandbags; made announcements regarding the application deadline for newly constructed moderate income units at Alta Star Harbor being extended and Caltrans closing the Posy Tube December 20; urged people to consider donating to the Alameda Fire Fighter toy program; provided a brief update on the warming shelter.

ORAL COMMUNICATIONS, NON-AGENDA

Not heard.

COUNCIL REFERRALS

(22-790) Consider Directing Staff to Reform the Fee Towing Companies Require Alameda Residents to Pay to Retrieve Towed Vehicles. (Councilmember Daysog) Not heard.

(22-791) Consider Directing Staff to Address Massive Corporations Purchasing Housing. (Councilmember Herrera Spencer) Not heard.

(22-792) 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.