

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JULY 21, 2020- -5:30 P.M.

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

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

Absent: None.

Consent Calendar:

Vice Mayor Knox White moved approval of the Consent Calendar.

Councilmember Oddie seconded, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*20-493) Recommendation to Approve Amy Wooldridge, Recreation and Parks Director, Eric Levitt, City Manager, and Michael Roush, Chief Assistant City Attorney as Real Property Negotiators with Alameda Unified School District for the Joint Use Agreement for Operation and Maintenance of District Swimming Pools. Accepted.

The meeting was adjourned to Closed Session to consider:

(20-494) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Swim Centers at Alameda High School, 2200 Central Avenue and Encinal High School, 210 Central Avenue; City Negotiators: Eric J. Levitt, City Manager; Michael Roush, Chief Assistant City Attorney; Amy Wooldridge, Recreation and Parks Director; Negotiating Parties: City of Alameda and Alameda Unified School District: Under Negotiation: Terms for the Encinal and Alameda High School Swim Centers Joint Use Agreement for maintenance and operations

(20-495) Conference with Legal Counsel: Workers' Compensation Claim (Pursuant to Government Code Section 54956.95); Claimant: Employee – Fire Department; Claim Nos.: ALAZ-005257 and ALAY-005163; Agency Claimed Against: City of Alameda

(20-496) Conference with Legal Counsel: Workers' Compensation Claim (Pursuant to Government Code Section 54956.95); Claimant: Employee – Fire Department; Claim Nos.: ALAW-004967 and ALAR-004680; Agency Claimed Against: City of Alameda

(20-497) Conference with Legal Counsel: Workers' Compensation Claim (Pursuant to Government Code Section 54956.95); Claimant: Employee – Fire Department; Claim

Nos.: ALAU-004791, ALAX-005107, and ALAY-005194; Agency Claimed Against: City of Alameda

(20-498) Conference with Legal Counsel: Existing Litigation (Pursuant to Government Code Section 54956.9); Requests for the City to participate as amicus in pending litigations; Case Name: Fulton v. City of Philadelphia; Court: United States Supreme Court; Case Number: 19-123

(20-499) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Site A at Alameda Point; City Negotiators: Eric J. Levitt, City Manager; Debbie Potter, Community Development Director; Michelle Giles, Redevelopment Project Manager; and Lisa Nelson Maxwell, Assistant City Attorney; Negotiating Parties: City of Alameda and Alameda Point Partners; Under Negotiation: Price and Terms

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Swim Centers, staff provided information and Council provided direction with no vote taken; regarding Site A, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5; regarding ALAZ-005257, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5: these two workers' compensation claims were filed by a former Firefighter who first joined the City on September 26, 1987; applicant experienced a cardiovascular episode on August 7, 2018 while on duty at the Fire Station; applicant also experienced vertigo and loss of hearing on September 11, 2017; applicant retired from duty in November 2018; the Council authorized the City Attorney to settle the pending workers' compensation claims in an amount not to exceed \$130,000; regarding ALAW-004967, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5: these two workers' compensation claims were filed by a former Firefighter who first joined the City on April 13, 1997; applicant suffered an injury on September 22, 2015 while carrying salvage materials at a residential structure fire on Buena Vista Avenue; applicant also suffers from hearing loss and tinnitus, which was documented on April 18, 2012; the applicant was unable to ever return to full duty and retired via industrial disability retirement in August 2016; the Council authorized the City Attorney to settle pending workers' compensation claims in an amount not to exceed \$85,000; regarding ALAU-004791, staff provided information and provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5: these three workers' compensation claims were filed by a former Firefighter who first joined the City on April 11, 2005; applicant suffered an injury on May 9, 2014, while conducting an equipment check on a Fire engine; applicant also suffered an injury on March 1, 2017, while stepping off a Fire engine; applicant had another injury on January 7, 2018, while moving an unresponsive patient down stairs of a private residence on Flint Drive; applicant retired on December 2018; the Council

authorized the City Attorney to settle the pending workers' compensation claims in an amount not to exceed \$145,000; regarding Existing Litigation, staff provided information and Council provided direction by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5: the City has been asked to join numerous other local jurisdictions by signing on to an amicus brief to be filed in the above case where the United State Supreme Court will consider whether the First Amendment requires Philadelphia to continue to contract with a private, faith-based foster-care agency that refuses to work with same-sex couples, in contravention of the city's non-discrimination ordinance; a US District Court in Eastern District of Pennsylvania denied the Plaintiffs' request for a preliminary injunction against the City and the Third Circuit affirmed; the amicus brief seeks to support the City of Philadelphia, in part because a ruling in favor of the Plaintiffs could have dramatic impacts on a whole host of governmental services, implicate other types of discrimination or even contract terms beyond the commitment not to discriminate when performing under the contract and critically impair local jurisdictions' ability to deliver services effectively and enforce the terms of the contracts they enter into with service-providers; yhe Council voted to authorize the City Attorney to sign the amicus brief as requested.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:36 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE CONTINUED JULY 14, 2020 SPECIAL CITY COUNCIL MEETING
TUESDAY- -JULY 21, 2020- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:00 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(20-492) Public Employee Performance Evaluation (Pursuant to Government Code Section 54957); Position Evaluated: City Manager – Eric Levitt

Following the Closed Session, the meeting was reconvened and Mayor Ezzy Ashcraft announced no action was taken and no vote was taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 5:35 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- -JULY 21, 2020- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:08 p.m. and Councilmember/Commissioner Daysog led the pledge of allegiance.

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

Absent: None.

CONSENT CALENDAR

The City Clerk announced the Audited Financial Statements item [paragraph no. 20-500 CC/20-019 SACIC] was removed from the Consent Calendar for discussion.

Following the discussion, Vice Mayor/Vice Chair Knox White moved approval of the Consent Calendar.

Councilmember/Commissioner Daysog seconded the motion, which carried by the following roll call vote: Councilmembers/Commissioners Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor/Chair Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(20-501 CC/20-020 SACIC) Recommendation to Accept the Fiscal Year 2018-19 Audited Financial Statements and Compliance Reports.

Discussed the necessity for sufficient staffing in the Finance Department; stated sufficient staffing is crucial during the audit process; discussed the departure of Finance Department staff; stated staff turnover created a delay in the audit; the Memorandum of Internal Control indicates a material weakness; outlined deficiencies in internal control; stated the City has acquired the services of Management Partners to assist; outlined significant deficiencies; stated the matter is significant: Kevin Kearny, City Auditor.

Vice Mayor/Vice Chair Knox White inquired whether there are staffing concerns related to the budget.

The City Manager responded the City is scheduled to close the books four months in advance of last year's closing; stated some of the issues should not have happened and are being corrected for the future; staff is being put in the place to ensure proper process going forward; there are budget constraints due to COVID-19; however, staffing is being utilized to the full extent.

In response to Mayor/Chair Ezzy Ashcraft's inquiry about the status of the hiring process, the City Manager stated the City does not have an Assistant Finance Director position; the equivalent position was staffed after the first of the year; staff has been catching up while working with the City Auditor; noted an offer will be provided for the Finance Director position within the next week; stated the position will likely be filled close to Labor Day.

Mayor/Chair Ezzy Ashcraft expressed support for updates going forward.

Councilmember/Commissioner Daysog expressed support for the points raised by the City Auditor in the Memorandum of Internal Control; stated there are several key points identified; it is important to have complete and full reports available for the public; noted the fund balance was reviewed and compared to previous years; discussed a table showing reserves; stated the City should be proud there is a fund balance of more than 40%.

Vice Mayor/Vice Chair Knox White moved approval of the Consent Calendar.

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

(*20-502 CC/20-021 SACIC) Recommendation to Accept the First Quarter Financial Report for the Period Ending September 30, 2019. Accepted.

(*20-503 CC/20-022 SACIC) Recommendation to Accept the Second Quarter Financial Report for the Period Ending December 31, 2019. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:27 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- - JULY 21, 2020- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:27 p.m.

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

Absent: None.

AGENDA CHANGES

(20-504) Mayor Ezzy Ashcraft stated that she would like to recess the regular meeting after the water quality hearing [paragraph no. 20-525] and Alameda Family Services presentation [paragraph no. 20-526] to convene the special 7:01 p.m. meeting and discuss the Charter amendment [paragraph no. 20-538]; then address the Appeal [paragraph no. 20-527] on the regular meeting next, followed by the special meeting item renaming Jackson Park [paragraph no. 20-539].

Councilmember Vella expressed support for the agenda changes.

Vice Mayor Knox White moved approval of the proposed agenda changes.

Councilmember Oddie seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

Mayor Ezzy Ashcraft announced that the meeting will be adjourned in memory of Congressman John Lewis; read a quote.

ORAL COMMUNICATIONS, NON-AGENDA

(20-505) Erin Fraser, Alameda, started to discuss the resolution declaring racism a public health emergency.

The City Clerk announced the matter is on the Special 7:02 p.m. Meeting and public comment has been closed.

(20-506) Michele Lazaneo, Alameda, discussed the handling of missing person cases by Alameda Police Department (APD) and recommended best standard practices; stated there is a connection between missing person cases and human trafficking; the first 48 hours are crucial in missing person cases; social media is a helpful tool in spreading awareness of missing persons; outlined APD missing person protocols; urged

Council to update protocols and identify every missing person case as deserving of a public alert.

(20-507) Kevyn Lauren, Alameda, discussed missing person cases; stated awareness is needed to keep everyone safe in Alameda.

In response to Mayor Ezzy Ashcraft's request, the City Manager stated an active investigation is still occurring; the Police worked extensively with the family; staff will take comments into consideration.

Mayor Ezzy Ashcraft noted the Police did not receive a report within the first 24 hours; a press release has been issued by the City and the East Bay Regional Park District.

CONSENT CALENDAR

Councilmember Oddie moved approval of the Consent Calendar.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*20-508) Minutes of the Special and Regular Meetings Held on June 16, 2020 and the Special Meeting Held on June 17, 2020. Approved.

(*20-509) Ratified bills in the amount of \$2,569,831.50.

(*20-510) Recommendation to Authorize the City Manager to Execute an Amendment to the Agreement with Management Partners, Inc., in an Amount Not to Exceed \$50,000 for a Total Compensation Not to Exceed \$100,000, and to Extend the Contract to June 30, 2021, for Financial Services in the Finance Department. Accepted.

(*20-511) Recommendation to Authorize the City Manager to Execute Six, Five-Year Agreements, in the Amount of \$200,000 Each per Fiscal Year to CSG Consultants, Harrison Engineering, Inc., Nichols Consulting Engineers, Park Engineering, Schaaf & Wheeler, and Wood Rodgers for On-Call Civil Engineering Services for a Total Cumulative Amount Not to Exceed \$1,000,000 Each Agreement. Accepted.

(*20-512) Recommendation to Authorize the City Manager to Execute an Agreement with McGuire & Hester for Fire Station No. 2 Pavement Improvements Project, No. P.W. 05-20-25 in an Amount Not to Exceed \$454,724.60. Accepted.

(*20-513) Recommendation to Authorize the City Manager to Execute an Agreement with American Pavement Systems, Inc. for the 2020 Pavement Management, Phase 39, Slurry and Cape Seal Project, No. P.W. 03-20-17, in an Amount Not to Exceed \$1,404,150, Including Contingency. Accepted.

(*20-514) Recommendation to Authorize the City Manager to Execute a Third Amendment to the Agreement with Earth Island Institute, dba Kids for the Bay for Educational Services for the Alameda Schools, in an Amount Not to Exceed of \$54,108, for a Total Cumulative Amount Not to Exceed \$118,728. Accepted.

(*20-515) Recommendation to Authorize the City Manager to Execute a First Amendment to Agreement with Terraphase Engineering for Marsh Crust Reconnaissance Sampling and Environmental Oversight for Construction of Alameda Point's Adaptive Reuse Areas Phase 1 and Phase 2, in an Amount Not to Exceed \$238,074, for a Total Contract Amount Not to Exceed \$312,572. Accepted.

(*20-516) Recommendation to Authorize the City Manager to Execute a One-Year Agreement with McGuire and Hester for 2020 Pavement Management, Phase 39, Hot Mix Asphalt Overlay and Base Repair, No. P.W. 05-20-26, in an Amount Not to Exceed \$1,476,225.60, Including Contingency, with the Option of Four One-Year Extensions, for a Total Five-Year Expenditure Not to Exceed \$7,682,337.29. Accepted.

(*20-517) Recommendation to Authorize the City Manager to Execute a Second Amendment to the Agreement with Stearns, Conrad and Schmidt Engineers Extending the Term of the Agreement by One Year and Increasing the Compensation by an Amount Not to Exceed \$290,000, for Targeted Zero Waste Technical Assistance for Commercial Businesses and Multi-Family Accounts, for an Aggregate Amount Not to Exceed \$734,978. Accepted.

(*20-518) Recommendation to Authorize the City Manager to Execute a First Amendment to the Agreement with GS Management Company, for Management of the Public Special Benefit Work in City of Alameda Island City Landscape and Lighting District 84-2 Zone 6 – Marina Village, to Extend the Term for Four Additional Years and Increase Compensation by \$255,362, for a Cumulative Amount Not to Exceed \$309,362. Accepted.

(*20-519) Recommendation to Authorize the Mayor to Sign Letters of Support for State Legislation on Police Reforms. Accepted.

(*20-520) Resolution No. 15676 Amending the Fiscal Year 2020-21 Transportation Planning Division Fund Revenue and Expenditures Budget by \$88,000 to Accept and Allocate the Bay Area Air Quality Management District's Vehicle Trip Reduction Grant for Electronic Bicycle Lockers, and Allocate \$60,400 in Local Measure B/BB Bicycle and Pedestrian Funds for the Required Matching Funds Mandated by the Grant." Adopted; and

(*20-520A) Recommendation to Authorize the City Manager to Issue a Purchase Order with eLock Technologies for \$145,400. Accepted.

(*20-521) Resolution No. 15677, "Authorizing the City Manager to Utilize up to \$1.605 Million in the Capital Projects Seaplane Lagoon Ferry Terminal Project for the Seaplane

Lagoon Ferry Terminal Project and Reversing Back Any Remaining Funds to the Base Reuse and Tideland Trust Budgets in the Proportion Originally Allocated to the Project.” Adopted; and

(*20-521A) Recommendation to Authorize the City Manager to Execute a Second Amendment to Agreement with Ghirardelli Associates to Increase the Compensation by an Amount Not to Exceed \$104,287 for a Total Contract Amount of \$749,423 for Construction Management Services for the Seaplane Lagoon Ferry Terminal Project at Alameda Point. Accepted.

(*20-522) Resolution No. 15678, “Authorizing Continued Participation in the Alameda County HOME Consortium for HOME Funds and Authorizing Execution of the Necessary Documents to Maintain the Eligibility of the Consortium for HOME Program Funds in Accordance with the National Affordable Housing Act of 1990.” Adopted; and

(*20-522A) Recommendation to Authorize the City Manager to Take All Necessary Actions to Carry Out the City of Alameda's Participation in the Alameda County HOME Consortium. Accepted.

(*20-523) Resolution No. 15679, “Approving a Budget Amendment to Reappropriate Vehicle Purchase Funds from Fiscal Year 2019-20 to Fiscal Year 2020-21.” Adopted.

(*20-524) Resolution No. 15680, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments For Maintenance Assessment District 01-1 (Marina Cove).” Adopted.

REGULAR AGENDA ITEMS

(20-525) Public Hearing to Consider the Collecting of the Water Quality and Flood Protection Fees on the Property Tax Bills; and

(20-525A) Resolution No. 15681, “Finding [No] Majority Protest, Directing the Collection of Fees on the Property Tax Bills for Fiscal Year 2020-21 at the Rates Approved by Property Owners.” Adopted.

The Public Works Coordinator gave a brief presentation.

Melanie Guillory-Lee, SCI Consulting, gave a Power Point presentation.

Vice Mayor Knox White moved approval of staff recommendation, including adoption of the resolution.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(20-526) Recommendation to Accept Alameda Family Services Presentation Summarizing Activities Performed Under its One-Year Contract for Student Mental Health Services.

The Development Manager gave a brief presentation.

Kale Jenks, Alameda Family Services, gave a Power Point presentation.

Vice Mayor Knox White expressed support for the program.

Mayor Ezzy Ashcraft inquired what considerations have been made by Alameda Family Services (AFS) for providing services when school begins in August.

Mr. Jenks responded distance learning has solidified the approach for AFS services; stated services will roll out as normal with referrals coming directly from the School District; group services pose some difficulties during COVID-19; AFS is confident support provided will continue.

Councilmember Oddie expressed support for AFS; moved approval of accepting the presentation.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Vella stated AFS provides services which help prevent additional services from being needed in the future; the matter is critical in light of changes relative to the pandemic; expressed support for early childhood centers.

Councilmember Daysog expressed support for the School Board; discussed a meeting with the Social Services Human Relations Board (SSHRB).

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

Mayor Ezzy Ashcraft called a recess at 8:06 p.m. and reconvened the meeting at 8:14 p.m.

(20-527) Public Hearing to Consider an Appeal of the Planning Board's Decision to Approve Design Review No. PLN20-0047 to Allow the Rehabilitation of an Approximately 50,517 Square Foot Existing Building for Adaptive Reuse as a Senior Living Convalescent Home at 1245 McKay Avenue; and

(20-527A) Resolution No. 15683, "Denying the Appeal and Approving Design Review Application No. PLN20-0047 to Allow the Rehabilitation of an Approximately 50,517 Square Foot Existing Building for Adaptive Reuse as a Senior Living Convalescent Home at 1245 McKay Avenue." Adopted.

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

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated the Planning, Building and Transportation Director will provide a brief summary of the letter submitted as part of the record, which may be considered by Council.

The Assistant City Attorney stated Council has full discretion to continue; consideration of the late letter is appropriate and can be weighed in the decision.

The Planning, Building and Transportation Director and Assistant City Attorney continued the presentation.

The Planning, Building and Transportation Director concluded the presentation; stated the appellant and applicant traditionally receive a five minute speaking time.

Vice Mayor Knox White moved approval of allowing the appellant and applicant a speaking time of five minutes.

Councilmember Oddie seconded the motion.

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

Stated that he disagrees with staff; noted staff must present documents to be enforced prior to City Council approval; stated Council has given power to staff and Boards to approve ordinances and enforcement; should someone not meet the Design Review standards, plans will not be approved; appointed Boards cannot make laws; noted that he is not against the project; stated that he would like to see the project go through as voted: a convalescent hospital, a hospice, and a medical clinic; permanent supportive housing is not zoned for the area; urged Council to postpone the hearing until the vote on Measure A; noted that he has not discussed the project site as a Historical Monument; stated the penalty phase for not meeting designations is a time period of five years; Alameda Point Collaborative (APC) may not receive funds from agencies; urged Council proceed through the proper process; expressed concern about application details; questioned funding: John Healy, Project Appellant.

Noted Planning Department staff met the criteria laid out by Section 30-37 of the Alameda Municipal Code; stated there will be multiple Design Review opportunities; the appellant's application provides no justification or grounds for the appeal; urged Council to reject the appeal; stated APC is working hard to alleviate the immense suffering of sick, and dying people on the streets of Alameda County; noted five homeless individuals have died since the appeal process; stated APC has a location and project plan ready; the current health crisis has highlighted the need to shelter and care for medically vulnerable individuals; community members, staff, and the Planning Board have spoken; urged Council to deny the attempts at stopping needed services for members of the community: Doug Biggs, Applicant.

Councilmember Daysog inquired whether Mr. Healy's contention relates to the matter not going through the Historical Advisory Board (HAB) for guidance.

Mr. Healy responded in the affirmative; stated the design should have been presented before the HAB for approval to ensure Alameda Municipal Code requirements are met.

The Planning, Building and Transportation Director stated the Municipal Code speaks to the matter specifically; 30% of the building must be demolished to trigger HAB review; the project exterior changes do not represent or trigger the threshold.

Councilmember Vella inquired whether Mr. Healy is the new attorney [for Friends of Crab Cove].

Mr. Healy responded in the negative; stated that he is not against homeless; expressed support for following the correct process.

Councilmember Daysog stated that he would like the specific Municipal Code Section provided which indicates the 30% trigger.

The Planning, Building and Transportation Director stated the language is found in the Historic Preservation ordinance.

Comments read into the record:

Stated campaign mailers asserted the Wellness Center would get homeless off the streets; no housing is being planned at the site; voters were deceived; toxic remediation of the site has not begun; discussed a 2018 homelessness study conducted by Urban Institute; stated the communal nature of the facility poses risks: Harvey Rosenthal, Alameda.

Stated proposed modifications to a building with an S designation need to be presented to the HAB; without necessary historic review, the City has no jurisdiction to approve the design; Council cannot endorse the decision to approve the design; noted the site is on the Alameda Historic Study List: Jim Edwards, Alameda.

Additional comment via Zoom:

Stated World War II ended 75 years ago; the buildings have been sitting vacant for a long time; there are many thousands of homeless people in Alameda County and some are elderly and in need of convalescent care; questioned what is being done with the available resources to help the community at this time: Josh Geyer, Alameda.

Mayor Ezzy Ashcraft noted the site is not City property, but is located within City limits.

Vice Mayor Knox White moved approval of denying the appeal and upholding the Planning Board's decision.

Councilmember Oddie seconded the motion.

Under discussion, Vice Mayor Knox White stated there is a clear lack of understanding for Design Review; staff has a significantly positive track-record in defending appeal decisions; this is not a design review discussion; the voters approved the project; the project has followed the appropriate process and approvals; noted the Planning Board denied the appeal; expressed support for moving forward.

Councilmember Oddie stated the ballot measure confirmed the zoning change and did not approve design or use of the property; the competing measure intended to reject a petition submitted by residents to re-zone the site in a different manner; the purpose of the election was to litigate the petition in front of the voters; there is nothing more fitting than to re-use a building to assist veterans that have served the Country; expressed concern about delay of the matter due to COVID-19; stated the staff report noted litigation in court over the Historical Resource and Study List; that he does not know if Council has the authority to overrule the Court decision.

Councilmember Daysog outlined Municipal Code Section 13-21.5 on procedures for reservation of Historical and Cultural Monuments; stated the building is not being demolished; inquired whether the building is being altered and why the City is not following the strict language interpretation.

The Assistant City Attorney responded Section 13-21.5 refers to structures which have been designated a Historical Monument; stated the building is not a Historic Monument and has not been placed on the list; noted the applicable Municipal Code Section is Section 13-21.7; the definition of demolished is found under Section 13-21.2; stated staff has concluded HAB review is not required; the Court has addressed and expressly rejected similar issues; the building is listed on the Historic Building Study List, but is not a historic resource under California Environmental Quality Act (CEQA).

Councilmember Daysog inquired whether staff is using Section 13-21.7a to indicate removal does not occur; questioned whether any part of the structure will be removed.

The Planning, Building and Transportation Director responded the site is on the Study List and is not a Monument; stated the Code requires going to the HAB should a building be demolished to ensure the building is not a historic resource; noted the definition of demolition under the Code is 30%; stated should windows or siding be changed on a Study List property, which does not represent a 30% demolition, there is no requirement to bring the project to the HAB.

Mayor Ezzy Ashcraft inquired whether the project is an adaptive reuse project and is not removing 30% or more.

The Planning, Building and Transportation Director responded in the affirmative; stated the Building Department makes a determination about whether the changes to the building represent a 30% demolition; should a project not meet the threshold, it does not go to the HAB.

Councilmember Daysog outlined the definition of removal within Section 30-21.2; inquired how the 30% trigger applies to the term removal.

The Planning, Building and Transportation Director responded no project actions represent removal; stated there are no designated plaques, trees and the building is not being removed; the building is being re-sided and new windows will be installed.

Councilmember Vella stated there is a good understanding of which items should come before the HAB; the standards are used and adhered to when appropriate; outlined her time serving on the HAB; stated adaptive reuse allows buildings to be re-usable; in some cases, buildings were erected for purposes which have no current use or application; at times, materials used were readily available or used as reinforcement; expressed concern about discussing the beauty and appearance of a building which is subjective; stated the City has standards related to building materials, which are adhered to; noted project safety is top priority; stated staff has responded consistently.

Mayor Ezzy Ashcraft noted that she has studied the dilemma of homelessness in the State; stated homelessness is a growing concern and has not diminished during COVID-19; a significant portion of homeless individuals are veterans; the project is an exciting opportunity and is adaptive reuse; the project should unite the community.

Councilmember Daysog stated Mr. Healy has made a compelling argument for the necessity of going through one more public review of the project involving the HAB; the argument is compelling in part due to the definitions within AMC Section 13-21.7a; outlined the definitions of removal and structural alteration in Section 13-21.2; expressed support for the project being sent to the HAB; stated this is a matter of the project being a case for HAB review and decision.

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

Mayor Ezzy Ashcraft called a recess at 9:13 p.m. and reconvened the meeting at 10:20 p.m.

(20-528) Introduction of Ordinance Authorizing the City Manager or Designee to Execute an Amendment to the Lease with Williams-Sonoma, Inc., a Delaware Corporation, Acting for and on Behalf of Williams-Sonoma Stores, Inc., a California Corporation, for Building 169, Suite 102, Located 1680 Viking Street at Alameda Point,

Extending the Term for an Additional 12 Months with One 12-Month Extension Option, Removing Overflow Parking from the Leased Premises, and Providing One (1) Month of Rent Abatement. Introduced.

The Assistant Community Development Director gave a brief presentation.

Councilmember Oddie inquired whether the tenant will be eligible for other commercial tenant rent abatement.

The Assistant Community Development Director responded all tenants have been notified of the programs offered by the City; noted Williams-Sonoma has only requested one month of rent abatement.

Councilmember Oddie moved introduction of the ordinance.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(20-529) Introduction of an Uncodified Ordinance Amending Uncodified Ordinance No. 3275 to Extend the Time that Tenants Must Pay “Deferred Rent” from 210 Days to 395 Days Following the City Council’s Rescission of the Local Emergency. Introduced.

The Community Development Director gave a brief presentation.

Councilmember Oddie inquired whether the extension of time yields a lump sum due by day 395, not thirteen equal payments of deferred rent.

The Community Development Director responded in the affirmative; stated deferred rent payments can be paid when possible; non-payment cannot result in eviction during the time period; an unlawful detainer may be served should current rent not be paid by the end of the time period; the ordinance serves as a defense should an unlawful detainer be served to a tenant.

In response to Councilmember Oddie’s inquiry, the Community Development Director stated tenants have thirteen months to pay the total amount due over the period of time.

Councilmember Vella noted that she has received correspondence which states the City ordinance is not necessarily in line with the County ordinance; inquired which ordinance applies in the event one is more stringent and offers more protections than the other.

The Community Development Director responded the proposed changes to the City ordinance being presented are closer in consistency with the County; stated the City has an additional 30 days over the County.

The City Attorney stated the County does not have the authority to regulate within an incorporated City; ordinances adopted by the County do not apply within Alameda.

Councilmember Vella inquired how information is being provided and whether it is being provided in multiple languages.

The Community Development Director responded the tenant and small business page on the City's website has been updated with implementing regulations and all tenant protection ordinances; noted the information has not been provided in other languages to date; the paralegal in the City Attorney's office has been fielding questions about the rent freeze and moratorium; stated staff, the rent program and Centro Legal are providing information and regulations.

Vice Mayor Knox White inquired whether there is information about how many people are deferring rent and the impacts.

The Community Development Director responded that she has met with the Bay East Realtors' Local Government Relations Committee and roughly 70 to 75% of tenants have been paying rent in-full; noted the rent relief program is launching this week and will also be promoted as a resource and asset; it appears more than the majority of tenants are paying rent; stated those with challenges are able to find assistance.

In response to Councilmember Daysog's inquiry, the Community Development Director stated tenants are encouraged to enter into a payback arrangement with their landlord; however, it is not a requirement in order to receive benefits.

Councilmember Oddie inquired whether there is a breach of contract or lease, should an agreement be made and the repayment not occur.

The Community Development Director responded the ordinance, as proposed, states tenants cannot be evicted for nonpayment of any deferred rent over the thirteen month period; stated tenants will need to be current on rent, but any deferred rent cannot yield eviction.

Councilmember Oddie outlined a possible payment agreement; inquired whether failure to abide by the agreement will result in eviction; expressed concern about side agreements which cannot be complied with resulting in eviction where the agreement trumps the ordinance.

The Community Development Director stated the ordinance does not require an agreement.

The City Attorney stated the breach depends on nature and drafting of the agreement; the matter is highly unusual and difficult to predict what a court could ultimately conclude; staff believes the breach will likely result in a breach of contract; however, it is difficult to conclusively say without further detail; noted agreements will likely be private

without any input from the City and, therefore, will be contractual and not subject to unlawful detainer.

Councilmember Oddie expressed concern about agreements being substituted for leases; noted there is unequal bargaining power between landlords and tenants; outlined a tenant being subject to eviction.

The City Attorney stated the landlord cannot require a tenant to enter into an agreement; noted the agreement must be made voluntarily; should a landlord require such agreement, the requirement would violate the fair housing law.

Expressed support for the extension of repayment; stated this action is a necessary component of the recent declaration of racism as a public health emergency given the disproportionate impact of COVID-19 on communities of Color due to systemic racism in terms of work, health and housing; many renters are confused about their rights under the various ordinances; urged greater effort be made to inform tenants of legal rights and resources available; outlined communication difficulties; urged a mailing be sent out in multiple languages and no agreement be encouraged: Catherine Pauling, Alameda Renters Coalition.

Discussed experience staffing a tenant-landlord counseling line; stated phones lines are flooded with calls from those unable to pay rent; noted leases are being broken; paying debt is quickly becoming overwhelming: Jennifer Rakowski, Alameda.

Urged Council to vote yes on the extension of the repayment period; stated the need for tenants to have protections is growing; urged Council to consider the strategy of translating the unpaid rent into consumer debt as adopted by other cities and counties: Grover Wehman-Brown, East Bay Housing Organization (EBHO).

Expressed support for the matter; discussed experience as a renter and artist in Alameda; stated showing compassion to residents is important; urged Council to vote yes: Kevyn Lauren, Alameda.

Urged Council to vote yes on the extension; stated it is important to protect renters: Alexia Arocha, Alameda.

Comment read into the record:

Stated property owners are not the bankers of tenants; stated it is up to the City to pay rents through subsidized payments: Rosalinda Corvi, Alameda.

Councilmember Oddie moved introduction of the ordinance, giving direction to staff to return with an ordinance which will allow the City to treat any side agreements and unpaid rent as consumer debt.

Councilmember Oddie noted there are five months of potential unpaid rent; stated the worst is yet to come and another five months is possible; there will be tenants with double rent to payback; expressed concern about evictions due to COVID-19; outlined failed and unpassed bills.

Councilmember Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft stated that she would like a clearer understanding of treating unpaid rent as consumer debt; inquired whether the departure is significant enough to have the ordinance return to Council; requested clarification.

Councilmember Oddie stated that the motion is to have staff return with an ordinance covering the conversion to consumer debt.

The Community Development Director stated the City Attorney has previously noted the conversion is not advisable.

The City Attorney stated staff is happy to look at ways to review side agreements and provide as much protection to tenants as possible; staff strives to effectuate Council direction; there are concerns related to conversion of debt to consumer debt notwithstanding other jurisdictions having done so; concerns aside, staff is prepared to receive and effectuate direction from Council.

Councilmember Vella expressed support for providing the direction; stated that she does not want to change the current ordinance; the current ordinance should be enacted with as much notice as possible; passing protections without notifying the most vulnerable of their rights is ineffective; discussed articles related to rental evictions; stated during the pandemic, a number of protections have been passed, including a moratorium on evictions; expressed concern about people not knowing their rights; stated both residential and commercial tenants do not understand their rights; notice needs to be provided about protections and in multiple languages; expressed support for mailings and postings in apartment buildings; expressed concern for vulnerable members of the community who are not leaving their home, are at risk and do not have access to the internet to see online postings; updates are becoming word-of-mouth; outlined noticing efforts enacted by the City of San Leandro; stated this is an opportunity for the City to ensure the protections are having the intended effect.

Councilmember Oddie stated that he is amenable to updating his motion to include noticing provisions; questioned whether the proposal provided by Councilmember Vella is acceptable or whether additional input from staff is needed; expressed support for the option which is most effective and appropriate.

The City Manager stated Council can add direction to the motion allowing staff to create and implement a communication plan with a report back to Council; noted the Council break in August will allow staff the time to provide notice.

Mayor Ezzy Ashcraft inquired whether the proposed language is accepted.

Councilmember Oddie responded in the affirmative; noted there is a second reading of the ordinance; stated the sooner the better.

The Community Development Director stated staff suggests sending materials out after second reading of the ordinance; staff will prepare materials in time.

(20-530) Vice Mayor Knox White moved approval of considering the remaining agenda items and continuing the meeting until 12:00 a.m.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

The Community Development Director stated more direction would be helpful; inquired whether Council is requesting staff to return with an ordinance dealing with side agreements and consumer debt or should staff analyze the options and return to Council.

Councilmember Daysog stated homeowners and renters are struggling through the pandemic; census data notes renters are vulnerable; it is incumbent on Council to help out tenants and renters; there is reasonable effort in assisting renters and landlords; the City is amortizing rent over thirteen months; expressed support for the matter; stated the ordinance did not originally have a payback option; the current modification is reasonable; noted that he does not know about the consumer debt issue; expressed support for the extension of the repayment period; stated renters need to know Council is on their side.

Vice Mayor Knox White inquired whether the ordinance would pass September 1st.

The Community Development Director responded in the affirmative; stated the ordinance does not take effect for 30-days following the second reading; there are significant protections in the existing ordinance which allow for a routine versus emergency ordinance.

Vice Mayor Knox White expressed support for multi-lingual and robust informational materials; stated it would be helpful for a presentation to help landlords of tenants unable to pay rent; noted that he is not interested in supporting large corporate entities, but landlords of one to two units; stated that he would like to know what kind of aid is available at the State and federal levels; the City does have a large reserve, which can be used to help landlords by helping tenants unable to pay rent; expressed support for looking ahead.

Mayor Ezzy Ashcraft stated it would be helpful to know how much renters have been assisted by City programs; the ordinance is necessary; the timeline is unknown; compliance with COVID guidelines is key; people have not been able to go back to work and are stressed; the ordinance is thoughtful; Council needs to ensure information is provided in multiple languages.

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

(20-531) Recommendation to Authorize the City Attorney or Designee to Consent to Law Firm Goldfarb Lipman's Request to Waive Conflicts of Interest in Connection with Goldfarb's Legal Representation of the City of Alameda on City Transactions and the County of Alameda on the Rosefield Village Affordable Housing Project Transaction; and Recommendation to Delegate Authority to the City Attorney or Designee to Consent, Modify or Reject Future Requests from Goldfarb to Waive Conflicts of Interest In Connection with Goldfarb's Legal Representation of the City of Alameda on City Transactions and the County of Alameda on Future Affordable Housing Transactions Involving County of Alameda A-1 Funds or Comparable County Funds.

Councilmember Oddie inquired whether the future delegation is only related to the County, to which the City Attorney responded in the affirmative.

Councilmember Oddie moved approval of the staff recommendation.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

CITY MANAGER COMMUNICATIONS

(20-532) The City Manager announced COVID testing provided by City Health Urgent Care would begin tomorrow pending a logistical issue at the Research Park on Wind River Way; discussed encampments on Caltrans property.

ORAL COMMUNICATIONS, NON-AGENDA

(20-533) Beth Kenny, Alameda, announced the 30th anniversary of the Americans with Disabilities Act (ADA); stated it is remarkable how much more accessible the Country has become since ADA passage; more work needs to be done to allow a society which is fully inclusive of people with disabilities.

(20-534) Nairobi Taylor, Youth Activists of Alameda, stated it is crucial for Council to assist in changing the racist ways of Alameda; discussed statistics of childbirth deaths in comparison of Black and White women.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(20-535) Councilmember Daysog made an announcement regarding the Airport Noise Forum meeting; stated Walt Jacobs has been designated co-chair.

(20-536) Vice Mayor Knox White made an announcement regarding the AC Transit Inter-Agency Liaison Committee meeting; stated there will be major cuts and Alameda will be affected.

Mayor Ezzy Ashcraft stated AC Transit schedules have been significantly impacted; AC Transit serves the Bay Area well; outlined transit changes due to COVID-19.

(20-537) Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference.

The City Clerk announced Mayor Ezzy Ashcraft is currently the representative with Councilmember Vella serving as alternate.

Councilmember Oddie moved approval of designating Mayor Ezzy Ashcraft as the representative and Councilmember Vella as the alternate.

Vice Mayor Knox White seconded the motion; inquired whether Council can vote on an item under Council Communications.

The City Clerk responded the matter is always placed under Council Communications.

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

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:19 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 CITY COUNCIL MEETING
TUESDAY- - JULY 21, 2020- -7:01 P.M.

Mayor Ezzy Ashcraft convened the meeting at 8:06 p.m.

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

Absent: None.

AGENDA ITEM

(20-538) Resolution No. 15682, “Calling for the Holding of a Consolidated Municipal Election in the City of Alameda on Tuesday, November 3, 2020, for the Submission of a Proposed Charter and General Plan Amendment to Repeal the Prohibition Against Building Multi-Family Housing in Alameda and the Citywide Density Limitation of One Housing Unit per 2,000 Square Feet of Land, and Authorizing City Councilmembers to File Written Arguments For or Against the Measure.” Adopted.

The City Attorney and City Clerk gave a brief presentation.

Vice Mayor Knox White moved approval of the staff recommendation [adoption of the resolution].

Councilmember Oddie seconded the motion.

Under discussion, Councilmember Daysog stated that he would prefer to vote no on the matter; noted that he would like Measure A to be maintained.

In response to Councilmember Daysog’s inquiry, the City Clerk stated the signers are set by the resolution.

Mayor Ezzy Ashcraft stated Council is voting to place the item on the ballot, not to vote in support or against an item.

Councilmember Daysog expressed support for being able to sign the argument against; stated that he would like the matter not to appear on the ballot at all; he will vote no.

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

Mayor Ezzy Ashcraft recessed the special meeting at 8:14 p.m. and reconvened the meeting at 9:14 p.m.

(20-539) Recommendation to De-Name Jackson Park and Direct the City Manager to Remove the Park Sign.

The Recreation and Parks Director gave a brief presentation.

In response to Councilmember Vella's inquiry regarding timing, the Recreation and Parks Director stated the matter should return no later than December; the matter could return to Council sooner than December pending the timing of approvals and committee presentations.

Councilmember Oddie inquired who will comprise the committee.

The Recreation and Parks Director responded the direction from the Commission is to create a diverse committee; noted that she has reached out to local organizations and associations to ensure diversity.

Expressed support for renaming of Jackson Park; stated the decision is swift and easy; Council is acting quickly: Erin Fraser, Alameda.

Expressed support; questioned the committee selection process; stated the selection process is critical for transparency; urged Council provide a clear selection process: Melodye Montgomery, Alameda.

Expressed support for changing the name of Jackson Park; noted that she will not take her child to a park which marginalizes members of the community in any way; stated steps must be taken now to eliminate systemic racism in Alameda: Meredith Hoskin, Alameda.

Expressed support for renaming Jackson Park; stated renaming is the right thing to do and is consistent with other recent actions from Council; this is another decision for Council to move the ball forward on greater equality: Josh Geyer, Alameda.

Expressed support for renaming of Jackson Park; stated people need to be honest about the real history of America and Alameda: Alexia Arocha, Alameda.

Expressed support for renaming Jackson Park and removing the park sign; urged Council to focus on Black, Indigenous, People Of Color (BIPOC) in the conversation; the matter is simple to push forward: Amy Chu, Alameda.

Expressed support for a memorial to commemorate those killed under Jackson's rule; stated a memorial has not been discussed; urged Council to push for a memorial at future meetings: James Bergquist, Alameda.

Expressed support for the renaming of Jackson Park; questioned whether the sign could be removed while a more permanent solution is sought; expressed concern about the committee selection process and community input: Jenice Anderson, Alameda.

Comments read into the record:

Suggest Don Grant to replace the name of Jackson Park: Ralph Walker, Alameda.

Expressed support for renaming Jackson Park; urged Council to: remove Jackson's name from the park, begin the renaming process and develop one or more memorials to be positioned in the park in consultation with Indigenous communities; stated that she does not support a return to the generic, original name: Rosemary Jordan, Alameda.

Expressed support for Option 1: dename Jackson Park, remove the sign immediately, and start the community renaming process: Laura Cutrona, Alameda.

Expressed support for renaming Jackson Park; stated racism is a public health emergency; urged Council accept the Recreation and Park Commission recommendation to rename the park: Text message.

Expressed support for renaming Jackson Park; stated Jackson caused irreparable harm to BIPOC community in the United States; parks are a place for healing and rejuvenation; renaming the park will ensure parks are inclusive, safe and healing for all: Text message.

Urged Council to dename Jackson Park, immediately remove the signage and support the community renaming process in memory of the African people Jackson trafficked, hunted and held in bondage; stated a monument to Jackson does not belong in Alameda's first park: Rasheed Shabazz, Alameda.

Stated there has been a renewed effort to eliminate and remove monuments to White supremacist in public spaces; Alameda's first park should be renamed due to Jackson's oppression of African and Indigenous people; Alameda should not honor Jackson with a park; urged Council to immediately remove Jackson's name from the park, rename the park and develop a memorial at the new park for communities oppressed by Jackson: Rename Jackson Park, Alameda.

Councilmember Vella moved approval of directing staff to remove the sign at Jackson Park immediately and to approve a community-led process for renaming Jackson Park.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Oddie inquired whether the motion includes denaming the park.

Councilmember Vella responded in the affirmative; stated the motion includes removing the sign and organizing the community-led committee to provide input.

Councilmember Oddie inquired whether the denaming would be immediate.

Councilmember Vella responded the addition of immediate can be added to the motion for clarification; stated going back to a generic original name is not in line with being anti-racist; there are few monuments named for BIPOC community members and women of Color; Council has an opportunity to do more than dename the park and to honor those who are typically not honored; expressed concern about the re-naming policy; stated there are issues with the naming policy; naming should be put to community-led committees; the matter is part of a larger conversation; expressed support for the matter returning prior to December; expressed concern about the Recreation and Parks Commission discussion; stated a process should be created where people can express interest in serving; there have been a number of people involved in the Rename Jackson Park movement who are from diverse communities and should be represented.

Mayor Ezzy Ashcraft stated that Council is not being asked for recommendations about the new park name; expressed support for a committee outreach and selection process; stated that she is excited to hear new names.

Councilmember Daysog stated Council must cast the net broadly when involving members of the community; this is an exciting and positive event for all of Alameda; expressed support for hearing the community-led committee process strategy including reaching out to Facebook and Nextdoor; the matter is something residents can turn back to view as an accomplishment during trying times.

Councilmember Oddie stated the change is beyond time; expressed concern about renaming the park Alameda Park; expressed support for a name which reflects true and honest history; stated how stories and history are told needs changing; there are other places in Alameda that represent negatively; the matter is overdue; the sign needs to go; the name needs to go.

Vice Mayor Knox White discussed a podcast; stated action must be taken in explaining changes and the harm done; expressed support for the resulting action not being just a renaming; stated there needs to be acknowledgement of the change in explaining what change occurred, why the change occurred and what the change reflects; there will be an approximate six month period of no sign at the park once removed; there are three upcoming parks; expressed support for changing the name of Godfrey Park; stated there will be additional matters related to renaming, which will be an opportunity for the City to engage citizens in thinking about how and when to rename something; noted there will need to be naming criteria; stated community engagement for naming should be considered; the opportunity should allow Council to question how committees are formed and to start developing a process; expressed support for the Recreation and Parks Commission, staff and the matter.

Mayor Ezzy Ashcraft expressed support for extra time spent to have an application process; stated many people might be interested; it is an important opportunity to be inclusive.

The Recreation and Parks Director stated anyone interested in serving on the committee may email: arpd@alamedaca.gov.

Councilmember Vella inquired whether Vice Mayor Knox White would like an amendment made to the motion that there be additional direction added for staff to look at ways to use the space of the signage to allow for artistic opportunities.

Vice Mayor Knox White responded that he welcomes the addition; noted that he offered the statement as feedback; expressed support for the language being added to the motion, should there be support.

Mayor Ezzy Ashcraft stated there is no funding being allocated to do so.

Councilmember Vella stated there is a Public Art in City Hall program; noted staff can look into opportunities for different uses of the space; amended the motion to include direction to staff to look at ways to use the park signage space.

Councilmember Daysog seconded the amended motion.

The Recreation and Parks Director stated the sign will be removed as soon as possible; noted the sign is made of solid concrete.

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

Mayor Ezzy Ashcraft recessed the meeting at 9:50 p.m. and reconvened the meeting at 10:06 p.m.

(20-540) Recommendation to Authorize the City Manager, or Designee, to Execute a One Year License with Greenway Golf Associates, Inc. for the "Grandview Pavilion" Located at 300 Island Drive, including an Option to Extend the Term of the License for One Additional Year.

The City Manager gave a brief presentation.

Mayor Ezzy Ashcraft inquired whether there should be a clause requiring Greenway to comply with any applicable COVID-19 restrictions when holding events at the City-owned property with consequences for failure to comply.

The City Manager responded that he agrees; stated the language to require Greenway to meet all County and State COVID-19 requirements can be amended in the agreement and is appropriate.

The Assistant Community Development Director stated leases and licenses generally have a clause requiring tenants comply with all local, State and Federal law.

Mayor Ezzy Ashcraft stated COVID-19 is new and the consequences for non-compliance can be significant and can implicate many; expressed support for the addition of a clause related to COVID-19.

Councilmember Vella inquired whether the license agreement has card check neutrality.

The City Manager responded in the negative; stated the provision may be added and Greenway is agreeable.

The City Attorney inquired whether the request for card check neutrality would apply to the construction workers or on-site staff.

Councilmember Vella responded the card check neutrality applies to on-site staff; stated there is a requirement for construction workers of a certain threshold falling under the Project Stabilization Agreement (PSA); questioned whether the language needs to be added to the agreement.

The City Attorney responded the threshold for the PSA is quite high; stated the work may not meet the threshold; unless Council specifically directs staff to include the language in the license agreement, it is likely construction workers will not be covered.

The City Manager stated Greenway is agreeable to card check neutrality for on-site staff; noted construction workers have not been discussed.

Councilmember Vella expressed concern about the long-term use of the space; stated there are upcoming discussions about Council priorities; expressed support for Council decisions to be confined to a shorter period of time; stated that she hopes for a larger conversation in the future about long-term visions for the property; the event space may not stay at the location; expressed support for the short-term license agreement, adding card check neutrality language and adding COVID-19 specific language; stated this is an odd time to approve a license agreement for an event space; expressed concern about condoning the space being used in ways which are not in line with direction from the State or County; noted the stricter of the two regulations would apply; expressed support for the City being a responsible landlord.

Councilmember Oddie stated compliance with Health Orders is needed; expressed concern about non-compliance; stated the language included in the agreement should be explicit.

Councilmember Daysog inquired whether Greenway is amenable to card check should it be requested.

The City Manager responded in the affirmative.

Councilmember Vella moved approval of the staff recommendation, provided the two provisions of COVID-19 and card check neutrality language are added to the agreement.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Mayor Ezzy Ashcraft recessed the special meeting at 10:20 p.m. and reconvened the meeting at 11:19 p.m.

(20-541) Recommendation to: 1) Accept the City Manager's Report on Plans to Appoint a Steering Committee and; 2) Provide Further Feedback and Input on Staff's Work to Engage the Community in the Development of Options on the Future of Policing in the City of Alameda and Developing Work Plans to Address the Following Topics: A. Unbundling Services Currently Delivered by the Police Department; B. a Review of Police Department Policies and Practices; C. Police Department Accountability and Oversight; D. A Review of Laws that Criminalize Survival; and E. Systemic and Community Racism/Anti-Racism.

The Assistant City Manager gave a brief presentation.

Councilmember Vella stated there has been much deliberation on committee structure and concern about the committee selection process; stated it is difficult to figure out who is involved or the outcomes; Council must surrender to the community-led process and allow for as much input as possible; expressed support for individuals who are not always leading conversations to be framing the conversations.

Mayor Ezzy Ashcraft stated that she would like to see a robust ability to email City management and indicate interest; expressed support for the selection being made by people of Color as opposed to staff advising City management; expressed support for new involvement in the process.

Vice Mayor Knox White stated the key aspect of Brown Act bodies is notification and ensuring meetings are public; expressed support for Council discussion on the committee acting as a Brown Act body; stated that he is not clear about the committee not being a Brown Act body.

Mayor Ezzy Ashcraft stated the size of each subcommittee needs to be determined; members of the community wanted time to discuss issues and sensitive topics; noted the committee would not meet in secret.

Councilmember Vella stated there are a couple aspects to consider; one is timing; meetings having agendas would hamper the ability to have a number of smaller meetings with various groups, which may not be comfortable speaking on record in a public manner; expressed support for members of the community being allowed to have conversations in a smaller listening site; stated the truth and reconciliation processes formed listening committees; the committees are not precluded from Brown Act agendized meetings; the process allows flexibility for some meetings; there are constraints about how meetings are run; informal conversations may be held without limiting speaking times or discussions; work sessions can be held; the consideration of a heavily bureaucratic process may not work for BIPOC community members; a process for a safe discussion which also allows for public and transparent meetings is needed.

Mayor Ezzy Ashcraft stated the provision had been suggested by BIPOC community members and is being passed on to Council for discussion and direction.

Vice Mayor Knox White inquired whether Council cannot provide direction.

The City Attorney responded Council may provide suggestions; stated the suggestions should not be direction and may be changed by the City Manager; the City Manager may receive input from Council and the community in order to make a determination about how to form the committees.

Stated that she does not know the process of how to get involved; the process has not been laid out directly: Melodye Montgomery, Alameda.

Stated there seems to be a collective lack of understanding on how to engage with subcommittees; urged a release of a public document which indicates the process and ways which are clear; inquired what the pathway of engagement would be if the general public does not agree with the subcommittee process: Grover Wehman-Brown, Alameda.

Expressed concern about a subcommittee which will appoint task forces which mainly revolve around review and data, but not enough action and the amount of autonomy the City Manager has in appointing the subcommittee; stated it is unclear why people still feel unique or immune to racist policing practices; the plan has limited detail on committee and task force selection: Alexia Arocha, Alameda.

Stated that she has been impacted by the issues to be addressed by the task force; there is a fuzziness about roles, authorities and time commitments; expressed concern about trying to make judgements about how much time to give to the task force and getting meaningful input from those most impacted; stated the process feels

bureaucratic; urged Council move out of the formal roles to have real, ordinary communications: Jennifer Rakowski, Alameda.

Comments read into the record:

Stated it has been almost two months since Mali Watkins was arrested; other Councils around the Bay Area have taken steps toward reimagining public safety; justice delayed is justice denied; urged Council to take action to declare racism an emergency and take actions to counteract racism in the community: Carly Stadum-Liang, Alameda.

Urged Council to release the Police Chief; discussed the detainment of Mali Watkins and the Police Chief: Seth Marbin, Alameda.

Expressed support for some of the initial efforts made to address transforming Alameda's public safety; expressed concern about how the efforts are beginning; inquired the reason for no community engagement by the subcommittee, the purpose of the work done in the past four weeks and ways in which Council will amplify the needs and contributions of Black Alamedans: Savanna Cheer, Alameda.

Expressed support for adding the voices of health care providers to the steering committee and that each steering subcommittee be comprised of 50% BIPOC members and compensated; stated there will be an increase in inclusive structures which support diverse participation: Jyothi Marbin, Alameda.

Mayor Ezzy Ashcraft requested the City Manager address the committee selection process; stated this is the first attempt at an ambitious undertaking; stated Brown Act meetings can span a number of hours and be time consuming, including public comment; outlined the public requests for moving out of formal meeting roles; stated Council must remain respectful of community volunteers' time commitment; expressed support for stipends paid for participants and for meals being provided.

Councilmember Vella stated direction and authorization was given by Council at previous meetings to allow stipends; expressed support for staff providing the selection process; instant change does not allow for a community process; a balance is being attempted; outlined correspondence received; stated there are issues with Council selecting committee members.

In response to Councilmember Oddie's inquiry, the City Attorney stated should any Councilmembers be involved in the selection process, the committee will be a Brown Act committee.

Mayor Ezzy Ashcraft stated that she has a lot of faith in the steering committee reaching out and receiving applications; outlined Oakland City Council task force moving forward with speed and diligence on reimagining public safety; stated some items can be achieved quickly and others take more time.

Councilmember Oddie inquired whether Council is able to answer some of the questions raised by public comments; expressed concern about voices not having the opportunity to participate.

Mayor Ezzy Ashcraft stated staff should respond to inquiries made.

(20-542) Mayor Ezzy Ashcraft stated a motion is needed to continue past 12:00 a.m.

Councilmember Oddie moved approval of continuing the discussion to 12:30 a.m.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Councilmember Vella stated three Councilmembers have requested clarification about the selection process; questioned whether it would be helpful to hear from staff about how community members can be engaged.

Councilmember Oddie expressed support for clarification to the extent possible by staff.

The City Manager stated should the committee be City Manager appointed, there will be three to five steering committee members, with appointments made within the week; the committee would not have designated people representing entities; people would represent themselves; marginalized individuals are encouraged to join in order to represent individual views and a more community-based approach; the steering committee or subcommittee will be relied on to make decisions about the 5 to 6 areas for task forces; people may be added to task forces mid-process, if needed; that he has included his e-mail address in the Zoom chat feature; noted people can contact anyone within the City Manager's office; Councilmembers may be contacted and forward information; a more inclusive process is being looked into; the Assistant City Manager has provided a general time-frame, which is consistent and a little more aggressive than Oakland's time frame.

Mayor Ezzy Ashcraft inquired whether information may be provided to additional platforms such as social media, to encounter interest, to which the Assistant City Manager responded in the affirmative.

Mayor Ezzy Ashcraft noted there have been concerns about the City Manager having too much autonomy; requested clarification of the roles, recommendations, and what returns to Council.

The City Manager stated the process is different in that people want a community-based process; the steering committee will appoint the task force committees which will look to collaborate with the City Manager's office in getting resources and data to allow flow

and collaboration; the recommendations received would then be put in an unfiltered, formal report to Council; outlined the Brown Act provisions of a committee; stated the proposed process would allow more flexibility for committee members to meet informally, but still contain a formal, public process to get recommendations back to Council.

Councilmember Daysog inquired whether the task force will take community input or only discuss amongst themselves.

The City Manager responded the steering committee will need to discuss the best way to involve the community; the process is still evolving; the committee is not envisioned to only meet amongst themselves; the committee will receive community input, but the method has yet to be determined.

Vice Mayor Knox White inquired who has informed the process.

Councilmember Vella stated that she has spoken to Rasheed Shabazz, Robbie Wilson and Shalom; she can provide emails and comments which have helped inform the process; she has not had specific conversations about who will serve on different committees; she has recommended people email to participate.

Mayor Ezzy Ashcraft stated that she met with the Alameda Youth Activists; she urged members to apply to the subcommittee; she has read about the need for representation of underrepresented people; Al Mance has expressed interest in guiding the process along with Jolene Wright.

(20-543) Vice Mayor Knox White moved approval of waiving Council speaking time.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Mayor Ezzy Ashcraft stated Christine Chilcot has expressed interest in the steering committee; when she forwards emails expressing interest about being on the steering committee to the City Manager; those following the matter are natural constituents; expressed support for doing something that has not been done before.

Councilmember Oddie stated that it is not up to him to decide the leaders and voices of the Black community; expressed support for staff to hear and consider those who have spoken on the matter; read a quote; stated the decision is not up to him; he will take a step back and listen; the timing is not what matters; the impact matters; he will not be critical and will use his leverage and power to accomplish what is being asked; Council should allow the Black community in Alameda to relay leaders and representatives.

Vice Mayor Knox White expressed concern about the subcommittee not being a Brown Act body; stated there is an exception to noticing; committees can have subcommittees without violating the Brown Act; setting up a process, which is intended to be public and transparent, allows the ability to bring the entire community in; it should not be set up to have meetings that are unclear without notice; the process is problematic; expressed concern about the delay in creating a subcommittee, community objectives and goals and a work plan; stated the process does not seem to be moving forward; expressed concern about recommendations being received before the budget presentation in October; stated the steering committee process will take time; Council needs to be clear about direction provided and the scope of work; the matter is related to policing, not systemic racism in the entire community; expressed support for Council providing specific guidelines, expectations and timelines; questioned the dynamic of the September check-in; stated that he would like a commitment to the steering committee; the process feels like it is starting over and he will not be able to support it without a commitment to an open and transparent process.

Mayor Ezzy Ashcraft stated one of the subcommittees will address systemic and community racism and anti-racism.

Councilmember Vella outlined resources which go into publicly agendized meetings; stated the intent is not to have a non-transparent process; the process will quickly fall apart if the City ends up with a process that does not include publicly agendized meetings, opportunities for community input and information is not clear; Council always has the ability to agendize items; noted the discussion centers around the selection process; expressed support for Council not dictating the goal; stated it is important for the community to goal-set and allow for a transparent process with the most meetings possible; many other jurisdictions have had informal meetings to receive input; the City must use the resources it has and should expedite the process; there is an expectation for the committee to make short term recommendations by October; inquired whether there is a way for Council to receive reports back on the progress in order to create a formal process subject to the Brown Act if needed.

Mayor Ezzy Ashcraft stated the Brown Act is an important principle; expressed support for respecting the process of hearing from the community and letting the community lead; stated there may be a hybrid approach which allows groups to initially meet, get to know each other and allow for a transition into a Brown Act body.

Councilmember Oddie stated that he is not under the impression that the process will be secret and conducted behind closed doors; there will be public vetting of the process prior to coming before Council; Councilmembers have the benefit of being able to deliberate for hours with many years of experience; Council is asking community members with little committee experience to be involved in the process; many people who have not spoken previously may be overwhelmed; Council should receive the best input possible.

Mayor Ezzy Ashcraft stated time is about to expire.

Councilmember Daysog expressed support for a process which actively notices and engages the public.

Vice Mayor Knox White stated direction and non-action is being asked of Council; that he does not support the current direction.

Mayor Ezzy Ashcraft stated that she would like to see what the proposed process yields.

Councilmember Oddie expressed support for the proposed process.

(20-544) Vice Mayor Knox White inquired whether the next item would be continued.

The City Manager responded Council should decide an alternate date to continue the item; the meeting Saturday is set to be seven hours long; expressed concern for adding more time to the discussion.

(20-545) Councilmember Vella moved approval of continuing the meeting until 12:40 a.m.

Vice Mayor Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

Following a brief discussion about timing, Vice Mayor Knox White moved approval of continuing the special 7:02 p.m. meeting to Tuesday, July 28th at 5:00 p.m.

Councilmember Daysog seconded the motion, carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

ADJOURNMENT

(20-546) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:38 a.m. in memory of Congressman John Lewis.

Respectfully submitted,

Lara Weisiger
City Clerk

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