

MINUTES OF THE CONTINUED SEPTEMBER 28, 2022 AND OCTOBER 17, 2022
CITY COUNCIL MEETING
TUESDAY- -OCTOBER 18, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft reconvened the continued meeting at 5:05 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(22-642) Public Employee Appointment/Hiring (Pursuant to Government Code Section 54957); Title/Description of Positions to be Filled: City Manager

Following the Closed Session, the meeting was reconvened and Councilmember Knox White moved approval of continuing the meeting to October 25, 2022 at 5:30 p.m.

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.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 5:15 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- -OCTOBER 18, 2022- -5:15 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:16 p.m.

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

Absent: None.

The meeting was adjourned to Closed Session to consider:

(22-643) Conference With Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(a); Case Name: Kahuanui v. City of Alameda et al.; Court: Alameda County Superior Court; Case No: RG21105553. Not heard.

(22-644) Public Employee Appointment/Hiring (Pursuant to Government Code Section 54957); Title/Description of Positions to be Filled: City Manager/Interim City Manager.

Following the Closed Session, the meeting was reconvened and Mayor Ezzy Ashcraft announced that regarding Employee Appointment/Hiring, no action was taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 5:23 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- -OCTOBER 18, 2022- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:01 p.m.
Councilmember/Commissioner Herrera Spencer 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.

Councilmember/Commissioner Daysog seconded the motion, 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. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*22-645 CC/22-014 SACIC) Minutes of the Special Joint City Council and SACIC Meetings Held on June 21, 2022, July 12, 2022 and September 20, 2022. Approved.

(*22-646 CC/22-015 SACIC) Recommendation to Accept the Unaudited Fourth Quarter Revenue and Expenditure Report for Fiscal Year (FY) 2021-22. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:05 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- - OCTOBER 18, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:05 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 CHANGES

(22-647) The City Clerk stated staff recommends combining the Dignity Village items together: the American Rescue Plan Act (ARPA) funding [paragraph no. 22-663], the Five Keys agreement [paragraph no. 22-663A], the Permanent Local Housing Allocation (PLHA) Plan [paragraph no. 22-666], and the HOME funds [paragraph no. 22-667].

Councilmember Knox White moved approval of combining the items.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she will not be supporting the motion; expressed concern over combining the items; stated that she does not think the matters are identical and she would prefer keeping at least the HOME funds separate from the others.

In response to Mayor Ezzy Ashcraft's inquiry, the City Clerk stated the matters are related to Dignity Village; noted the report and direction for ARPA funds [paragraph no. 22-663] will be separate.

Councilmember Herrera Spencer expressed concern over the matters being high expenditures; stated combining items typically involves one motion to approve all; expressed support for hearing the matters separately.

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.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(22-648) Proclamation Declaring October 2022 as Domestic Violence Awareness Month.

(22-649) Proclamation Declaring October 2022 as Disability Awareness and Acceptance Month.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Expressed concern about items with large amounts being held on the consent calendar:
Tod Hickman, Alameda.

Expressed support for the Boating and Waterways grant [paragraph no. 22-660]; discussed the benefits of the grant: Brock deLappe, Alameda.

Mayor Ezzy Ashcraft requested the Grand Street funding [paragraph no. 22-658] be removed from the Consent Calendar for discussion.

Councilmember Daysog moved approval of the remainder of the Consent Calendar.

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

(*22-650) Minutes of the Special and Regular City Council Meetings Held on September 20, 2022 and the Special Meetings Held on September 27 and 28, 2022. Approved.

(*22-651) Ratified bills in the amount of \$5,183,664.33.

(*22-652) Recommendation to Authorize the Interim City Manager, or Designee, to Execute an Amendment to the Darktrace Enterprise Immune System Subscription in an Amount Not to Exceed \$54,235.03, for an Aggregate Amount Not to Exceed \$345,235.03 for a Three-Year Term. Accepted.

(*22-653) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Five-Year Agreement with SOLitude Lake Management for Maintenance of the Bayport Stormwater Treatment Pond for an Amount Not to Exceed \$86,130. Accepted.

(*22-654) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Five-Year Agreement with Clark Services for Harbor Bay Ferry Terminal Maintenance for an Amount Not to Exceed \$391,172. Accepted.

(*22-655) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Five-Year Agreement with Emerald Landscape for Landscape Maintenance in the Harbor Bay Zone of the City's Landscape and Lighting District 84-2 for an Amount Not to Exceed \$1,210,056. Accepted.

(*22-656) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Five-Year Agreement with Turbo Data Systems Incorporated for an Integrated Automated License Plate Reader (ALPR) and Parking Citation Processing and Collection Service Solution for an Amount Not to Exceed \$541,570. Accepted; and

(*22-656A) Resolution No. 15982, "Amending the Fiscal Year 2022-23 Parking Enforcement Operating Budget to Increase Revenue in the Amount of \$105,672 and Increase Expenditures in the Amount of \$105,672." Adopted.

(*22-657) Resolution No. 15983, "Approving a Memorandum of Understanding (MOU) Between the Alameda Police Officers Association, Non-Sworn (PANS) and the City of Alameda for a Thirty-Six Month Term Commencing July 1, 2022 and Ending June 30, 2025." Adopted.

(22-658) Resolution No. 15984, "Appropriating \$126,618 in Transportation Development Act, Article 3 Grant Funding by Amending the Fiscal Year 2022-23 Capital Budget to Increase Budgeted Revenue and Expenditures in Capital Improvement Program C14000 by \$50,000 and in Capital Improvement Program C11000 by \$76,618 for Grand Street Improvements." Adopted.

Mayor Ezzy Ashcraft stated that she would support approving the funding and would like Council to consider a second motion to give brief direction to staff to review the project in light of new information and bring the matter back on November 1, 2022.

Councilmember Daysog expressed concern over the second motion; discussed Rosenberg's Rules of Order; stated any reconsideration must occur the night of the original vote; reconsideration outside of the night of the original vote must be done with a two-thirds vote by Council to suspend the rules; he is not sure a reconsideration proposed by Mayor Ezzy Ashcraft can occur.

Mayor Ezzy Ashcraft stated that she consulted with the City Attorney; she is not calling for reconsideration of the matter; requested the City Attorney to provide clarification.

The City Attorney stated the pending request is not a reconsideration request and is a request to review new information on a particular matter; Council regularly reviews prior decisions; provided an example of Council previously reviewing its own decision about the Police Chief policy updates; stated Council can review actions to take another look and decide whether or not to take an alternate action; Council or staff could always bring a matter back on their own initiative; there is new information to be presented; requested clarification from the City Clerk on the proposed process.

The City Clerk stated the Rules of Order outlines the procedure for the night of the meeting and how to craft the motion of reconsideration; discussed repealing an ordinance; stated a prior Council might have adopted an ordinance and a current Council could decide the ordinance no longer serves the community and can be

repealed; decisions and circumstances are constantly changing; Council's hands are never tied or locked in for the foreseeable future.

In response to Councilmember Herrera Spencer's inquiry about the time between the actions taken on the Police Chief policy updates, the City Attorney stated roughly 18 to 24 months.

Councilmember Herrera Spencer further inquired the amount of time between the current proposed considerations, to which the City Attorney responded about two weeks.

Councilmember Herrera Spencer stated that she appreciates the information shared by staff; the consideration is happening at the next meeting; it is important to share analogies that are accurate; the request for consideration is supposedly based on new information; expressed support for hearing input from other Councilmembers; stated that she does not know what new information could have arisen in the last two weeks; the request is unfortunate; new information typically does not arise within 24 hours of a Council meeting; there is more to the proposal than is being shared; expressed concern over when the consideration will return to Council; stated the matter should not return to Council on November 1st; expressed concern over matters being brought for reconsideration due to political interests and for matters being bumped beyond the terms of current Councilmembers.

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

Councilmember Herrera Spencer seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she would like to ensure the motion covers a more specific approval; inquired which portion of the pedestrian improvements are being approved; requested clarification about which improvements the funding will cover.

The Planning, Building, and Transportation Director stated the grant being accepted is for \$126,618; the grant is a small portion of funding for the project, but is still important; the funding is not allocated to a particular portion of the project, it is allocated to the overall construction cost for the entire project.

Councilmember Herrera Spencer inquired whether the project referenced is the project approved at the last Council meeting.

The Planning, Building, and Transportation Director responded in the affirmative; stated whichever project the Council ends up approving is what the funding will go towards; noted the overall costs of the project do not change significantly between the two design scenarios.

Councilmember Herrera Spencer inquired whether there is a reason the current matter is not being heard concurrently with Mayor Ezzy Ashcraft's request for consideration and whether staff will begin working on the project in the meantime.

The Planning, Building, and Transportation Director responded if Council chooses to reconsider the matter to hear new information at the next meeting, staff will wait until Council decides which project will be designed; stated regardless of the project design, the funding is needed to proceed with the overall project.

Councilmember Daysog stated that he would encourage Council to settle the second question first and then determine whether Councilmembers are satisfied with the approach being taken in order to seek funding versus seeking funding and then approving the approach.

Councilmember Knox White withdrew the motion.

Councilmember Knox White stated Mayor Ezzy Ashcraft has outlined her reasons for having the matter brought back; the only rules that had been broken at the prior meeting were those related to Council speaking times; the motion the last meeting was made and discussed long after Council speaking times had expired; he agrees that the rules were never meant to halt Council discussion on any matter; however, the only rules broken were related to speaking times.

Councilmember Knox White moved approval of directing staff to bring back the Grand Street matter at the next meeting for re-hearing.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated Council needs to tread carefully as to what constitutes new information; the approach might be opening the ability for Council to always second-guess decisions based on new information; if Council moves forward, he would like to caution Council and staff to be judicious in the information that returns for discussion; he is not convinced the proposed consideration is not a vote to reconsider a past vote; he respects the City staff's guidance and looks forward to the upcoming discussion; however, he will not support the motion.

Councilmember Herrera Spencer stated that she strongly disagrees with Councilmember Knox White; there is a time and place to bring concerns; meetings should not be rehashed; in her time as an elected official, she has never had a Councilmember request that a matter return at the next meeting for consideration; the request is extraordinary; she looks forward to the new information being provided; however, she disagrees that the information is new; the consideration appears to be for political reasons; expressed concern over the hours of public comment provided at the previous meeting; questioned which matters will be bumped from the next Council agenda in order to hear the matter.

Mayor Ezzy Ashcraft discussed a previous Council vote related to the Del Monte project.

Councilmember Knox White stated Mayor Spencer requested a development agreement that had been approved for the Del Monte project building be reheard within one week of the vote; Council does occasionally rehear matters based on important, new information.

Mayor Ezzy Ashcraft inquired whether the discussion is still centered on procedure and process, to which the City Attorney stated Council is debating procedure at the moment.

Councilmember Herrera Spencer inquired which matters will be bumped from the upcoming Council agenda.

Mayor Ezzy Ashcraft responded that she is not aware of any items being bumped; however, she cannot anticipate the duration of public comment on matters; stated that she tries to move meetings along.

The City Clerk stated staff will review the upcoming agenda item list tomorrow and will add the consideration without removing existing matters.

Councilmember Herrera Spencer requested a friendly amendment to the motion to have the matter be placed at the end of the next Council agenda.

Mayor Ezzy Ashcraft stated that she would prefer to leave the decision to staff; staff has a process for deciding the order items will be heard.

Councilmember Knox White rejected the friendly amendment to the motion.

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.

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

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she will not be supportive of the motion; it appears as though the majority of Council will be switching the project at the next Council meeting.

Councilmember Daysog stated that he will not be supporting the motion; expressed support for the matter being a Council Referral; noted reconsideration for Alameda Sun was a Council Referral.

Councilmember Knox White inquired whether the roughly \$126,000 will come from the General Fund if not approved regardless of the project design.

The Planning, Building, and Transportation Director responded in the affirmative; stated staff would need to find another funding source; a two week delay on the decision will not make a difference on staff's ability to secure the funds.

Councilmember Daysog stated the purpose of taking the vote in the order proposed was for Council not to vote on the project; the project discussion will return to Council with new information and Council can determine the project at that time.

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

(*22-659) Resolution No. 15985, "Approving Tentative Tract Map No. 8570 to Subdivide a Portion of the Oakland Inner Harbor Tidal Canal (APN No. 71-289-8) to Create Seven Parcels." Adopted.

(*22-660) Resolution No. 15986, "Authorizing the Interim City Manager, or Designee, to Negotiate and Execute a Grant Agreement Between the State of California Department of Parks and Recreation, Division of Boating and Waterways and the City of Alameda By and Through the Alameda Police Department;" and

(*22-660A) Resolution No. 15987, "Amending the Fiscal Year 2022-23 Midcycle Police Grants Fund (221) Estimated Revenue and Expenditures Budget by \$100,000 Each for the Surrendered and Abandoned Vessel Exchange Grant." Adopted.

(*22-661) Ordinance No. 3329, "Authorizing the Interim City Manager, or Designee, to Execute a Lease with Kai Concepts, LLC, a California Limited Liability Company, for Thirty-Six Months for Building 168 Located at 1651 Viking Street, Alameda, CA." Finally passed.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(22-662) Recommendation to Provide Direction on Whether to Proceed with a City Aquatic Center, and, if Yes, Determine Location for Any Such Center, which may include West of the O'Club at Alameda Point or the West Side of Sweeney Park, and Determine Funding Sources, with Options Including Financing, a Voter Approved Bond, Residual Unassigned General Fund Balance or a Combination.

The Recreation and Parks Director gave a Power Point presentation.

Vice Mayor Vella inquired whether the City owns the pools at Lincoln and Franklin Parks.

The Recreation and Parks Director responded the City owns the land; stated the pools were built by the Alameda Swimming Pool Association (ASPA).

Vice Mayor Vella expressed concern over pools sitting on City-owned land; stated the nuance is confusing; the pools are operated by an association that does not provide public access while sitting on City-owned land; inquired how Alameda compares to other cities if the Lincoln and Franklin pools are included.

The Recreation and Parks Director responded Franklin and Lincoln each have a very small baby pool; stated the two baby pools would be added to the list; other pools have four, 25-yard lanes which adds eight lanes to the list.

Councilmember Herrera Spencer inquired whether bonds would be attached to real property owned by the community.

The Recreation and Parks Director responded in the affirmative; stated Certificates of Participation (COP) require some kind of City property as collateral.

Councilmember Herrera Spencer inquired whether the total debt service would be over 30 years.

The Recreation and Parks Director responded in the affirmative; stated COP would be a little over \$31 million with a slightly higher interest rate due to not requiring voter approval; the amount is based on the City financing the entire \$25 million.

Urged Council to support the construction of a new municipal swimming pool; stated Alameda is in need of a new aquatics facility due to high public demand; the City does not have enough pool space to meet the demand; discussed swimming being used as a diversion and exercise during the pandemic; urged the City to build a pool for everyone: Clifton Linton, Alameda.

Stated that she has been involved with swimming in Alameda for over 40 years; the lack of pool space effects all users; young families moving to Alameda are looking for amenities other cities in the area offer residents; pool use has increased dramatically and will continue to do so; an aquatic center is needed; urged Council to approve building a new aquatic center: Linda Gilchrist, Alameda.

Expressed support for a City-run pool in Alameda and for kids being water safe; stated demand for swim lessons has been high; a City pool is needed to meet the overwhelming demand: Caitlin Keen, Alameda.

Urged Council to approve a City pool location as recommended by staff; stated it is difficult for him to get his kids swim lessons in Alameda: Chris Garrity, Alameda.

Expressed support for a City aquatic center; stated that she is frustrated at the inability to find swimming lessons for her child; she is grateful for the existing swim facilities; however, the existing facilities are inadequate: Fay Gordon, Alameda.

Discussed planning for a community garden; expressed support for a City aquatic center being placed in the original location of the community garden; stated it is shocking to hear about children not knowing how to swim; expressed support for both the pool and community garden being located in the center of the park away from the street: Marla Koss, Alameda Backyard Growers.

Expressed support for the City aquatic center; stated that she feels another swimming facility would benefit the community; swimming is growing in popularity among young Alameda families; urged Council to think about the future; expressed support for a splash pad being included in the pool design: Meredith Hoskin, Alameda.

Stated Alameda is in desperate need of a City run aquatic center; scheduling time at existing pools is difficult; a 16-lane pool design would be a great size; urged Council to approve the staff recommendation: Todd Wehmann, Alameda.

Expressed support for a City aquatic center; stated that she has had a difficult time finding pool space and swimming lessons for her kids; everyone should have access to swimming and lessons; it is an equity issue; a City run pool would be the economic place for lessons to be offered: Yee Tsui, Alameda.

Expressed concern over pools in Alameda closing down due to maintenance needs; urged Council to approve the City aquatic center and consider the economic growth for the nearby business districts: Artie Cortez, Alameda.

Expressed support for a new aquatic center; stated that he looks forward to partnering with the City to offer recreational programs; he supports free lessons for all family income levels; the proposed aquatic center should have potential for growth: Dortch Marshall, Alameda.

Expressed support for a City-owned aquatic center; stated the estimate of 18 available pool lanes presented is misleading; other cities listed in the presentation offer lane availability throughout the day; it is an equity issue; everyone having the opportunity to use the aquatic center would be great: Jimmy Song, Alameda.

Councilmember Herrera Spencer inquired the length of the proposed pool.

The Recreation and Parks Director responded the conceptual design process of 2020 included two pools: a 25-yard recreational pool and a 30-yard competitive pool; there is community interest for a 50-meter pool; part of process includes staff performing

additional community input work and determining what is desired; the nice part about design-build is that a budget is able to be set and the project is designed to fit the budget.

Councilmember Herrera Spencer requested further details about an indoor-outdoor pool option.

The Recreation and Parks Director stated staff has looked at an indoor pool; the option is possible, but is quite expensive; there is higher cost recovery due to year-round programming; however, it would cost \$10 to \$11 million more.

Councilmember Herrera Spencer inquired whether the plan includes working with community growers from the community garden; and whether moving the fence would add about four acres to the project area.

The Recreation and Parks Director responded moving the fence does not add four acres; stated staff has been able to purchase just under two acres; the existing fence does not currently sit on the actual property line; she does not have the exact acreage; staff will work with Alameda Backyard Growers; if the pool is located at Jean Sweeney Park, the goal will be to include the community garden.

Councilmember Herrera Spencer inquired what staff wants Council to approve.

The Recreation and Parks Director responded that she is looking for Council to provide directions on three specific items: proceeding with a City aquatic center, the location, and funding; stated Council could have direct staff to fund the pool with half residual General Fund while financing the other half; Council could also approve financing the project in a way which does not require voter approval.

Councilmember Herrera Spencer inquired whether staff from the Finance Department is available to provide recommendations.

The Recreation and Parks Director responded the Finance Director provided a full financial analysis; stated the City has \$31.27 million available; the Finance Director has not recommended using the entire amount for the City aquatic center; the amount is the unassigned General Fund reserve; a funding recommendation from herself and the Finance Director will return to Council; if Council provides direction and move forward, staff will return with the design-build contract and funding.

Councilmember Herrera Spencer moved approval of moving forward with the project at Jean Sweeney Park with 50% of the project to being funded with the General Fund and financing the balance.

Councilmember Knox White seconded the motion.

Under discussion, Vice Mayor Vella stated that she would like to know the total

outstanding infrastructure need; discussed her use of Alameda pools; stated the existing two pools are under-utilized; expressed support for an interim solution; stated the City is years away from actually building an aquatic center; discussed first quarter returns being in a short-fall, which is likely to grow; expressed concern over using reserve funds for the project; stated costs are likely to increase; the City has many long-term, unmet, major infrastructure needs; the pool is on the list of wanted items; she would like to see more equitable pool access; Council must make fiscally responsible decisions; expressed concern over setting projects in motion without a full fiscal analysis being performed; stated funds are available; Council has decided not to move forward with an infrastructure bond; discussed the City competing for upcoming infrastructure bonds; stated there will be several upcoming infrastructure requests; expressed concern about the future economy and budget; stated that she would prefer to maintain services and better understand how the City will fund a City pool without providing false hope; the City is a long way from a completed pool; she would like more work to be done around pool project budgeting; expressed support for polling being performed related to infrastructure bonds and other financing mechanisms; stated that she likes the pool being located at Jean Sweeney Park.

Councilmember Daysog expressed support for the public comments; stated Speaker Gilchrist has over 40 years of pool community involvement; many young families are looking for quality Citywide recreational assets, such as a City aquatic center; there are many favorably comparable cities to Alameda; a City aquatic center will be a vital part in Alameda's race to be the best City in the East Bay area; there is a requirement for Council to be fiscally responsible; Council must stay on top of City staff and work with interested residents; expressed support for the proposed location of Jean Sweeney Park; stated that he also supports the location at Alameda Point; he supports a combination of General Fund reserves and COP; a General Obligation (GO) bond would require voter approval; he would like to ensure a fiscal review team is in place; the concept of a City aquatic center is exciting; progress is being made with Emma Hood; all of Alameda would benefit from having an improved quality of life.

Vice Mayor Vella inquired the estimated cost for operations; expressed concern over having unmet needs relative to construction costs; stated that she would like to understand the impacts of continued facility maintenance.

The Recreation and Parks Director responded that she would like to perform more analysis before sharing numbers for operational costs; stated it depends on the type of pool and size of the facility in-part; as envisioned, the facility will cost-recover 60% or more with a 50-meter pool; costs also depend on Council direction and how much is put towards maintenance of school facilities; all factors need to be taken into consideration when discussing ongoing operations and maintenance costs; the Recreation and Parks Department has historically netted \$300,000 annually in additional revenue; the current framework could be put towards the aquatic center operational and maintenance costs.

In response to Vice Mayor Vella's inquiry, the Recreation and Parks Director stated the \$300,000 net revenue includes the 50% being spent for operation of the two high school

pools.

Vice Mayor Vella inquired what happens without Council agreement on aquatic center funding; stated that she has heard a limitation being placed on the amount of existing reserves that can be used; she has not heard clarity about how the full funding would be realized; costs will likely rise; she would like to know where the remainder of funding will come from due to the percentage cap.

Mayor Ezzy Ashcraft stated that she is not supportive of the motion without hearing from the Finance Director first; many are supportive of the City aquatic center concept; not enough information has been provided related to paying for the aquatic center.

In response Vice Mayor Vella's inquiry, the Recreation and Parks Director stated the motion is approval of moving forward with the City aquatic center at Jean Sweeney Park with 50% funded by the residual, unassigned, General Fund and 50% to be financed.

The Finance Director stated when the numbers were created, staff used the 2020 residual fund balance availability; the fourth quarter report shows the City anticipating roughly \$31 million; however, a recession will be headed into soon and should be considered; the amount will fluctuate over time until the City is able to pin down the project cost; if the City has a bad fiscal year, the \$31 million will decrease and the 50% might only yield \$8 million instead of \$15 million; having a firm cost amount would be better than a moving percentage to try to pin down project financing.

Vice Mayor Vella expressed concern over providing a firm number and the cost of construction then expanding; stated Council needs to consider alternative methods of financing.

The Finance Director stated the City will either need COP or a GO bond.

Vice Mayor Vella stated the project is putting the cart before the horse; she would like to have a pool finance group or infrastructure finance subgroup that looks at pool financing in the long-term; expressed support for the groups looking at long-term, unmet, ongoing infrastructure needs; expressed concern over the upcoming recession; stated the State budget is looking at a \$7 billion shortfall; there will not be much funding provided for one time use; she is not supportive of the motion as-stated; she supports the concept of the project; however, a better financial foundation is needed.

Mayor Ezzy Ashcraft inquired whether the Finance Director could provide a reasonable, responsible approach to Council to move forward with funding scenarios.

The Finance Director responded a team can be put together; stated the City has good financial advisors; expressed support for the City being risk adverse; stated there is \$200 million in deferred maintenance Citywide that should be considered; the pool is a fantastic project and should be considered; a GO bond spreads the cost to homeowners throughout the City; however, everyone benefits from the City aquatic center; if the City

uses reserves for the aquatic center, homeowners and residents are able to use the facility for free as opposed to having the costs spread to property owners over time; there are many ways to consider project funding; the City can look into COP, a revenue bond which isolates revenues derived from the pool and uses the funding to pay debt services; revenue bonds have much higher interest rates and will likely cost more; expressed support for the City utilizing a GO bond.

Councilmember Herrera Spencer stated that she is hopeful there are enough votes to support the motion as-stated; staff provided a great presentation; the proposed scenario and motion has come from the staff report; discussed the issue of equity and how a City pool and gymnasium are critical for the community; stated complaints are received related to Lincoln and Franklin Pools; the City has not made the investment to have a community swimming pool to meet present needs; expressed support for a community pool; stated that she appreciates the efforts being made to meet the needs; it is difficult for people to have access to existing swimming pools; expressed support for volunteers at Lincoln and Franklin Pools; stated the Recreation and Parks Department does not offer free swimming lessons; discussed not using pools in Alameda due to unavailable lanes; stated the City should and can provide an aquatic center; 50% funding from the General Fund is not a big ask; the City has been using money from the General Fund to help pay down unfunded pension liabilities; the motion is to approve half of the project funding from the General Fund, which will return for consideration; the project is an equity issue; the project is a great use of City funds; the proposed location is accessible by transit and will be able to serve everyone in the community; expressed concern over project delays.

Mayor Ezzy Ashcraft stated Councilmembers are all indicating the same thing in different ways; she would support a motion to move forward with the concept proposed by the Recreation and Parks Director; expressed support for the Jean Sweeney Park location; stated that she is not ready to finalize the financing portion of the project; the amount of 50% of the General Fund reserves might change, which could cause a shortfall; the staff report indicates Council can approve a combination of funding options; the City does not have to fund the project with one source; the City has great finance consultants and could put together a financial team to look at the best approach for the project; the project is not being delayed, it is being handled in a way that is setup for success; the economy is heading towards a recession; the City must ensure a solid funding and financing plan is in place; all City infrastructure needs must be considered; the City aquatic center is high on the list; more of an expert opinion would be a good thing.

Councilmember Knox White stated staff is asking for preliminary direction about how to finance the project; Council is not deciding on final project funding; his support for the motion indicates that he supports funding half of the project with General Fund reserves; indicating 50% General Fund reserve would be used does not preclude Council from taking other direction or utilizing better financing; he would support bifurcating the motion; expressed concern over locking in any direction; inquired whether Councilmember Herrera Spencer is willing to bifurcate the funding portion of

the motion and provide general direction in order to secure Council votes on the City aquatic center and location; stated approval of the aquatic center and location would be helpful to move the project forward.

Councilmember Herrera Spencer stated that she is concerned about the project being something that continues over time; using 50% of the General Fund reserve is not carved in stone; however, she is supportive of approving the use of 50% General Fund reserves and 50% financing for the project.

Mayor Ezzy Ashcraft requested the motion be restated.

The City Clerk stated the motion is to approve moving forward with the project at Jean Sweeney Park with funding 50% from the General Fund reserves and financing the remaining 50%.

Councilmember Daysog stated the way to bridge the different points of view on financing would be to insert the phrase up to 50%; leeway should be given to staff and the motion should include up to 50%.

Mayor Ezzy Ashcraft stated the unknown amount is likely to be less than what is being proposed.

Councilmember Daysog stated the total project cost will need to be determined first; utilizing the term up to 50% indicates the amount of General Fund reserves.

Vice Mayor Vella expressed concern about the General Fund reserves dropping; stated dire need for the bulk of City reserves grows; requested clarification about what Council is moving forward with if there is an inability to agree on project funding; expressed support for bifurcating the motion in order to provide clarity on funding and financing direction.

Councilmember Herrera Spencer inquired whether Councilmember Daysog is proposing a friendly amendment to her motion, to which Councilmember Daysog responded in the affirmative.

Councilmember Herrera Spencer accepted the friendly amendment.

Mayor Ezzy Ashcraft inquired whether the motion is now approving up to 50% of the General Fund reserves and 50% from financing.

Councilmember Daysog responded in the negative; stated the balance would be financing.

Mayor Ezzy Ashcraft requested the amended motion be clarified.

Councilmember Daysog stated funding the total cost of the project would be up to 50%

via the General Fund reserves and the balance being financed through COP or a GO bond; a lesser amount being put towards the project from the General Fund reserve is captured by the addition of the term up to 50%; the original motion locked the City into the 50% amount.

Mayor Ezzy Ashcraft expressed concern over indicating the cost of the project is borne up to 50% from the General Fund reserves; stated if the reserves diminish, 50% of the cost of the pool will take up a significant portion of the reserves; expressed support for bifurcating the motion; stated that she believes Council can move forward unanimously with two out of the three matters; expressed support for taking time to have a consultant team or Council subcommittee work with the consultant team.

Councilmember Daysog stated that he has been emphasizing a mix of funding options, including General Fund reserves and financing or GO bonds; his recommendation of adding the term up to 50% is an effort to bridge the difference of opinion in project funding; the project should be funded by a mix of General Fund reserves and financing.

Mayor Ezzy Ashcraft inquired whether Council should vote on the current proposed motion or bifurcate.

Councilmember Herrera Spencer responded that she would like the City Clerk to repeat the current motion.

The City Clerk stated the motion, with the friendly amendment, is to approve moving forward with the project at Jean Sweeney Park, funding up to 50% from the General Fund reserves and financing the balance.

Councilmember Knox White stated the motion clearly indicates that everything is in play and Council is capping how much of the project can be funded by the General Fund; the request and motion both reflect that the recommendation is preliminary Council guidance; if an issue arises, staff can present it with other options; Council is being asked to provide direction so staff can proceed; the matter does not lock Council into anything.

Mayor Ezzy Ashcraft inquired whether staff needs specific percentages.

The Recreation and Parks Director responded that she can work with the Finance Director on a deeper financial analysis; stated staff can simultaneously move forward with a Request for Proposals (RFP) for a design-build contract; once staff brings forth the design-build contract, Council can provide the set, not-to-exceed dollar amount and allocate funding at that time with recommendations based on the financial analysis.

Mayor Ezzy Ashcraft inquired whether Council needs to provide specific percentages at this time since Council is committing to the aquatic center project being funded with a combination of financing options.

The Recreation and Parks Director responded that she would defer to the Finance Director; stated the Finance Department would be focused on the financial analysis.

The Finance Director stated site selection is necessary to be able to better determine the project budget; the RFP can be issued for design-bid and staff can return with financing options; the friendly amendment adding up to 50% is appreciated; staff can bring Council a matrix of financing options to choose from; site selection and project design is most important.

Councilmember Herrera Spencer stated up to 50% does not specify an amount, the indication acts as a cap; she would not be interested in spending more than 50% of the General Fund reserves; the amount can be less.

Vice Mayor Vella stated that she will not be supportive of the motion; Council is facing the start of a recession; the motion is misleading and undermines the ability for Council to go for a GO bond or infrastructure bond; the approach is irresponsible when the City has over \$200 million in unmet, ongoing infrastructure needs outside of Alameda Point; Council's top priority is housing; questioned whether the pool association matter will return to Council for discussion on pool access and equity issues.

Mayor Ezzy Ashcraft inquired whether there is interest in a substitute motion to bifurcate.

Councilmember Daysog made a substitute motion to bifurcating the matter [approving moving forward with a City aquatic center located at Jean Sweeney Park.]

Vice Mayor Vella seconded the substitute motion.

Under discussion, Councilmember Herrera Spencer stated that she would have preferred her motion be called for a vote first to see whether it would pass or fail.

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.

Councilmember Herrera Spencer moved approval of funding the project [up to 50% from the General Fund and financing the balance].

Councilmember Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft requested clarification of the motion.

The City Clerk stated the motion is to approve funding up to 50% from the General Fund reserves while financing the balance.

Mayor Ezzy Ashcraft requested a friendly amendment to the motion to include subject to input from City staff.

Councilmember Herrera Spencer and Councilmember Knox White accepted the friendly amendment.

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

Mayor Ezzy Ashcraft called a recess at 9:10 p.m. and reconvened the meeting at 9:24 p.m.

(22-663) Resolution No. 15988, “Increasing Fiscal Year 2022-23 Expenditure Appropriations in (1) the American Rescue Plan Act (ARPA) Project (C99300) in the ARPA Fund (223) by \$4,055,995; and (2) the General Fund by \$1,000,000 to Provide Gap Funding For the Dignity Village Supportive Homeless Housing Project Located at 2350 5th Street, Alameda, California.” Adopted; and

(22-663A) Recommendation to Authorize the Interim City Manager, or Designee, to Execute Related Documents, Agreements and Modifications with Five Keys Schools and Programs to Distribute up to \$4,055,995 in Gap Funding and to Distribute Donations Received for the Completion of Dignity Village Supportive Homeless Housing Project.

This item was heard along with the Five Keys agreement [paragraph no. 22-663A], the PLHA Plan [paragraph no. 22-666], and the HOME funds [paragraph no. 22-667].

The Community Development Director gave a Power Point presentation.

(22-664) Councilmember Daysog moved approval of allowing an additional 10 minutes for the presentation.

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

The Community Development Director and Community Development Program Manager completed the Power Point presentation.

Councilmember Herrera Spencer inquired the total annual exposure to the City by accepting the grant funding.

The Community Development Director responded the State Homekey funds obligates

the City to operate the project for 15 years; stated staff has been told the County is required to operate for 20 years; however, the duration is not included in the grant award; the maximum time is 20 years.

Councilmember Herrera Spencer inquired the total annual exposure to the City.

The Community Development Director responded staff is currently estimating around \$2 million for services per year.

The Economic Development Manager stated the average amount is \$2.3 million per year; the amount increases each year due to cost of living.

Mayor Ezzy Ashcraft inquired what the City will receive through Dignity Village; stated the project can house up to 61 individuals including an on-site residential manager; the price is high; she would like to understand the benefits the City will receive.

The Community Development Director responded it is anticipated that some of the rooms will turnover during the year; stated the City will be able to serve more than 47 to 60 people annually.

Mayor Ezzy Ashcraft inquired whether the term turnover indicates people moving from transitional housing to permanent housing.

The Community Development Director responded in the affirmative; stated as Five Keys helps place individuals in permanent housing; another individual will come in to the space; turnover is likely to happen a maximum of two to three times per year per room based on data provided by Five Keys; individuals will have the opportunity to receive counselling, substance abuse treatment, educational support, assistance obtaining a driver license and job search support.

The Economic Development Manager stated individuals will also qualify for permanent housing; a housing navigator will be onsite; mental health support will be provided along with benefit advocacy and assistance; support groups with social events will also be provided; the program will help to round out individuals to help in finding permanent housing; the program teaches people how to live in a housed environment and support themselves long-term.

Councilmember Herrera Spencer stated that she understands residents are not required to participate in any of the services provided; inquired which services residents are required to participate in.

The Economic Development Manager responded there are legal requirements associated with the program; requested clarification be provided by Five Keys staff.

Steve Good, Five Keys, stated Five Keys currently runs 13 different sorts of housing programs for the formerly unsheltered and formerly incarcerated; there are limits to the

programs people can be forced into; however, in order to enter the facility, people must sign an agreement stating that they will participate in a basic minimum; the requirements include regular inspections of the premises and rooms, and participation in case management and rules of the facility; the crux of participation is the case management; people are often initially resistant to participate in case management; the participation is a process that takes time, but is overwhelmingly eventually participated in due to access to benefits, healthcare, mental health care, education services and assistance with paperwork and documentation; the program helps people establish relationships with family; for participating in services and case management, residents receive incentives for privileges; the biggest benefit to the City is getting people off of the streets while providing a new pathway for the unsheltered; many people have previously turned down the opportunity to move into a shelter due to the lack of a local option; the proposed program provides a longer-term facility which will encourage people to get involved in the system.

Councilmember Herrera Spencer stated that she understands the proposed facility will be regional; inquired the area range people will come from.

The Community Development Director responded the City has an Alameda preference; stated unhoused Alameda residents will have the initial opportunity to take spots at Dignity Village; if there are not available participants from Alameda, the City will go to the County's list and expand the program's reach a bit further.

Councilmember Daysog stated that he understands the annual cost is less due to the details included in the staff report, which indicates a cost of \$1.2 million over 5 years; stated the balance of the \$2.1 million comes from other sources; he believes the \$2.1 million does not come out of the General Fund.

The Economic Development Manager stated the funding sources for the first 5 years are \$3.3 million in ARPA funds, \$1.2 million in General Funds, \$2.6 in HOME Investment Partnerships American Rescue Plan Program funds, \$2.5 million in Housing and Community Development Home Key funds, and \$1 million in PLHA funds; after the initial 5 years is over, the cost to the City will be roughly \$2.3 million per year, which will increase over time; staff plans to apply for grant funds for program operations; Five Keys has been a great partner in assisting the City with finding grant funds and will continue to provide assistance.

Councilmember Daysog stated between years 6 and 15, the cost could be \$2.3 million, but the General Fund outlay could be lowered due to grant funding.

Councilmember Herrera Spencer stated the program agreement is set for a 20 year duration, not 15; requested clarification of the program timeline.

The Economic Development Manager stated staff currently has a 15 year program duration in writing; staff has verbally been asked for a 20 year program commitment; the City will only have to commit to 15 years unless the 20 year request is put in writing; if

the duration changes, staff will report to Council.

Councilmember Herrera Spencer inquired whether there is a legal opinion of the duration of time the City.

The Assistant City Attorney responded the commitment is for 15 years through the Home Key program; stated the State requires the 15 year commitment for the project; an additional 5 year commitment would be based on discussions staff has held with Alameda County.

Discussed a hypothetical situation; expressed concern over related projects not being considered together; inquired whether the housing will count toward the Regional Housing Needs Allocation (RHNA): Jay Garfinkle, Alameda.

Expressed support and urged the project move forward as quickly as possible: Zac Bowling, Alameda.

Expressed support for the project; discussed inadequate effects of warming shelters; stated that he would like the project to partner with Goodwill: John Brennan, Christ Episcopal Church.

Mayor Ezzy Ashcraft stated that she was dismayed to learn about the funding gap for the project; she has discussed the short timelines with Senator Skinner's office; she is pleased to hear that the funding has come in; the dog park has been an important part of the program; it is important to move forward with the project; the project is the light at the end of a tunnel and will help bring people off the street while providing wrap-around services to help people transition to permanent housing; the services will help people learn to be a model tenant; Five Keys has been successful with other programs; turnover of units allows more people to be served; the modular housing is provided by a company that trains people with high employment barriers; inquired whether the capitalized reserves are similar to contingency funds.

The Economic Development Manager responded capitalized reserves are the technical term used by HUD for the use of funds for capital or operations; stated the term is not related to contingency funds; the program agreement indicates a requirement to operate for 20 years and is shown under the regulations for funding being received.

Mayor Ezzy Ashcraft stated the City needs to ask for a higher percentage of contingency fund; inquired whether the current contingency is 5% of the total project.

The Community Development Director responded the amount is a little larger; stated staff is recommending a different amount.

Mayor Ezzy Ashcraft stated the project has already hit a number of bumps in the road; expressed support increasing the contingency to 10%; stated if the excess is not needed, the remainder would return to General Fund; many construction projects

should have a 10% contingency fund to use for unforeseen circumstances; she is glad that the project is moving forward with a good team in place.

The Community Development Director stated \$439,000 would be the additional contingency needed to bring the contingency fund to 10%.

Councilmember Herrera Spencer inquired whether the proposed homes count toward the City's RHNA obligation.

The Economic Development Manager responded staff has asked the Planning, Building, and Transportation Department to count the units toward the RHNA obligation; stated the State will have to make the ultimate decision; the Planning, Building, and Transportation Department will be counting the units toward the City's RHNA obligation.

Councilmember Herrera Spencer inquired whether there is a definition of saturation for the West End; stated there are already three supportive homes proposed at Alameda Point.

The Community Development Director responded the City has three homes at Alameda Point that will come online towards the end of the month; stated staff has been directed by Council to consider a fourth home if the program is successful; she is unsure whether she can technically define the term saturation; however, the idea is that the services being provided for the unhoused population may tend to be located in one part of the City over another.

Mayor Ezzy Ashcraft stated that the City would likely take opportunities for transitional housing across the Island.

Councilmember Knox White stated inquired whether the additional \$437,000 for the 10% contingency would be added, to which the Community Development Director responded in the affirmative.

Councilmember Knox White moved approval of the staff recommendation with allocating an additional \$437,000 for contingency.

Mayor Ezzy Ashcraft requested clarification for the contingency amount.

The Community Development Director responded the correct amount is \$439,000.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated Council has discussed building the City's high quality of life in order to attract and keep young families in Alameda; the City's quality of life is not just defined by rich recreational amenities; rather, it is defined by what it does for those who have the least; in the first 5 years, the proposed facility will be paid for largely by grant funding; beyond the first 5 years, the City is moving

forward with eyes wide open; expressed support for the City spending roughly \$2 million annually for the program to continue providing a high quality of life; he understands the concerns raised about services being provided on the West End of Alameda; people must remember the City is required to provide facilities by law to serve homeless families, especially at Alameda Point; the facilities near Alameda Landing were part of the process; the City should reach for amenities, such as modern aquatic centers, as well as offer programs that help people transition from difficult situations into a more permanent solution; expressed support for the proposed program; stated that he continues to be supportive of the program because it speaks well of the City of Alameda and it is something to be proud of.

Mayor Ezzy Ashcraft stated many success stories have come out of the Five Keys program.

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.

After the vote, Mayor Ezzy Ashcraft stated the City needs Dignity Village, the homes at Alameda Point, the warming shelter and more; all programs and more are needed.

(22-665) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Five-Year Agreement with Five Keys Schools and Programs to Provide Interim Supportive Housing for Dignity Village in the Amount not to Exceed \$10,745,844; and

(22-665A) Resolution No. 15989, "Amending the Grants Fund Budget (222) to Appropriate an Additional \$2,555,844 for Homekey 2.0 Grant Project (G24030)." Adopted.

This item was heard along with the ARPA funding [paragraph no. 22-663], the PLHA Plan [paragraph no. 22-666], and the HOME funds [paragraph no. 22-667].

Councilmember Knox White moved approval of authorizing the Interim City Manager, or designee, to execute a five year agreement with Five Keys Schools and Programs to provide interim supportive housing for Dignity Village in the amount not to exceed \$10,745,844, including adoption of related resolution.

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

(22-666) Public Hearing to Receive Comments on the Proposed Permanent Local Housing Allocation (PLHA) Plan;

(22-666A) Resolution No. 15990, "Authorizing the Submission of an Application for Senate Bill 2 Funding from the State Department of Housing and Community

Development Under the Permanent Local Housing Allocation (PLHA) Program, Amending the City's Five-Year PLHA Plan, Adopting the Revised Five-Year PLHA Plan, Accepting PLHA Funding, and Allocating PLHA Funding." Adopted;

(22-666B) Resolution No. 15991, "Amending the PLHA Five Year Plan Grant Budget (G24010) to Increase 2020 Allocation Revenues and Expenditures in the Amount of \$309,728 and to Increase 2021 Allocation Revenues and Expenditures in the Amount of \$396,985." Adopted; and

(22-666C) Recommendation to Authorize the Interim City Manager, or Designee, to Negotiate and Execute Related Documents, Agreements, and Modifications.

This item was heard with the ARPA funding [paragraph no. 22-663], the Five Keys agreement [paragraph no. 22-663A], and the HOME funds [paragraph no. 22-667].

Councilmember Knox White moved approval of closing the public hearing, adopt both related resolutions, and authorizing the Interim City Manager, or designee, to negotiate and execute related documents, agreements, and modifications.

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

(22-667) Resolution No. 15992, "Authorizing the Interim City Manager, or Designee, to Accept and Appropriate HOME Investment Partnerships American Rescue Program Funds in the Amount of \$2,350,000 and Amending the HOME Fund Budget (201) to Increase the 2022 Allocation of Revenues and Expenditures in the Amount of \$2,350,000." Adopted; and

(22-667A) Recommendation to Authorize the Interim City Manager, or Designee, to Negotiate and Execute Documents, Agreements, and Modifications Related to Such Funds.

This item was heard with the ARPA funding [paragraph no. 22-663], Five Keys agreement [paragraph no. 22-663A], and the PLHA plan [paragraph no. 22-666].

Councilmember Knox White expressed support for City staff and for the project moving forward despite difficulties.

Mayor Ezzy Ashcraft stated Alameda has a responsibility and moral obligation to address and solve the homelessness crisis.

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

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and

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

(22-668) Recommendation to Receive a Report and Provide Direction to Staff Regarding the Allocation and Expenditures of the \$28.68 Million in Funding from the Federal Government through the American Rescue Plan Act of 2021 (ARPA).

The Budget Manager gave a Power Point presentation.

Councilmember Herrera Spencer inquired whether \$10 million in ARPA funds can be used as revenue replacement that can be placed in the General Fund for allocation at a later date.

The Budget Manager responded in the affirmative; stated the City is eligible for revenue replacement; the only restriction is that the money cannot be applied towards unfunded pension obligations.

Councilmember Herrera Spencer inquired whether the funding must be spent immediately or whether there is a time limit for spending, to which the Budget Manager responded the funds can simply be received into the General Fund.

The Controller concurred.

Mayor Ezzy Ashcraft inquired whether the allocation to the General Fund would satisfy the need to use the funding by December 2024.

The Controller responded in the affirmative; stated the City's allocation to the General Fund by December 2024 satisfies the requirement.

The Finance Director stated Council must remember that the City just committed \$4 million of the available ARPA funds; the remaining amount of roughly \$8.55 million could be placed in the General Fund as revenue replacement.

Councilmember Herrera Spencer inquired whether the City could place all remaining ARPA funds into the General Fund as revenue replacement in order to satisfy the requirement, to which the Budget Manager responded in the affirmative.

Questioned whether funds need to be designated in order to be spent: Jay Garfinkle, Alameda.

Vice Mayor Vella stated the City needs to obligate the funds by December 2024; the City then has until 2026 to incur the costs; there is a difference between obligating and expending the funds; it is cleaner to use the funds to pay for Emma Hood pool; the City can then obligate the funding set aside; expressed support for continuing to discuss the matter of public Wi-Fi; stated a lot of City programming is being restored post-pandemic and costs for the programs have increased; questioned whether the City has looked into increased costs of programs.

Mayor Ezzy Ashcraft stated that she remembers the Recreation and Parks Department having more revenues than anticipated.

The Controller responded staff can earmark an amount of revenue replacement to supplement the increase in costs coming out of the General Fund.

Vice Mayor Vella stated the City has provided digital access and expanded e-book access during the pandemic; there have been concerted efforts to obtain grant funding, which often requires matching dollars; expressed support for Council discussing setting aside General Fund dollars to expand digital accesses.

Mayor Ezzy Ashcraft noted distribution will return to Council for discussion.

Vice Mayor Vella stated that she is providing general direction for funding earmarks.

Councilmember Herrera Spencer inquired whether the City transferring ARPA funding into the General Fund satisfies the requirement to use funding that must be tracked and spent by 2024 or 2026.

The Controller responded in the affirmative; stated the action is replacing revenue; staff can earmark the \$10 million as replacement of revenue without documentation of the lost revenue.

Councilmember Knox White stated it appears that the remaining ARPA funding is just under \$7.5 million; expressed support for moving the funding into the General Fund; stated Council can accept the funding as an off-set to Emma Hood.

Mayor Ezzy Ashcraft inquired whether there is an advantage to approving one allocation over another.

The Controller responded in the affirmative; stated allocating the funding as lost revenue to the General Fund would be easier to track.

Councilmember Knox White moved approval of moving the remaining ARPA fund balance of unallocated funds into the General Fund.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether staff has any concerns about the motion, to which the Finance Director responded in the negative.

Councilmember Herrera Spencer requested clarification that the funds being moved are unallocated; inquired the actual amount being moved to the General Fund.

The Budget Manager responded the amount is roughly \$7.9 million.

Councilmember Knox White inquired whether the amount includes the added contingency from the previous matter, to which the Budget Manager responded in the negative; inquired whether the added contingency is being funded through the General Fund.

The Interim City Manager responded that she understands the amount is coming from the General Fund.

Councilmember Knox White expressed support for the unallocated \$7.9 million being approved to the General Fund.

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.

(22-669) Councilmember Knox White moved approval hearing the three referrals and end at 12:00 a.m.

Councilmember Daysog stated that he is confident Council will reach the Referrals at some point for discussion in the future.

Mayor Ezzy Ashcraft expressed support for an ending time of 11:30 p.m.

Councilmember Knox White concurred with Mayor Ezzy Ashcraft.

Councilmember Herrera Spencer expressed support for only hearing the next matter; significant time will be spent on the matter.

The motion failed for lack of a second.

(22-670) Resolution No. 15993, "Terminating the Declaration of the Existence of a Local Emergency in Response to the COVID-19 Pandemic, Consistent with Government Code Section 8630(d);"

(22-670A) Urgency Ordinance No. 3330, Repealing Ordinance Nos. 3267 and 3272 to Effectuate the Termination of the Local Emergency While Continuing to Preserve Certain Administrative Authorities of the City Manager Such as Remote Work for Employees and Amending Ordinance No. 3271 Continuing to Suspend Provisions of the City's Sunshine Ordinance that are Inconsistent with Assembly Bill 361 and Any Further Legislation to Allow Public Meeting to Be Held Remotely." Adopted; and

(22-670B) Introduction of Ordinance Amending Alameda Municipal Code Article XIV (Third Party Food Delivery Services) of Chapter VI (Businesses, Occupations and

Industries) to Modify the Sunset Provision Such that the Cap on Food Delivery Service Fees Will Remain in Place Until the State Emergency is Rescinded. Introduced.

The Interim City Manager, Assistant City Attorney, and Rent Program Director gave a Power Point presentation.

Expressed concern and suggested Council reconsider narrowing of roads and quiet [slow] streets: Jay Garfinkle, Alameda.

Expressed concern about the action making people homeless; urged Council to listen to the Governor's guidance; discussed rentals: Kelly Cadwallader, Alameda.

Outlined Government Code Section 8630: Cecelia Venucci, Alameda.

Expressed support for hybrid meetings: Alex Spehr, Alameda.

Mayor Ezzy Ashcraft requested clarification about rent payments and due dates.

Special Counsel stated if Council terminates the local emergency, people would have to resume paying regular rent 30 days thereafter; a landlord could bring an unlawful detainer against people unable to pay; the possibility of people being evicted from their home over the holidays is remote; under the State preemption argument, renters unable to pay due to the pandemic have an affirmative defense to any eviction action for at least seven and up to thirteen months after Council declares the end of local emergency; the likelihood of an eviction happening in the next 30 to 90 days is not realistic.

Mayor Ezzy Ashcraft inquired how renters can seek assistance and better understand their rights.

Special Counsel responded depending on household income, renters may be eligible for legal aid or Centro Legal de la Raza services; Rent Program staff are well versed in the services and can advise tenants about who to contact for services.

Mayor Ezzy Ashcraft inquired how tenants can find the rent program.

The Rent Program Director responded the department can be reached by phone, email, and website; stated the website is: <https://www.alamedarentprogram.org/Home>.

Mayor Ezzy Ashcraft inquired whether the information can be amplified, to which the Public Information Officer responded staff can include the link on the City's website.

The Assistant City Attorney stated staff members can help mediate disputes between landlords and tenants to help both understand their rights; a number of resources are available for tenants and landlords.

Mayor Ezzy Ashcraft inquired whether mediation is provided through the Rent Program, to which the Assistant City Attorney responded in the affirmative.

Councilmember Daysog inquired whether the City can hold in-person Council meetings with the end of the emergency declaration and whether Councilmembers can participate from other rooms within City Hall versus sitting at the dais; questioned whether Councilmembers would have to provide public notice and access to the room being utilized.

The City Attorney responded Council's action on the matter changes nothing for remote Council meetings; stated Council can provide direction for remote meetings; remote meetings have to end February 2023; Councilmembers wanting to participate in meetings from another room must publically notice and provide access after February 2023; Council has wide latitude between now and February 2023; the law allows Council to participate remotely on-screen with members of the public in Council Chambers; however, the Chambers technology might not.

Mayor Ezzy Ashcraft inquired whether the Chambers technology will allow for hybrid capabilities.

The City Clerk responded the findings for teleconference capabilities will be returning to Council at the next meeting; stated staff has received equipment which allows for camera changing and the vendor is finishing up audio tuning; meetings could go live at this point; all cities in Alameda County have performing hybrid meetings have all members of the Council present at City Hall, except for the City of Hayward, which still has a majority present; members of the public come to public meetings to see Council, not City staff.

Councilmember Herrera Spencer discussed State legislature dictating City requirements.

Special Counsel stated operations for City meetings will change in February 2023; State law does provide for some protections which will remain in effect even after February 2023; Council action to terminate the local emergency will provide the expectation that tenants will need to begin paying rent again with deadlines for repayment of unpaid rent; unpaid rent being converted to consumer debt might be subject to eviction for failure to make payment; there are many layers in play between the City, State and County in terms of tenant protections and landlord actions.

Councilmember Herrera Spencer inquired whether the County provides tenant protections.

Special Counsel responded in the affirmative; stated the County has more rigorous protections than the State; the County ordinance automatically converts non-payment of rent to consumer debt; the County ordinance indicates rent does not have to be paid due to loss of income related to COVID-19; the effect of the County ordinance in the

City of Alameda has to be decided in a future lawful detainer action.

Councilmember Herrera Spencer stated Alameda Municipal Power (AMP) has rate reduction production for those who qualify; expressed support for the City sharing the program information to ensure people utilize available discounts.

Councilmember Knox White stated Alameda has had some of the best tenant protections in the State during the pandemic; a number of the protections were put in place with the idea of the duration being a few months to one year; he believes the City has come to the end of the local state of emergency and he feels comfortable moving forward with an understanding that the City will be returning to one of the strongest renter protections available in both the State and Country.

Councilmember Knox White moved adoption of the resolution and the urgency ordinance and introduction of the ordinance.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Mayor Ezzy Ashcraft proposed a friendly amendment to include direction to staff to publicize AMP programs, as well as any available emergency funding; expressed support for the Rent Program keeping Council informed; stated the City has good renter protections in place, but people need to begin paying back rent; Rent Program staff should return to Council with any ideas of ways to further help; expressed support for communication and education being provided to smaller landlords experiencing hardships; requested continuous feedback be provided from Rent Program staff.

Councilmember Knox White accepted the friendly amendment; stated that he would like to also provide direction to staff to consider and bring back any recommended changes for continuing the protections for food delivery and restaurants program after the State emergency ends.

Mayor Ezzy Ashcraft discussed a meeting with representatives of GrubHub and Door Dash; inquired the percentage rate increase that had been attempted during the pandemic.

The Assistant City Attorney responded substantially higher than 20%.

Councilmember Herrera Spencer stated that she is a renter; expressed support for the City building housing for the middle to purchase resulting in less renters long-term.

On the call for the questions, 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.

CITY MANAGER COMMUNICATIONS

(22-671) The Interim City Manager discussed the inaugural Alameda Pride Weekend; stated feedback regarding the Alameda Draft Transportation Plan is being sought through October 23; announced an upcoming Library book sale at the O'Club and a Bouncing for Broadband event at City Hall West.

COUNCIL COMMUNICATIONS

(22-672) Mayor Ezzy Ashcraft discussed the employee picnic at Jean Sweeney Park.

(22-673) Councilmember Daysog discussed a celebration for Filipino Heritage Month at Encinal High School.

(22-674) Councilmember Knox White discussed an AC Transit Interagency-Liaison Committee meeting; announced the shuttle program is serving more people than pre-COVID-19 for less cost.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(22-675) Consider Directing Staff to Reform the Fee Towing Companies Require Alameda Residents to Pay to Retrieve Towed Vehicles. (Councilmember Daysog). Not heard.

(22-676) Consider Directing Staff to Address Massive Corporations Purchasing Housing. (Councilmember Herrera Spencer). Not heard.

(22-677) 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.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:37 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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