

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - JUNE 20, 2023- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:53 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella, and Mayor Ezzy Ashcraft – 5.

Absent: None.

AGENDA CHANGES

(23-367) Mayor Ezzy Ashcraft suggested moving the Consent Calendar after the Regular Agenda Items.

Councilmember Vella moved approval of hearing the Consent Calendar after the Regular Agenda Items.

Vice Mayor Daysog seconded the motion.

Under discussion, Councilmember Herrera Spencer requested clarification that Consent Calendar items would be heard at the end of the end of the calendar if the motion passes versus being heard in the order listed.

Mayor Ezzy Ashcraft responded everything listed under the Consent Calendar would be heard at the end of the calendar.

Councilmember Jensen stated there are twelve items on the Consent Calendar which is a lot; there have been many times where items are pulled from the Consent Calendar for discussion; expressed support for the Consent Calendar being more efficient; stated items on the Consent Calendar are necessary; Police policies have been recently been added to the Consent Calendar which can add to the volume; discussed a previous contract extension being pulled from the Consent Calendar; stated approved contracts should not need to be on the Consent Calendar; there are ways to streamline the Consent Calendar; expressed support for the Strategic Plan addressing the matter; expressed support for more study and review before the agenda is changed dramatically.

Mayor Ezzy Ashcraft stated the change is a one-off; she is recommending Council hear the Consent Calendar after the Regular Agenda; changing the actual agenda order is not being considered; expressed support for the change being made out of respect for speakers; an average of 22 minutes is being spent on the Consent Calendar, with a high of one and a half hours; stated the City Clerk will return with information on how items are placed on the Consent Calendar; items placed on Consent are not arbitrary and not at the discretion of the Mayor; there is specific criteria for placing matters on Consent; there is likely not enough information listed on the agenda of why items are placed on Consent.

Councilmember Herrera Spencer stated the agenda is set by the Mayor and staff; Councilmembers do not see the agenda until published and have no advanced input regarding what items are placed on Consent; an item being considered spends \$4.6 million, which she plans to pull; expressed concern over Council not being able to consider the matter if moved;

stated matters placed on Consent are typically heard before other items, and may not be heard if placed at the end of the calendar.

Mayor Ezzy Ashcraft stated that she does attend the agenda setting meetings, but that she also has to follow the criteria for items being placed on Consent.

Councilmember Vella amended her motion to approving the balance of the Consent Calendar, while moving pulled items to the end for this meeting; items being pulled from the Consent Calendar for discussion are the Alameda Sun agreement [paragraph no. 23-386] and the Guaranteed Basic Income (GBI) pilot program [paragraph no. 23-376]; changing the agenda order is done by a Council vote; Council has the option to continue matters to the start of the next meeting under Continued Agenda Items or the Consent Calendar at the following meeting.

Vice Mayor Daysog expressed support for the amended motion; stated the goal is to speed up the meeting process; Council will hear the matters; seconded the amended motion.

Under discussion, Mayor Ezzy Ashcraft expressed support for the amended motion.

Councilmember Jensen expressed support for the amended motion; stated that she appreciates the objective, however, the change happened too quickly and she cannot support the recommendation.

Councilmember Herrera Spencer inquired whether staff can indicate any time limitations on the two matters being pulled for discussion.

The City Manager responded the GBI matter has some time sensitivity.

Councilmember Herrera Spencer inquired whether the items can be heard at the next meeting, to which the City Manager responded in the affirmative.

Mayor Ezzy Ashcraft noted matters can be placed under the Continued Agenda Items section of the next agenda.

The City Clerk responded Council must designate the official newspaper, but the Charter does not provide a deadline.

Councilmember Vella stated that she is amenable to staying later in order to hear the pulled items; expressed support for moving forward quickly.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Vella and Mayor Ezzy Ashcraft – 3. Noes: Councilmembers Herrera Spencer and Jensen – 2.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(23-368) Mayor Ezzy Ashcraft read and presented a proclamation to declaring June 30, 2023 as Library Director Jane Chisaki Day.

The Library Director provided brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(23-369) Weng Tam, Nor Cal Carpenters Union Local 713, urged hiring local; discussed health care and cost of living.

(23-370) Anya Qualls, Alameda, discussed hiring local and costs of living increases.

CONSENT CALENDAR

Under agendas changes, Council approved hearing the pulled items [the legal notice contract and Usio Inc. agreement] after Regular Agenda Items.

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

Councilmember Herrera Spencer recorded a no vote on the Homeless Housing Assistance and Prevention grant resolution [paragraph no. 23-379].

Vice Mayor Daysog seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*23-371) Minutes of the Special City Council Meeting Held on May 11, 2023 and the Special and Regular City Council Meetings Held on May 16, 2023. Approved.

(*23-372) Ratified bills in the amount of \$3,382,581.35.

(*23-373) Recommendation to Award a Three-Year Contract to Maze & Associates Accountancy Corporation for an Amount Not-to-Exceed \$483,215, including Contingency, with the Option of Two One-Year Extensions, for a Total Five-Year Expenditure Not-to-Exceed \$846,966, including Contingency, for Independent Auditing Services. Accepted.

(*23-374) Recommendation to Authorize the City Manager to Execute a First Amendment with Alameda Family Services for an Amount Not-to-Exceed \$1,067,326 to Provide for Clinician and Case Management Services for the Community Assessment, Response and Engagement (CARE) Team. Accepted.

(*23-375) Recommendation to Authorize the City Manager to Execute an Amendment to the Service Provider Agreement with Brad Shirakawa for Project Management, Research and Media Services for the Alameda Japanese American History Project, to Increase Compensation in an Amount Not-to-Exceed \$40,000 for a Total Compensation Not-to-Exceed \$100,000 and to Extend the Agreement through August 31, 2023. Accepted.

(23-376) Recommendation to Authorize the City Manager to Execute an Agreement with Usio Inc. to Serve as the Financial Partner for the City of Alameda's Guaranteed Basic Income Pilot Program (Rise Up Alameda) in the Amount of \$2,987.50 for Disbursement Services and Passthrough Funds of \$3,600,000 to Be Used for Direct Payments to Program Participants for a Total of \$3,602,987.50 with Funding from American Rescue Plan Act of 2021 Funds. Continued to July 5, 2023.

(*23-377) Recommendation to Endorse a Grant Application to the Federal Emergency Management Agency Hazard Mitigation Grant Program Administered by the California

Governor's Office of Emergency Management for the Alameda Soft Story Seismic Retrofits Project. Accepted.

(*23-378) Resolution No. 16063, "Authorizing the City Manager to Execute All Necessary Documents with the Alameda County Transportation Commission to Accept \$1,000,000 in Grant Funds for the Alameda-Oakland Estuary Water Shuttle Two-Year Pilot Program (2024 through 2026) and to Appropriate the \$1,000,000 Towards the Water Shuttle Program and to Appropriate the \$1,000,000 Grant Award and \$150,000 in Measure BB Local Streets and Roads Funds as Grant Matching Funds in Fiscal Year 2023-24 Towards the Water Shuttle Program." Adopted.

(23-379) Resolution No. 16064, "Authorizing the City Manager to Apply for, Negotiate, and Execute an Agreement and Related Documents to Accept \$338,198 of Homeless Housing Assistance and Prevention Grant Funds; and Amending the Grants Fund (222) Fiscal Year 2023-24 Budget to Appropriate an Additional \$52,428 from the Homeless Housing Assistance and Prevention Grant for Village of Love Day Center Services." Adopted.

Note: Councilmember Herrera Spencer recorded a no vote, so the item was approved by the following vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(*23-380) Ordinance No. 3342, "Authorizing the City Manager to Execute a Fourth 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, Alameda, CA, Extending the Term of the Lease for an Additional 12 Months with No Extension Option." Finally passed.

(*23-381) Resolution No. 16065, "Ordering the Levy of Assessments in the Amount of 5.302% or \$6,492.30 for Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(23-382) Introduction of Ordinance Approving Third Amendment to Lease of Building 35, 2450 Pan Am Way, at Alameda Point between the City of Alameda and Small Size Big Minds, Extending the Lease Term by 12 Months with an Additional 12-Month Extension Option, for a Total Potential Extension of 24 Months. Introduced.

The Community Development Director gave a Power Point presentation.

Councilmember Vella moved introduction of the ordinance.

Councilmember Jensen seconded the motion, which carried by unanimous voice vote - 5.

(23-383) Resolution No. 16066, "Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, Zones 1, 4, 5, 6, and 8." Adopted.

Councilmember Vella left the meeting at 8:22 p.m. and returned at 8:44 p.m.

Vice Mayor Daysog stated that he needed to recuse himself and left the dais.

The Public Works Coordinator gave a brief presentation.

Councilmember Jensen requested background information related to the authority for landscape and lighting districts; inquired how the districts were established, under what authority, can districts be changed, and who are district members.

The Assistant City Attorney responded the district is a special assessment district established by the Council; stated the Council adopted a motion and resolution several decades ago to establish the district; the district can be dissolved in part or entirely by the Council; the district does not have named members, merely parcels and resident owners of the parcels.

Councilmember Jensen inquired whether the district is a geographic designation of certain parcels or boundaries within the City, to which the Assistant City Attorney responded in the affirmative.

Councilmember Jensen further inquired whether the district is established through the State passing a law that allowed cities to levy fees; questioned about fee use.

The Assistant City Attorney responded the fees have a range of uses; stated the uses are laid out in the landscape law, but are typically improvement related fees: tree trimmings, street maintenance, street lighting and other associated matters.

Councilmember Jensen stated neighborhoods not in landscape and lighting districts but still collect fees from residents; discussed a Homeowners Association (HOA) near Fernside Boulevard; inquired whether the landscape and lighting district has a unique way to assess fees and how the district provides benefits other organizations do not provide.

The Assistant City Attorney responded since the district is a government creation, the scope of what the district can assess is more limited; stated the assessment is laid out in the district act; HOAs would have broader leeway.

Mayor Ezzy Ashcraft called a recess at 8:30 p.m. and reconvened the meeting at 8:45 p.m.

Councilmember Herrera Spencer inquired whether the zones are solely business addresses or whether any residences are included.

The Public Works Coordinator responded in the affirmative; stated all addresses are businesses; stated the Marina Village zone has an adjacent HOA; the HOA does not pay into the assessment.

Councilmember Herrera Spencer inquired whether the same applies to Zone 1.

The Public Works Coordinator responded that she is checking the Engineer's Report to find the response.

The City Manager inquired whether Councilmember Herrera Spencer's inquiry relates to all districts or only Zone 1.

Councilmember Herrera Spencer responded all of the zones listed are primarily businesses; stated the action of assessing businesses makes sense; expressed support for receiving confirmation that residential properties do not pay into the fund.

The Public Works Coordinator stated Zone 1 is the only Zone that she is unable to confirm; there may be some residential on top of the commercial space, however, the properties are all commercial; she will need to confirm.

Mayor Ezzy Ashcraft stated there are some residential units over retail; inquired whether the retail property owner would pay the assessment, to which the Public Works Coordinator responded in the affirmative.

Mayor Ezzy Ashcraft further inquired whether Zone 1 includes the Lincoln Avenue corridor, to which the Public Works Coordinator responded in the affirmative.

The City Manager stated that she cannot say for sure, but the maps all indicate commercial areas.

Councilmember Herrera Spencer stated that she plans to support the matter; expressed support for knowing the policy in the future to ensure residential properties are being excluded from paying the additional taxes for primarily commercial parcels; the intent of the matter appears to be to charge businesses for business districts.

The Public Works Coordinator stated staff can add the information as clarification in the next engineer's report.

Councilmember Vella moved approval of adoption of the resolution.

Councilmember Herrera Spencer stated that she would second the motion with a friendly amendment to approve direction to staff to include the information as clarification in the next engineer's report.

Councilmember Vella agreed to amend the motion to include the direction.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Vice Mayor Daysog – 1.]

(23-384) Resolution No. 16067, "Ordering that No Assessment Be Levied for Fiscal Year 2023-24 in Connection with Zone 7 of the Island City Landscaping and Lighting District 84-2." Adopted; and

(23-384 A) Recommendation to Direct Staff to Engage with the Property Owners of Zone 7 of the District to Explore Specific Options Regarding the Future of Zone 7 and to Return to City Council with a Final Recommendation in September 2023.

The Public Works Director gave a Power Point presentation.

Councilmember Herrera Spencer inquired the validity of the 1988 Memorandum of Understanding (MOU).

The Assistant City Attorney responded the MOU has been determined to be not authorized by the full Council and was only signed by the former Mayor and City Manager, as well as several residents; the MOU would not necessarily have the weight of an authorization enacted by the full Council.

Councilmember Herrera Spencer inquired whether the City Attorney's position is that the MOU is or is not valid and enforceable.

The Assistant City Attorney responded there are reasonable arguments on both sides; the position is not a clear-cut issue.

Councilmember Herrera Spencer inquired whether Council would need to vote in order for the City to continue having the MOU be in effect, to which the Assistant City Attorney responded in the affirmative; stated an approved MOU would have the full weight of Council.

Councilmember Herrera Spencer stated that she would like confirmation whether or not it is the City's position that the MOU is valid and enforceable.

The City Attorney stated staff's view is that a contract not authorized by the Council has serious legal deficiencies; if Council wants to have a legally binding document, Council should ratify the document.

Councilmember Vella inquired whether an individual member of Council and Interim City Manager could go out and execute a legally binding document regarding tax payer dollars.

The City Attorney responded that the document would not be a lawful contract executed by the City.

Vice Mayor Daysog stated that he understands the concerns of the Bay Street residents to be related to funds designated for enhancements being used for normal and routine services that should be covered by basic property taxes; requested clarification of the criteria used to constitute enhanced service related to trees for any neighborhood.

The Public Works Director stated the old American Elm trees is a special tree; the trees were diseased; the district was formed to prolong the tree's existence; the inherent nature of the zone is unique and special from the remainder of the urban forest; regular maintenance of the urban forest includes a 5-year trimming schedule, testing of trees, removal of trees, and planting of trees; the zone requested and funded larger trees; the crux of the misalignment consists of tree removal and testing; General Fund contribution have been comingled; the cost of tree removal comes from zone funds; removal and large scale investment has not occurred.

The City Manager stated because the trees are more susceptible to disease, there is a need to test and potentially remove trees more frequently; enhanced maintenance is due to trees being more susceptible to disease; district formation helped address the issue.

Councilmember Jensen inquired whether the Council votes on the assessment annually, to which the Public Works Director responded in the affirmative.

Councilmember Jensen inquired the assessment amount for each district; stated the \$150 amount was discussed at one time; inquired whether the \$150 amount is unique for District 7 and assessment is not being recommended; stated the assessment levied for other districts did not indicate an amount.

The Public Works Director responded the engineer's report has a table; stated the table shows the proposed total revenue to come in from individual property owner assessment rates.

Councilmember Jensen inquired whether assessment data for each Zone 7 parcel for every year is available.

The Public Works Director responded in the affirmative; stated the 13-year historic lookback has the per property assessment; some years ranged from no assessment to \$150.

Councilmember Jensen inquired whether there was a fund balance prior to 2009.

The Public Works Director responded in the affirmative; stated 2009 is as far back as staff reviewed; the information available is per the City's retention policy; the rolling fund balance would have been in existence since the formation of the district zone.

Councilmember Jensen stated information would be easily available since there are tax records and the assessments were levied and approved by Council in the 20 years prior to 2009.

The City Manager stated the Fiscal Year 2010-2011 ending fund balance was roughly \$49,000.

Councilmember Jensen inquired whether staff is confident about the ending fund balance amount, to which the City Manager responded in the affirmative.

Councilmember Jensen stated the resolution was not approved by Council and there may not have been authority; inquired whether the residents of Bay Street would have any remedy.

The City Attorney responded staff believes the City has a right to levy assessments; stated the City's ability to levy an assessment comes from authority granted by State law and subsequent adoption by Council through a regular process; the City does not call into question the formation of the district, nor does the City call into question the assessments; the only thing that appears to be outside of regular process and authority is the MOU; the MOU is the overlay on top of the district that gives residents significant control over the expenditure of assessment funds; there is no record of a Council action approving the MOU; based on the face of the document and historical records, the City Attorney's Office never reviewed the MOU; the City Attorney's Office would normally approve such documents as to form; the document most in question is the MOU; the issue is whether or not the residents have any control over the City's expenditure of funds; the existence of the funds is not a legal problem.

In response to Councilmember Jensen's inquiry related to assessments being passed, the City Attorney stated there was a Council resolution and action establishing the district; Council did not approve the MOU which occurred sometime after formation.

Councilmember Herrera Spencer inquired whether the \$98,308.32 closing balance in Fiscal Year 2021-2022 was collected from assessments from residents or whether any of the money in the fund was City money.

The Public Works Director responded an annual City contribution is a part of the fund balance.

Councilmember Herrera Spencer inquired whether the City knows how much money has come from residents.

The Public Works Director responded \$54,600 is from property assessments and \$39,000 is from the General Fund contribution.

Councilmember Herrera Spencer expressed support for dissolving the district; stated that she would like to return monies to the taxpayers; inquired the amount currently held by the City.

The Public Works Director responded staff would have an idea of the fund balance; stated expenses are not tracked by revenue source; staff could review the numbers and propose how to disperse the fund balance.

Councilmember Herrera Spencer inquired whether staff has the amounts available.

The Public Works Director responded in the negative; stated revenue was comingled and expenses by were not tracked by revenue type; staff can make a recommendation to Council.

The City Manager stated if Council wants to dissolve the district, the fund balance would legally return to the City; Council could disperse the funds back to the property owners; staff can bring a separate budget discussion; Council can provide direction on dispersing all funds or a pro rata share back to property owners; Council would need to provide direction on how to disperse and apportion the funds; assuming the full budget for this year, the net fund balance is \$17,000.

Expressed support for the City's partnership with Bay Street and the efforts to preserve trees; stated that he understands the special assessment helps with the preservation of trees as a supplement to City funding; urged Council to have General Funds pay for regular maintenance and removal of trees, while using special assessment for planting larger trees: Roger Wise, Alameda.

Stated the district is to protect the tree canopy; the sole purpose is to pay for enhanced maintenance; discussed the City paying for tree maintenance; expressed concern over double payments; stated the City followed the MOU for over thirty years; funds should be replaced: Gig Codiga, Alameda.

Discussed the district and use of funds being determined by the property owners and the City; stated property owners have power of veto, which is reflected in the MOU; expressed concern about broken promises, betrayal, and accounting; stated assessments are monies earmarked for special enhancements; urged Council to rectify the situation: Felicia Reid, Alameda.

Discussed areas of blight in Oakland and Alameda; stated Bay Street is special and saved trees most neighborhoods lost; the neighborhood should be celebrated, not penalized; urged Council to direct staff to reassess priorities: Tom Geary, Alameda.

Stated every assessment has been approved by the neighborhood, apart from the last assessment; expressed concern about the district fund accounting; stated expenditures for testing and removal were approved; discussed requests for improvements and removal of underperforming trees; urged Council to direct staff to use General Funds to cover testing and removal and use special assessment funds for removal and planting of bigger trees: Julie Conner, Alameda.

Councilmember Herrera Spencer inquired whether the City could allocate \$28,000 to remove eight trees and \$20,000 to replant bigger trees, and direct staff to work with residents to clarify desired outcomes; inquired whether City funds can be used for testing and removal of trees and the matter could come back to dissolve the district at some point.

The City Manager responded staff can perform at the request of Council.

Councilmember Herrera Spencer moved approval of directing staff to use City funds for the testing and removal of trees, and having the matter come back to dissolve the district at some point; questioned whether staff needs further clarification.

Councilmember Vella stated there are ten trees on the block; some of the trees require different approaches and associated costs; requested clarification.

The City Manager stated \$37,500 was approved in the mid-year budget; Council would be agreeing to refund the Zone 7 fund money from the General Fund and pay for testing and removal expenses; more fund balance would be freed up and used to replace trees that have to be removed due to disease, death, and unsafe circumstances; staff will need to determine how many trees would have to come down; a budget of \$28,000 for tree planting, insecticide injections for lindens and other pest control was presented.

Councilmember Herrera Spencer expressed support for the City working with Bay Street residents; stated that she would like to dissolve the district.

The City Manager stated it appears that residents would like the district dissolved after refunds occur; the suggestion is to disperse any remaining fund balance to the residents after the district is dissolved.

Councilmember Herrera Spencer inquired whether the process includes spending the extra money planting bigger trees.

The City Manager responded in the affirmative; stated General Fund will refund \$37,500 and staff would use the fund balance to replant bigger trees; depending on how many need to be replanted, the net fund balance would be refunded after the district is dissolved.

Councilmember Vella stated an arborist report requested additional testing; the testing has not occurred.

The City Manager stated the testing is currently occurring.

The Public Works Director stated the testing is being done this week; the basis of the original analysis was visual; the current testing is a second level review; the testing includes a

resistograph to understand the extent of decay.

Councilmember Vella inquired whether there would be liability if the City did not perform testing after an arborist report indicates it is needed.

The City Attorney responded if the trees failed and caused an injury, the City would primarily be liable; stated the adjacent property owners might carry secondary liability.

Councilmember Vella inquired whether the original arborist report indicating additional necessary testing was shared with the district property owners.

The Public Works Director responded in the affirmative; stated property owners are familiar with the Bartlett Report.

Councilmember Vella inquired whether only the Elm trees are being tested.

The Public Works Director responded the current testing is related to the remaining old American Elms, which get Dutch Elm disease; stated many of the American Elms have already succumbed to the disease and have been replanted with Elm hybrids that are disease resistant; under-performing Elms include two sets of trees and removal of the diseased Elms is estimated to cost \$37,500, which was appropriated in this year's budget and creates ten vacancies; property owners also consider eight hybrid Elms to be underperforming and want to replace the trees.

Councilmember Vella inquired whether staff is waiting on the final arborist report to decide whether or not removal is necessary; stated the City is almost assuming removal is required.

The Public Works Director responded in the affirmative; stated the projected cost of \$37,500 assumes all ten American Elms will need to be removed.

The City Manager stated staff budgeted the full amount to be conservative.

Councilmember Vella inquired how long the City typically wait once an arborist report is received and indicates a tree needs to be removed.

The Public Works Director responded the process depends on the results received; stated staff can act quickly and removal can be immediate.

Vice Mayor Daysog stated that he is looking at the matter from a fundamental level; the district created was unique since those being taxed had to consent to spending revenues on enhanced services; City staff might have made alterations to the long standing practices around 2019 or 2020; altering the long standing practice was based upon the fact that the MOU was not of the order of what the City Council normally enters into; the MOU not being typical is nonetheless an agreement made in the 1980s and provides the City with a guiding policy document for the unique district; he believes the residents are asking to return to the document with a caveat; the clearest approach is to perform the testing using the General Fund, which is reasonable; expressed support for directing staff to receive the consent of the residents going forward; stated the proposed recommendation might not be the approach to take and could change; it is better to return to the original policy related to the enhanced services; expressed support for the work being performed by staff and the analysis of the MOU not being contractual; stated the

City needs to look at the 1988 MOU as a policy guiding document that will continue being the policy until reversed.

Councilmember Vella questioned whether the position being taken is that even as a fiduciary of the City that a policy or agreement could be in place where somebody could create additional liability and the City would be on the hook to pay the full cost; stated that she could follow the proposed recommendation if the trees were a different variety; staff is assuming removal is required, but there is no certainty; the trees are a holdover; there is a professional recommendation to perform testing; expressed concern over liabilities; stated part of the enhancement is to perform testing to maintain the trees; expressed concern over an interpretation indicating the City cannot remove the trees without consent from members of Zone and creating liability for the City; stated that she does not know whether a waiver document can be produced; a proposal has been made to have the City cover all costs; she is not in agreement due to the tree type; expressed concern over the proposed approach creating increased liability.

Vice Mayor Daysog stated the liability of the trees is a liability the City has in any district and other neighborhood; if the City decides wrongly regarding tree maintenance, the City is potentially liable; professionals are hired in the Public Works and City departments to help Council manage situations; Council is relying on staff to provide guidance on liabilities; he sees the MOU as a policy document indicating how the City should work with the residents; if City staff determines incredible liability, Council will deal with the liability; residents or Council will need to take part in a discussion and make a reasonable determination.

The City Manager stated staff will remove unsafe trees using General Funds regardless of consent.

Councilmember Vella discussed the MOU.

Mayor Ezzy Ashcraft stated that she has a problem with the MOU for a number of reasons; the document lacks transparency, was signed by the then Mayor of the City and the Interim City Manager and was never brought to Council, or run by the City Attorney and other members of staff; the process would garner an Open Government Complaint under current standards; the document might have been produced in a past process, however, the practice should not be carried forward; expressed concern over the language in the last paragraph of the MOU related to the District representative; noted a representative was not identified in the MOU; stated the MOU indicates the representative must approve the work to be performed at the City's expense; the document needs to be set aside; the matter should be kept in perspective; Alameda is a City of approximately 80,000 residents and 30,000 households; the current matter considers the trees located on two residential blocks consisting of 38 homes; staff has spent an inordinate amount of time working, meeting, and discussing with neighbors to find a solution; it is incumbent upon Council to make decisions moving forward; expressed concern over high winds causing falling trees and over equity; stated it appears the matter has the City treat some neighborhoods different than others; the requested special trees have proven to be problematic and the City is being asked to use General Fund money to perform testing and treatment; expressed support for dissolving the district; stated that she would like to find a way to move forward and would defer to the professional opinion of arborists; a possible disbursement back to residents can occur once the district is dissolved; expressed support for a motion to have staff return to Council with the direction to find out what needs to occur with the trees, including cost; stated trees outside the City's palette should be treated and paid for by the Zone;

expressed concern over spending an exorbitant amount of staff time on the matter; stated that she cannot follow an MOU that should not have been entered into in such a manner; expressed support for a path forward before trees begin to fall.

Councilmember Jensen stated the establishment of Zone 7 had been based on assumptions and expectations both for the residents and the City; over the course of 36 years, great things have happened; she does not think the City planted trees that were known to fail; the City needs to bear some responsibility for planting the trees; there has been confusion related to who would be the lead and where guidance would come from; expressed support for the City taking on responsibility and cost for testing and removal of up to 19 trees; stated the City would work with Zone residents to use fund balance to identify appropriate replacement trees, which are available and part of the urban forest; the replacement trees might be better than usual trees planted; once the trees are in place, Zone 7 would be dissolved.

The City Manager stated there are ten old American Elm trees being tested and potentially removed.

The Public Works Director stated the additional trees were brought up from public speakers and relate to the Elm cultivars; the hybrid trees are a disease resistant Elm; there is a general sentiment amongst owners that the hybrid trees are underperforming, not diseased.

Mayor Ezzy Ashcraft inquired who chose the ten trees.

The Public Works Director responded that she does not have the sense of history; stated that she understands the American Elms were a popular tree in the 19th and 20th century; the trees were in existence before the zone existed; when Dutch Elm disease arrived, the Zone was formed to slow disease progression.

Mayor Ezzy Ashcraft inquired whether the trees pre-date the formation of the district, to which the Public Works Director responded in the affirmative.

Councilmember Vella inquired who chose the replacement trees, to which the Public Works Director responded the property owners within the district.

Councilmember Jensen inquired whether the decision was made without input from the City.

The Public Works Director responded funds existed and property owners wanted to try hybrid Elms; stated zone funds were used to plant hybrid Elms.

Mayor Ezzy Ashcraft inquired why the responsibility to test trees falls on the City when the property owners within the zone chose the hybrid tree.

Councilmember Jensen responded there was a lack of communication, causing confusion; stated the establishment of Zone 7 illustrates the situation; there is not confidence that the zone residents picked out and planted the trees without input from the City; she believes residents suggested the trees and the City complied; the City failed in either approach and should bear responsibility.

Mayor Ezzy Ashcraft inquired what the assessment dollars for Zone 7 should be used for, to which Councilmember Jensen responded the replacement of trees.

Mayor Ezzy Ashcraft inquired whether the residents should choose the replacement tree.

Councilmember Jensen responded in the affirmative; stated residents should work with and receive guidance from the City as was done for prior trees; trees from the urban forest should be selected.

Councilmember Herrera Spencer stated her motion addresses the matter and includes using the General Fund to pay for testing and removal of up to 19 trees, including any trees the arborist concludes as needing to be removed; discussed the City's replacement of an underperforming tree near her home; stated the lifespan of a Dutch Elm is 200 to 250 years; trees have been replaced under staff recommendations, include a hybrid Elm tree, which the City allows in the Zone; the second part of the motion includes approving using Zone funds for enhanced trees; stated instead of providing small trees, bigger trees would be planted with money from the Zone fund; staff should work with residents, but it is not necessary if Council provides sufficient direction; the last part of the motion includes approving having the matter return to Council for dissolving of the district separately.

Councilmember Vella stated that she supports using the General Fund for testing and removal due to the liability issue; expressed concern over the language contained in the MOU related to private citizens stopping the City from removing or abating a major liability; stated that she does not know who the district representative is or how the representative is chosen; there are issues with transparency and liabilities; expressed concern over defining underperforming trees and for removing trees based on the definition; stated underperformance is not a reason for tree removal and is contradictive; questioned whether the City's definition of underperformance matches and whether tree removal adheres to the definition; expressed support for not removing trees which are otherwise healthy.

The Public Works Director stated many zone residents have commented about the lack of services being performed over the last couple years; the issue relates to underperforming trees; the City's arborist does not believe the hybrid Elms are underperforming or at risk; further discussions need to be held; as part of the urban forest program, staff would likely not remove the trees.

The City Manager stated staff is not testing any of the hybrid Elm trees; only the ten American Elms which are susceptible to Dutch Elm disease are being tested.

Vice Mayor Daysog expressed support for the first part of Councilmember Herrera Spencer's motion; stated he can support the second part related to district money being used for bigger replacement trees, but would like language added to include input from residents.

Councilmember Jensen concurred with Councilmember Vella's comments related to additional trees; stated that she did not intend to include the additional trees unless there is reason, such as disease or structural issues, causing need for removal.

Mayor Ezzy Ashcraft inquired whether Councilmember Jensen's desire to address 19 trees would be reduced to ten, to which Councilmember Jensen responded in the affirmative.

Mayor Ezzy Ashcraft stated Council cannot provide veto power to residents over work to be done; the MOU needs to be set aside while working towards dissolving the district; expressed

support for folding the district into other neighborhoods.

Councilmember Herrera Spencer expressed support for bifurcating the motion.

Councilmember Herrera Spencer moved approval of using General Fund money for tree testing and removal per the arborists' direction and report.

Councilmember Vella requested clarification that the motion represents up to the ten American Elm trees.

The City Manager confirmed testing and removal for up to ten American Elm trees.

Councilmember Herrera Spencer inquired whether the arborist is currently only looking at American Elm trees.

The City Manager responded in the affirmative; stated if the trees are diseased and unsafe, they will be removed.

Vice Mayor Daysog seconded the motion.

Under discussion, Councilmember Jensen requested clarification that the testing and removal being discussed relates to using the General Fund, to which the City Manager responded in the affirmative.

Councilmember Jensen stated that she would like to look at the City's contributions to Zone 7; questioned whether the motion includes General Funds contributed to Zone 7.

Mayor Ezzy Ashcraft stated the motion has been bifurcated and includes approving the use of General Fund money to perform testing and removal, if needed, of the ten American Elm trees.

Councilmember Jensen stated that she would like clarification that the General Fund contributions to Zone 7 are being considered for the testing and removal.

The City Manager stated that she does not understand the motion to include the General Fund contributions made to Zone 7; stated the General Funds being considered are not from Zone 7.

Councilmember Herrera Spencer concurred with the City Manager; stated the proposed approved funding is separate, General Fund monies; she will address the fund balance in a separate motion.

Councilmember Vella stated the process could be approved in one seamless motion that approves the City using separate General Fund money to cover the cost of testing and any necessary removal; the replacement of any trees needing to be removed will be covered by the Zone 7 fund balance; there is a fund balance; some of the residents have a desire for enhanced replacement trees; residents appear to agree on using funds for replacement trees; any other testing would be subject to the City's general urban forest plan; Council can direct staff to come back to dissolve the district; the approach is attempting to balance the many different aspects of the discussion to find a way forward that is amenable for all.

Mayor Ezzy Ashcraft concurred with Councilmember Vella; stated that she would like to add that

the replacement of trees with enhanced trees must be from the City approved palette.

Councilmember Herrera Spencer expressed support for clarifying the planting recommendations for Zone 7 are included on page 4 of the correspondence from staff; stated that she agrees fund monies should be used for enhanced trees, but there are still City costs as part of the replacement; expressed concern over the fund balance paying for all tree planting costs.

Mayor Ezzy Ashcraft inquired whether the fund balance includes both City funds and fund balance, to which the Public Works Director responded in the affirmative.

Councilmember Herrera Spencer stated the cost of the enhanced trees should come from the fund balance.

The Public Works Director stated the enhanced trees are a 36-inch boxed tree, which the Zone previously desired and paid for; the cost is associated with the size of the desired tree; the City is currently updating its urban forest Master Plan, which will include updates to the tree palette; stated a recent tree selection from the Zone was the October Glory, which is included in the list.

Mayor Ezzy Ashcraft inquired whether there is concern about plating a large size tree.

The Public Works Director responded the selection needs to be site-specific; stated a number of 36-inch boxed tree plantings occurred in 2018 and were funded by the district.

Councilmember Herrera Spencer inquired whether the past practice has been to have the fund pay for the planting of larger trees and whether General Fund money is used for some costs; questioned whether all of the costs came out of the Zone fund.

The Public Works Director responded in the recent past, the majority of the large sized tree is the districts' responsibility.

Councilmember Herrera Spencer inquired whether a portion of the City's money has been used; stated the fund pays for the larger tree, but not the entire planting of the new trees; expressed support for keeping the same process for planting trees, but having any increased cost paid from the fund.

Mayor Ezzy Ashcraft inquired whether the fund is a combination of monies.

The Public Works Director responded in the affirmative; stated the desire is to have the Zone pay the delta; since funds have been comingled, it is difficult to have portions of payments; the entirety of the cost is borne by the fund since the General Fund contribution is part of the fund balance.

Councilmember Herrera Spencer accepted comments provided by Councilmember Vella as a friendly amendment to the motion [approval of the City using separate General Fund money to cover the cost of testing and any necessary removal; the replacement of any trees needing to be removed will be covered by the Zone 7 fund balance; residents have a desire for enhanced replacement trees; residents appear to agree on using funds for replacement trees; any other testing would be subject to the City's general urban forest plan; Council directing staff to come back to dissolve the district; the approach attempts to balance the many different aspects of the discussion to find a way forward that is amenable for all].

Mayor Ezzy Ashcraft inquired whether the motion will remain as one-part, to which Councilmember Herrera Spencer responded in the affirmative.

Councilmember Herrera Spencer stated the third part of the motion will approve the matter returning to Council for dissolving the district.

Mayor Ezzy Ashcraft requested clarification for the motion on the table; inquired whether the City Clerk can provide a recount of the motion.

The City Clerk responded in the affirmative; noted there is an action of Council approving adoption of the resolution finding no assessment and should be incorporated to the motion.

The City Manager requested clarification of the motion; inquired whether Council would like staff to return with the zone dissolution and budget amendment approvals, and whether Council will provide direction to staff as to how the fund balance will then be apportioned.

Councilmember Herrera Spencer responded the actions will be taken when the matter returns.

The City Manager stated the matter will incur a fund balance; staff can return with recommendations for Council as part of the future action including how to apportion the balance; options will likely include ways to apportion all of the balance, a ratio of City versus zone contributions, no apportionment, or a combination of all three options.

Mayor Ezzy Ashcraft inquired whether the disbursement will have to happen at the next meeting; stated that she understands the process to include the money first returning to the City.

The City Manager responded in the affirmative; stated in the interest of wrapping everything would occur at the same time.

Mayor Ezzy Ashcraft stated that she will defer to staff on the process.

Councilmember Jensen inquired whether the discussion is related to the remaining fund balance after the residents have worked with City staff to identify and cost out the planting of enhanced trees, to which Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Herrera Spencer requested clarification that the approval of no assessment is also included, to which Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Vella seconded the motion.

Under discussion, the City Clerk stated the motion on the table is to approve testing and any related, required, removals from the General Fund not comingled with the zone funds for ten trees, the replacement of the trees within the list on page 4 of the staff communication indicated as enhanced tree expenses would come from the Zone 7 funds, staff will return with the action to dissolve the zone, and approving the adoption of resolution finding no assessment.

Vice Mayor Daysog inquired whether the residents will have input to the list and whether Bay Street residents provided input on October Glory trees.

The Public Works Director responded that she does not know whether the residents provided input on the 2010 urban forest Master Plan; stated the October Glory was mentioned due to being recently selected as a replacement tree option.

Vice Mayor Daysog stated the motion on the floor is reasonable; he believes the residents must have input, if not sign-off, on the trees; it is possible that the residents are amenable to the motion as-is, however, the policy requires residents to provide input and guidance; he will stick with the policy.

Councilmember Jensen stated that she would like to ensure the residents have input and choice on the enhanced replacement trees; she understands the input as part of the motion.

The Public Works Director stated that she understands Council direction to include staff consulting with the Zone on the preferred replacement tree, but that the tree be part of the City's general urban forest palette; since the District will be dissolved in short order, the trees will then subsequently be maintained by the urban forest program.

In response to Councilmember Jensen's inquiry related to fund balance, the Public Works Director stated once the district is dissolved, Council will provide direction on how to disperse any fund balance; any ongoing maintenance would be incurred by the City's regular urban forest maintenance program.

The City Manager stated the matter would be administered consistent with all other urban forest programs in the City.

Vice Mayor Daysog stated that he is satisfied with the input to be provided.

Councilmember Herrera Spencer stated it is City policy to work with residents on tree selections.

On the call for the question, the motion carried by unanimous voice vote - 5.

CONSENT CALENDAR ITEMS

(23-385) Mayor Ezzy Ashcraft suggested that the Usio Inc. contract [paragraph no. 23-376] not be heard tonight.

Councilmember Vella moved approval of continuing the matter to the continued section of the July 5 agenda.

Councilmember Jensen seconded the motion, which carried by unanimous vote – 5.

(23-386) Recommendation to Authorize the City Manager to Execute an Agreement with the Alameda Sun for the Publication of Legal Notices for Fiscal Year 2023-24.

The City Clerk gave a brief presentation.

Councilmember Herrera Spencer stated the circulation for the Alameda Sun shows 2,096 total versus the Alameda Journal at 16,048; inquired whether the figures are correct.

The City Clerk responded in the affirmative; stated the Alameda Sun has indicated a move toward a more online readership platform.

Councilmember Herrera Spencer stated the cost for the first insertion at Alameda Sun is \$15.25, the second is \$12.25, and the third is \$11.25 versus Alameda Journal's cost at \$6.16 for each insertion which is more than half the cost of Alameda Sun; she appreciates Alameda Sun moving to a more online based process; noted 100% online publishing does not qualify a newspaper for selection.

The City Clerk stated there is a requirement in the City Charter that the newspaper be adjudicated.

Councilmember Herrera Spencer inquired the definition of an adjudicated.

The City Clerk responded the newspaper must be an adjudicated paper of general circulation within the City; stated the requirement is a special adjudication process; Alameda Sun did go through many hoops and steps to become adjudicated.

Councilmember Herrera Spencer stated the circulation history from March 2020 had been 23,259; she was supportive of paying Alameda Sun extra when the circulation numbers were much higher; she no longer supports continuing with Alameda Sun due to the circulation of 2,000; inquired what public notices are and the City's associated responsibility.

The City Clerk responded the City must publish notices of all types: bids, public hearings, and various legal notices.

Councilmember Herrera Spencer stated the public notices are critical; questions have occurred in the past in relation to notices; providing published notice in a newspaper circulating to 2,000 versus 16,000 causes her to support reverting back to Alameda Journal.

Councilmember Herrera Spencer moved approval of awarding the contract to the Alameda Journal.

Mayor Ezzy Ashcraft stated that she would not support the motion for a number of reasons; public notice is important to people that wish to attend City meetings and follow City business; questioned how many people come to City Council meetings due to reading the notice in the classified section of the newspaper; stated the delivery of news service and information has changed remarkably since the City Charter was established; there are many different ways to receive information; it is important to support local businesses; this matter is a chance for Council to support local businesses; expressed concern over small, independent, newspapers fighting for their lives; stated the community is harmed when a news source is not available to report on local events; expressed support for Alameda Sun; discussed a weekly column written for Alameda Sun during the pandemic; stated Alameda Sun has covered local issues; Alameda Journal contains fractional news based in Alameda; staff recommends awarding the contract to the Alameda Sun and interacts with the newspaper on a regular basis.

Councilmember Jensen inquired the budget amount for the publication of public notices, to which the City Clerk responded about \$50,000 per year across departments.

Councilmember Jensen stated an adjudicated newspaper can have as few as 40 subscribers;

there is not a need to have a huge subscription list, however, it is important that there be a local requirement providing local news.

Vice Mayor Daysog stated the Alameda Journal goes out to roughly 16,000 households; expressed support for the reporting of Bay Area News; stated the Alameda Journal mostly has about one and a half pages of Alameda-related news, whereas the Alameda Sun includes ten to twelve color pages of Alameda-related news; many of the pages include advertisements of local businesses; he weighs the 2,000 versus 16,000 by number of pages; the Alameda Journal number might still be larger, however, the City is trying to take into account quality not quantity; there is something to be said about supporting local business; expressed support for the work of Alameda Journal as well as Alameda Sun; stated that he will continue to support the Alameda Sun.

Councilmember Herrera Spencer stated the budget is currently \$50,000; inquired whether most newspaper ads run three times.

The City Clerk responded in the negative; stated some are two runs, and some are three.

The motion failed for lack of a second.

Councilmember Vella moved approval of awarding the newspaper advertising contract to the Alameda Sun.

Vice Mayor Daysog seconded the motion which carried by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella, and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

CITY MANAGER COMMUNICATIONS

(23-387) The City Manager announced the start of a Caltrans project on Encinal Avenue, the 4th of July parade and 5k run, and a Alameda Municipal Power rate increase.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(23-388) Councilmember Jensen discussed Chamber of Commerce Board meeting, a meeting with the United States Tennis Association, the grand opening of Firebrand Café, the Alameda Architectural Preservation Society award ceremony, judging the 55th annual sand castle and sculpture contest, and the Alameda Democratic Club summer mixer; expressed support for the leadership at Stopwaste; announced an award for helping homeowners transition to electric appliances; provided a handout related to reducing waste.

(23-389) Councilmember Herrera Spencer discussed a community beat meeting hosted by the

Police Department; outlined ways to attend beat meetings and look up crime occurring within the City.

(23-390) Mayor Ezzy Ashcraft discussed the opening of Firebrand Café, the Alameda County Mayor's Conference, the homeless working group meeting, and the Association of Bay Area Governments (ABAG) meeting; outlined an article related to the Alameda northern waterfront by J.K. Dineen.

(23-391) Mayor's Reappointment of Kimi Sugiyoka as Alameda Poet Laureate.

Mayor Ezzy Ashcraft made brief comments about the Poet Laureate.

(23-392) Mayor's Nominations for Appointment to the Library Board and Social Service Human Relations Board.

Mayor Ezzy Ashcraft nominated Anita Battle and Debbie Gibbons to the Library Board, and Gerald Bryant, Cindy Pile, and Dianne Yamashiro-Omi to the Social Services Human Relations Board.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:52 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- -JUNE 20, 2023- -5:45 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:49 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Vella arrived at 6:38 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(23-362) Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(a); Case Name: Mario Gonzalez et. al. v. City of Alameda et. al.; Court: United States District Court, Northern District of California; Case Number: 4:21-cv-09733-DMR and; Case Name: Edith Arenales v. City of Alameda, et al.; Court: United States District Court, Northern District of California; Case Number: e 4:22-cv-00718

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Existing Litigation, staff provided information and Council provided direction by unanimous voice vote – 5.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:40 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- -JUNE 20, 2023- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:03 p.m.
Councilmember/Commissioner Jensen led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Herrera
Spencer, Jensen, Vella and Mayor/Chair Ezzy
Ashcraft – 5.

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Jensen moved approval of the Consent Calendar.

Vice Mayor/Commissioner Daysog seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*23-363 CC/23-10 SACIC) Minutes of the Joint City Council and SACIC Meetings Held on May 2, 2023 and May 16, 2023. Approved.

AGENDA ITEM

(23-364 CC) Resolution No. 16056, “Reappointing Carly Grob as a Member of the Housing Authority Board of Commissioners.” Adopted;

(23-364 CC-A) Resolution No. 16057, “Reappointing Hanson Hom as a Member of the Planning Board.” Adopted; and

(23-364 CC-B) Resolution No. 16058, “Reappointing Teresa Ruiz as a Member of the Planning Board” Adopted.

Councilmember Herrera Spencer moved adoption of the resolutions.

Councilmember Vella seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath of Office to Ms. Grob, Ms. Ruiz and Mr. Hom and presented a certificate of reappointment to Mr. Hom.

(23-365 CC) Public Hearing to Establish the Proposition 4 (Appropriations) Limit for Fiscal Year 2023-24; and

(23-365 CC-A) Resolution No. 16059, “Establishing the Appropriations Limit for Fiscal Year 2023-24.” Adopted.

Councilmember Jensen moved adoption of the resolution.

Vice Mayor Daysog seconded the motion, which carried by unanimous voice vote - 5.

(23-366 CC) Resolution No. 16060, “Approving and Adopting the City of Alameda Operating and Capital Budget for Fiscal Years 2023-24 and 2024-25.” Adopted;

(23-11 SACIC) Resolution No. 23-19, “Approving and Adopting the Successor Agency to the Community Improvement Commission Budget for Fiscal Years 2023-24 and 2024-25.” Adopted;

(23-366 A CC) Resolution No. 16061, “Approving Workforce Changes and Amending the Management and Confidential Employees Association and Alameda City Employees Association Salary Schedule in Fiscal Years 2023-24 and 2024-25 Effective July 1, 2023.” Adopted; and

(23-366 B CC) Resolution No. 16062, “Authorizing the City Manager to Execute All Necessary Documents with the Alameda County Transportation Commission to Accept \$567,000 in Grant Funding to Design the Lincoln Avenue/Marshall Way/Pacific Avenue Corridor Improvement Project.” Adopted.

The Finance Director gave a Power Point presentation.

Mayor/Chair Ezzy Ashcraft stated members of the American Legion Post provided comments at a previous meeting related to repairs for the Veterans’ Building; requested clarification about the next steps in the process; an email was forwarded to staff about the Veterans’ building in Hayward being partially funded by the County of Alameda; inquired whether there are options for County funding in Alameda.

The City Manager and Public Works Director responded that they are not aware of County funding for Hayward.

Mayor/Chair Ezzy Ashcraft inquired when the other repair items will be addressed.

The Public Works Director responded the presentation included a list of desired improvements to the Veterans’ building; stated an internal service fund has a pre-defined capital plan; feedback from Council was to add heating; staff is performing a number of items from the list; some repairs have been done and others will be worked on in the next two years; interior painting will occur later; Council has discretion to fast track projects; funding is needed; other items included in the Veterans’ list are not included in the capital budget; recommended performing the upgrades proposed in the two-year budget and revisiting other items; the current capital budget for building facilities is aggressive; Public Works is staffing up; two new positions in the Facilities Division will open once the budget is approved.

Mayor/Chair Ezzy Ashcraft stated the bullet point causing concern is related to the plumbing system and hot water in all bathrooms; she considers having hot water in a restroom and kitchen as a matter of sanitation and health/hygiene; inquired whether the hot water project is complicated.

The Public Works Director responded the kitchen and bar are not currently in use; stated both areas would require significant investment to get back to operating status; the update is a larger, long-term project; the hot water and women's restroom project requires an overhaul of the plumbing system, which will be a significant investment; the restroom was recently renovated due to a break in the plumbing causing water damage; the renovation had been done without integration of hot water; the repair was completed to respond to the circumstance.

Councilmember/Commissioner Jensen discussed the Occupational Safety and Health Administration (OSHA) requiring hot water in restrooms; stated work going on at the Veterans' Building is long overdue; hot water should be included in the work plan; without hot water, the City will be out of compliance with federal requirements; she understands that there are (ADA) improvements included; inquired whether Americans with Disabilities Act (ADA) improvements will address issues at the Veterans' building.

The Public Works Director responded in the affirmative; stated the ADA Transition Plan is forthcoming helpfully in the next six months; the Plan includes priority ranking; issues in the Veterans' building can be addressed using ADA funding.

Councilmember/Commissioner Jensen expressed support for staff looking at the ADA program and utilizing the funds to make improvements.

Councilmember/Commissioner Vella inquired the cost estimates and processes for the hot water project.

The Public Works Director stated that she does not currently have the information; staff does not have cost estimates for items on the Veterans' group list that are not in the capital plan; if the costs warrant additional appropriations, staff can seek funding when staff get estimates and returns to Council.

In response to Councilmember/Commissioner Vella's inquiry about the potential timeline, the Public Works Director stated staff can cost out the work over the summer and return to Council with an update in September.

Councilmember/Commissioner Vella stated the process seems to be a procedural matter that should not prevent or delay work from occurring; staff would need to contract out other work.

Mayor/Chair Ezzy Ashcraft stated the Veterans' building in Hayward is on the National Historic List; the building is managed and maintained by the County of Alameda; expressed support for staff finding out whether there is any ability to gain funding from the County for maintenance of the building in Alameda.

The Public Works Director stated staff will look into the matter; the City purchased the building from the County decades ago; the purchase obligated the City to maintain the building and continue access for the Veterans' group.

Mayor/Chair Ezzy Ashcraft stated that she is concerned about the City not looking at adding hot water to the restrooms in the next fiscal year.

The Public Works Director stated staff is happy to return in the fall with the costs.

Councilmember/Commissioner Herrera Spencer stated it is important to consider restoration of all of the bathrooms on the list; it is imperative to have ADA compliant restrooms; concurred about the need for hot water; stated the work for the kitchen and bar area is key for the organization to host events and raise money; the building cannot be rented out; expressed support for prioritizing hot water and ADA projects.

Stated the Hayward Veterans' building is run by the County; the Alameda building was run by the County until 1996; expressed support for hot water and kitchen repairs; discussed the building history: Greg Owens, Veterans Group of Alameda.

Expressed support for building restoration efforts; stated repairs are important for Veterans as well as community events and Sea Cadets; urged Council to support maintenance projects: Kurt Winkowski, American Legion Post 647/Veterans Group of Alameda.

Stated the proposed budget provides sustainable funding for the Community Assessment, Response and Engagement (CARE) team; discussed the Police budget; expressed support for streamlining Police administration, reducing the number of funded Police positions, and providing funding for continuing expansion of Guaranteed Basic Income (GBI): Marilyn Rothman, Alameda.

Councilmember/Commissioner Herrera Spencer inquired how staff will address concerns raised by public commenters.

The City Manager responded staff will explore costs for repairs and return to Council in September; staff needs time to perform analysis; staff will perform the work and return in September.

Councilmember/Commissioner Herrera Spencer inquired why wayfinding signage is not budgeted in year one of the budget.

The City Manager responded staff is implementing Seaplane Lagoon wayfinding signage; stated there is a lot on City staff's plate, including additional improvements at Alameda Point; staff needs more time to ensure there are sufficient staff resources available for implementation.

Councilmember/Commissioner Herrera Spencer inquired whether there has been any improvement to the area signage for businesses at Alameda Point.

The City Manager responded staff is discussing the matter; stated revamping permanent signage would take a lot more time and may have a different cost estimate; staff needs time to determine the exact cost to revamp all permanent signage; staff is discussing interim solutions with existing tenants.

Councilmember/Commissioner Herrera Spencer stated temporary signage with names have been put up for some businesses; some businesses do not have individual signage; the community at-large knows Spirits Alley; expressed support for equal treatment of businesses at Alameda Point; stated temporary signage should be considered for businesses, such as Dashe, Urban Cellars, Building 34, and Faction Brewery; expressed concern over businesses leaving Alameda Point; stated many businesses have left.

The City Manager stated staff is looking into ways to provide temporary signage; permanent signage is expensive; expressed support for more comprehensive and permanent signage; stated staff will continue looking into temporary signage.

Mayor/Chair Ezzy Ashcraft stated great street improvements have occurred, but work is in progress; expressed concern over spending a lot of money now and then needing to spend money again once the project is complete.

Councilmember/Commissioner Herrera Spencer inquired whether the City will provide temporary signage for businesses.

The City Manager responded funds are available for temporary signage in the operating budget; stated staff does not have a complete, comprehensive revamp of all permanent signage; staff is looking at ways to provide temporary signage for some of the businesses under the current budget.

Councilmember/Commissioner Herrera Spencer inquired whether the project will occur in year-one or two.

The City Manager responded staff will try to provide temporary signage in year-one.

Mayor/Chair Ezzy Ashcraft inquired whether a motion is being created with the inclusion of the direction to staff related to returning with information on the Veterans' building improvements, to which Councilmember Herrera Spencer responded in the negative.

Councilmember/Commissioner Jensen expressed support for fiscal responsibility and moving forward without a deficit; stated pension liability has been an issue for many years; requested clarification about the status of the City's pension liability.

The Finance Director stated staff added two million dollars to the budget in year-two to cover the increased pension liability; the City has had some great CalPERS returns; the pension liability lags two years behind; staff will bring forth a pension and Other Post-Employment Benefits (OPEB) discussion; staff has contracted with a company that allows staff to run scenarios as part of the fiscal resiliency plan; Alameda is better than most cities regarding pension; staff has a good plan to maintain funding.

Councilmember/Commissioner Jensen stated Alameda has been successful in funding all capital needs in the past seven years; it is exciting to see the new parks and playground replacements; the City has resurfaced most tennis and pickle ball courts; needs are large; there is work to do at the Veterans' building.

Councilmember/Commissioner Jensen moved approval of the staff recommendation, including adoption of the resolutions, including identifying funding to make all improvements, particularly regarding hot water, at the Veterans' building.

Councilmember/Commissioner Vella seconded the motion.

Under discussion, Mayor/Chair Ezzy Ashcraft discussed Exhibit 3; stated the reports indicate where money is going and is nicely laid out.

Councilmember/Commissioner Herrera Spencer inquired whether Councilmember/Commissioner Jensen would be open to a friendly amendment to the motion for the temporary signage at Alameda Point for other businesses; noted Dashe Cellars, Urban Cellars and Building 43 do not have signage.

Councilmember/Commissioner Jensen responded that she appreciates the amendment and understands businesses are requesting more effective signage; stated that she will not include the amendment to the motion; each time she visits Alameda Point, new things are occurring; supporting immediate signage replacement would be difficult.

Councilmember/Commissioner Herrera Spencer stated the City has recently lost several businesses at Alameda Point; the losses are unfortunate; there is signage for some businesses; pre-COVID-19 businesses are struggling; she will not be able to support the proposed budget without signage.

Vice Mayor/Commissioner Daysog expressed support for the May workshop; stated decisions being made by Council did not occur in a vacuum, but from a process; discussed Exhibit 3; stated roughly \$45 million will be spent on infrastructure the City needs; the City is typically excited about above-ground matters, but there needs to be

investment in infrastructure in order to keep the City going; roughly 45% of the infrastructure is to be spent on sewer and stormwater maintenance; adopting the operations and maintenance budget is ensuring the City invests in things that keep it going.

Mayor/Chair Ezzy Ashcraft stated so much underground is unseen; discussed seismically safe conduit that ensures safe water supply; stated street closures and detours are temporary; staff has been proactive with sewer mains; discussed proactive measures to avoid sinkholes similar to City of Oakland; expressed support for City staff.

Councilmember/Commissioner Herrera Spencer stated the City lost two businesses at Alameda Point: Rock Wall Winery and Hangar One Distillery; people cannot find remaining businesses when using Uber; the remaining businesses are significantly smaller than the two large businesses which left; expressed concern over people being unable to find businesses at Alameda Point; stated it is unfortunate that temporary signage will not be provided for businesses.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft - 4. Noes: Councilmember Herrera Spencer – 1.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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