

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MARCH 15, 2022- -5:45 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:48 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Herrera Spencer arrived at 5:59 p.m. and Vice Mayor Vella arrived at 6:04 p.m. The meeting was held via Zoom.]

Absent: None.

Consent Calendar

(22-158) Recommendation to Approve Gerry Beaudin, Assistant City Manager, Nancy Bronstein, Human Resources Director, Jessica Romeo, Human Resources Manager, Steve Woo, Senior Human Resources Analyst and Alan Cohen, Assistant City Attorney, as Labor Negotiators for the City of Alameda.

In response to Councilmember Herrera Spencer's inquiry, the Human Resources Director stated the Human Resources Manager and Senior Human Resources Analyst would be leading negotiations with different the 5 different miscellaneous groups.

Councilmember Herrera Spencer inquired whether the Assistant City Attorney would be invited to participate in meetings, to which the Human Resources Director responded the Assistant City Attorney would not participate in negotiations, but might be in the closed sessions.

In response to Mayor Ezzy Ashcraft's request, the City Attorney stated the Human Resources Director reaches out to the City Attorney's office for advice and assistance from time to time.

Councilmember Herrera Spencer inquired who make the determination to include the Attorney, the City Attorney responded he assumes the Human Resources Director makes the determination.

The Human Resources Director stated the Assistant City Attorney can be included in future closed sessions.

Councilmember Herrera Spencer moved approval of the staff recommendation.

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 meeting was adjourned to Closed Session to consider:

(22-159) CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

CITY NEGOTIATORS: Gerry Beaudin, Assistant City Manager; Nancy Bronstein, Human Resources Director; Jessica Romeo, Human Resources Manager; and Steve Woo, Senior Human Resources Analyst

EMPLOYEE ORGANIZATIONS: Alameda City Employees Association (ACEA); Management and Confidential Employees Association (MCEA); Electric Utility Professionals Association (EUPA); International Brotherhood of Electrical Workers (IBEW); Alameda Police Officers Non-Sworn (PANS); Alameda Municipal Power Unrepresented Employees (AMPU); Alameda Police Management Association (APMA)
UNDER NEGOTIATION: Salaries, Employee Benefits and Terms of Employment

Following the Closed Session, the meeting was reconvened and the City Clerk announced that staff provided information and Council provided direction, by the following two roll call votes: Vote 1: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 4. Noes: 1; Vote 2: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 3. Noes: 2; Vote 3: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 3. Noes: 2; Vote 4: Councilmembers Daysog: No; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 4. Noes: 1;

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 7:19 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

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

Mayor Ezzy Ashcraft convened the meeting at 7:32 p.m. Councilmember Herrera Spencer led the Pledge of Allegiance. Mayor Ezzy Ashcraft made brief comments regarding the Ukraine.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Knox White arrived at 7:35 p.m. The meeting was conducted via Zoom.]

Absent: None.

AGENDA CHANGES

(22-160) The City Clerk announced the designation of negotiators [paragraph no. 22-171] would not be heard.

Mayor Ezzy Ashcraft stated City Manager Communications would be heard next.

CITY MANAGER COMMUNICATIONS

(22-161) The City Manager announced the City was awarded a \$12.3 million grant from the HomeKey program, which will be used for development of the bottle parcel working with the developer, Dignity Moves; stated the project will be 47 modular units of interim supportive housing for homeless individuals and couples; encouraged the public to attend a March 16 workshop about how to electrify your home.

AGENDA CHANGES

(22-162) Councilmember Knox White moved approval of hearing the Annual Report [paragraph no. 22-191] under Continued Agenda Items on April 5, 2022.

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.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(22-163) Season for Nonviolence Word of the Day: Patience

Councilmember Knox White read a quote.

(22-164) Proclamation Declaring March 2022 as Women's History Month.

ORAL COMMUNICATIONS, NON-AGENDA

(22-165) Zac Bowling, Alameda Democratic Club, stated the Club would be addressing its 2022 traffic and safety initiatives tomorrow; discussed traffic fatalities; encouraged everyone to attend.

(22-166) Brian Kennedy, Alameda, discussed the State and City sanctuary laws.

(22-167) Carmen Reid, Alameda, made an announcement about an April 24th fundraiser to benefit Ukraine; encouraged interested artists to email alamedasunflowers@gmail.com.

(22-168) Rosalinda Fortuna, Alameda, stated her catalytic converter was stolen and her husband's car was broken into and damaged; neighbors' cars have been stolen; urged Council not to defund any more of the Police Department's budget; stated the Police Department is doing a great job.

CONSENT CALENDAR

Under Agenda Changes, the City Clerk announced the designation of negotiators [paragraph no. 22-171] was withdrawn from the agenda.

Councilmember Herrera Spencer requested the commercial streets costs [paragraph no. 22-173], Community Facility District (CFD) 22-1 [paragraph no. 22-176] and CFD 22-2 [paragraph no. 22-177] be removed from the Consent Calendar for discussion; and recorded a no vote on the teleconference findings [paragraph no. 22-172] and the resolution amending the rules of order [paragraph no. 22-179].

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

Councilmember Herrera Spencer 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.]

(*22-169) Minutes of the Special and Regular City Council Meetings Held on February 15, 2022. Approved.

(*22-170) Ratified bills in the amount of \$3,521,819.91.

(22-171) Recommendation to Approve Adding Lisa Fitts, Interim Base Reuse Manager, as a Designated Real Property Negotiator for the West Midway Project and Site A at Alameda Point. Not heard.

(22-172) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference. Approved.

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

(22-173) Recommendation to Endorse Next Steps and Projected Costs for Commercial Streets (Parklets) Two Year Extension.

The Planning, Building and Transportation Director made brief comments.

Councilmember Herrera Spencer stated that she thinks the City should have k-rails like other

jurisdictions, instead of decorative concrete barriers; staff indicated k-rails are less expensive and safer; the cost difference is almost \$200,000; she does not support the staff recommendation.

Councilmember Daysog stated that he appreciates the staff analysis that k-rails are safer and less expensive; he would rather have the k-rail.

Councilmember Daysog moved approval of the staff recommendation with the proviso that k-rails be pursued instead of what is on the table.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Councilmember Knox White inquired whether the City's Engineers find the proposed decorative barriers just as safe as k-rails at 25 miles per hour (MPH) and provide the necessary safety; stated some cities are not even putting in barriers.

The Senior Engineer responded the concrete barriers provide a satisfactory level of safety to protect the parklets.

In response to Mayor Ezzy Ashcraft's inquiry about speeds above 25 MPH, the Senior Engineer stated crash data is not available to compare the two options; testing has not been done, but staff has determined the barriers are safe for the street conditions.

Councilmember Knox White stated that he would not support the motion; he believes the decorative concrete barriers go above other Bay Area cities; designing downtown districts to look like freeway medians would be a problem; he supports the staff recommendation.

The Planning, Building and Transportation Director stated staff does not need a motion or direction at this point; staff will come back after coming up with a striping and barricade plan; the contract to purchase and install the barricades will return to Council; the proposal can price both options for Council to decide; the water filled barricades made Park Street look like a construction zone, which everyone thought the highway k-rails would perpetuate; the businesses and staff felt the decorative barriers would make Park Street look less like a construction zone; Council could provide direction tonight to only return with one option.

Mayor Ezzy Ashcraft expressed support for the Planning, Building and Transportation Director returning with options.

Councilmember Herrera Spencer read the staff report comments regarding safety; stated safety is the most important thing; barriers have been hit; fortunately, people have not been injured; other cities have painted, decorated or installed planters to address the appearance of the k-rails.

Councilmember Daysog stated that he supports the program; having one lane, which slows traffic and makes life more enjoyable on Park and Webster Streets; getting more information would be great, including how decorative barrier hold up at 30 to 35 MPH; he could be convinced to support decorative barriers; he can live with the Planning, Building and Transportation Director's recommendation to return with options; stated that he would be willing to withdraw the motion.

Mayor Ezzy Ashcraft stated her primary concern is not cost, it is safety followed by aesthetics; people exceed the speed limit; the same parklet on Park Street has been hit twice; expressed support for the Planning, Building and Transportation Director's recommendation to return with comparisons, with costs and benefits.

Councilmember Daysog withdrew the motion.

Councilmember Knox White stated removing cars would be safest; everything can always be safer; the question is whether an adequate, good faith effort for safety is being provided; people drive onto sidewalks all the time and barriers are not constructed at the intersections where people are doing so; the analysis he wants would be answering is it safe enough.

(*22-174) Recommendation to Authorize the City Manager to Execute a Three-Year Agreement, in an Amount Not to Exceed \$723,727, with Chrisp Company for the Sign and Striping Maintenance Project, No. P.W. 10-21-35. Approved.

(*22-175) Resolution No. 15870, "Authorizing the City Manager to Execute and Record Two Grants of Easements to East Bay Municipal Utility District Over City-Owned Land; and to Execute and Record Two Amended and Restated Partial Assignments of Non-Exclusive Easements and Grant of Non-Exclusive Easement Over Navy-Owned Land; and to Execute Any and All Ancillary Documents." Adopted.

(22-176) Resolution No. 15871, "Declaring Intention to Establish the City of Alameda Community Facilities District (CFD) No. 22-1 (Alameda Marina), and to Authorize the Levy of Special Taxes Therein." Adopted; and

(22-176 A) Resolution No. 15872, "Declaring Intention to Incur Bonded Indebtedness of the Proposed City of Alameda Community Facilities District No. 22-1 (Alameda Marina)." Adopted.

The Assistant City Manager gave a brief presentation.

Councilmember Herrera Spencer discussed the sample tax bill attached to the staff report; stated the taxes would be \$20,000 to \$26,000 for townhomes; inquired the amount for condominiums.

Sara Mares, NBS, responded the first phase of the development, which is only townhomes, is included in the CFD; reviewed the sample tax bill.

Councilmember Herrera Spencer inquired whether the tax would not apply to the condominiums.

Ms. Mares responded the CFD is not applicable to any properties but the townhomes at this time; stated the boundary map has the other phases of the project in the future annexation area; there is potential the condominiums could be annexed in the future, which would require Council approval.

In response to Councilmember Herrera Spencer's inquiry about the likelihood of annexation, the Assistant City Manager stated there is a large amount of infrastructure, which makes annexation probable; the decision is not being made at this time since the project is not being constructed yet.

Councilmember Herrera Spencer inquired the square footage of the condominiums, to which Sean Murphy, Alameda Marina, responded the average would be 700 to 1,100 square feet.

Councilmember Herrera Spencer inquired whether the tax amount would be lower since the square footage is significantly lower and whether the CFD is based on square footage.

Ms. Mares responded the tax rate would be calculated in the future.

Councilmember Daysog stated that he does not support the matter because he thinks there ought to be more affordable housing; a density bonus was awarded for doing the required 15% affordable housing; bonuses are usually for going above and beyond.

Councilmember Herrera Spencer inquired how many townhomes are in the development, to which Mr. Murphy responded there are 182 townhomes; stated the 25 affordable units are exempt from the CFD.

Councilmember Herrera Spencer inquired whether the entire project is 760 units, to which Mr. Murphy responded in the affirmative.

In response to Councilmember Herrera Spencer's inquiry regarding the type of units remaining, Mr. Murphy stated the remaining units are apartments and condominiums.

Councilmember Herrera Spencer inquired if the apartments would pay the CFD.

Mr. Murphy responded the infrastructure cost of the apartments is \$12 million, which is outside of the CFD.

Councilmember Herrera Spencer moved adoption of the resolution.

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

(22-177) Resolution No. 15873, "Declaring Intention to Establish the City of Alameda Communities Facilities District (CFD) No. 22-2 (Alameda Marina - Shoreline Improvements Maintenance and Adaptive Measures), and to Authorize the Levy of Special Taxes Therein." Adopted; and

(22-177A) Resolution No. 15874, "Declaring Intention to Incur Bonded Indebtedness of the Proposed City of Alameda Community Facilities District No. 22-2 (Alameda Marina - Shoreline Improvements Maintenance and Adaptive Measures)." Adopted.

The Assistant City Manager and Public Works Director gave a brief presentation.

Councilmember Herrera Spencer inquired the timeline since CFD 22-2 commences after the CFD 22-1 bonds are repaid.

The Public Works Director responded the CFD 22-1 bonds would be repaid after 30 years.

Councilmember Herrera Spencer stated Council is being asked to make a decision that would not arise until after 2052; inquired why the matter could not be addressed then.

The Assistant City Manager stated the idea is to inform property owners about the CFD when they first purchase the property.

Paul Thimmig, Thimmig and Quint, stated the Master Plan for the community specifies that the City would establish the CFD upfront; the triggering event is only if the requirements are not met; the CFD is a backstop; getting a two-thirds vote of the property owners would be difficult; it is a safeguard for the City.

Charles Olson, Lubin Olson, concurred that the CFD was built into the Master Plan from day 1 as a way to address the issue; implementation is very dependent on the future of sea level rise; the project includes adapting to 42 inches of sea level rise through the end of the century, but no one knows if the estimate will be sufficient.

Councilmember Herrera Spencer inquired whether CFD 22-2 automatically includes more than townhomes.

Sara Mares, NBS, responded the CFD 22-2 boundary map includes the additional areas that are the CFD 22-1 future annexation area; the apartment, live-work, non-residential and townhome areas are all included.

Councilmember Herrera Spencer inquired the current number of property owners, to which Mr. Thimmig and Mr. Olson responded three.

In response to Councilmember Herrera Spencer's inquiry, Mr. Thimmig stated two of the property owners are related to Alameda Marina and the third is the townhome developer.

Councilmember Herrera Spencer inquired about future owners, to which Mr. Thimmig responded it is hard to predict future owners.

The Assistant City Manager stated getting the two-thirds vote would be less likely in the future.

Mr. Thimmig outlined the Municipal Code requirements.

Councilmember Herrera Spencer stated a sample tax bill was not attached to this item; inquired whether the future tax amount is known.

Ms. Mares responded the effective tax rate is based on the value of the home; stated it is very difficult to predict the value of the homes in 30 to 40 years; CFD 22-2 rates start lower than CFD 22-1; property owners will be paying less for CFD 22-2.

In response to Councilmember Herrera Spencer's inquiry, Ms. Mares stated the amount established in the rate method of apportionment is a maximum special tax, which can annually increase by 2% at most.

Councilmember Knox White inquired whether the action tonight sets up the process for the election, but Council could elect not to proceed with the election, to which the Assistant City Manager responded in the affirmative; stated the challenge is the financing mechanism

contemplated in the Master Plan.

Councilmember Knox White questioned whether the vote could move forward and deep dive questions could be answered before the next meeting at which time Council could choose not to move forward if the answers are unsatisfactory.

Councilmember Daysog stated the City needs to address sea level rise; the CFD is innovative; discussed sea level rise; stated the mechanism before Council requires support and is important for all of Alameda; hopefully, other waterfront projects will do something similar.

Mayor Ezzy Ashcraft stated addressing sea level rise does not just affect the development, it would also affect other properties in the vicinity.

Councilmember Daysog moved approval of the staff recommendation [adoption of the resolutions].

Councilmember Knox White seconded the motion, with direction that staff connect with Councilmember Herrera Spencer to answer questions before the next meeting.

Under discussion, Ms. Mares provided data in response to Councilmember Herrera Spencer's inquiry regarding tax rates.

Councilmember Herrera Spencer inquired the length of time for CFD 22-2, to which Ms. Mares responded it is in perpetuity, does not have an expiration and is as needed to fund the special tax requirement.

Councilmember Herrera Spencer inquired how the CFD could be terminated, to which Ms. Mares responded a citizen wanting to end the special tax could petition the City.

Councilmember Herrera Spencer inquired whether the homeowners would have to convince a Council majority and cannot put something on the ballot to end the tax, to which Mr. Thimmig responded in the affirmative; stated the property owners can petition the Council to terminate the CFD.

Councilmember Herrera Spencer inquired whether a future Council could increase the amount, to which Mr. Thimmig responded in the negative; stated the amount cannot be increased without a vote; the tax is in perpetuity because the maintenance of the wall will not stop; the tax may never get levied.

The Public Works Director stated whether or not the maximum amount needs to be levied would be decided every year and would only be levied if needed to cover maintenance and adaptive measures.

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

(22-178) Councilmember Knox White moved approval of moving the Alameda Loop Shuttle item [paragraph no. 22-190] to Continued Agenda Items on April 5, 2022.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated he thinks Council should stick to the process for moving items.

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

(22-179) Resolution No. 15875, "Amending Resolution Nos. 15382, 15697, 15766 and 15772 to Amend the Rules of Order Governing City Council Meetings Exempting the Mayor's State of the City Address from Time Limitations." Adopted.

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

(*22-180) Ordinance No. 3314, "Amending Alameda Municipal Code Chapter XXX to Implement Senate Bill 9 Regarding Two Unit Housing Developments and Urban Lot Splits in Single Family Residential Zones, as Recommended by the Planning Board." Finally passed.

(*22-181) Ordinance No. 3315, "Amending, in Part, Uncodified Ordinance No. 3275 Concerning a Temporary Moratorium on Rent Increases for Fully Regulated Residential Rental Units and Ordinance No. 3250 Concerning Various Clean Up Amendments." Finally passed.

CONTINUED AGENDA ITEMS

(22-182) Introduction of Ordinance Authorizing the City Manager or Designee to Execute a First Amendment to the Lease with Park Street Wine Cellars, Inc., a California Corporation, for Approximately 700 Square Feet of Retail Space in the Historic Alameda Theatre Located at 2315 Central Avenue, Suite 122, to Provide Six Months of Rent Deferral with a Three-Year Repayment Period. Introduced.

The Management Analyst gave a brief presentation.

Mayor Ezzy Ashcraft expressed support for approving the staff recommendation; stated the business opened October 2019, which was unfortunate timing.

Councilmember Knox White moved introduction of the ordinance.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer inquired the date the business took possession and the dates payments were made.

The Management Analyst responded the business took possession October 2019; stated payments were made through July 2021; payments were not made August 2021 through January 2022; payments resumed February 2022.

Councilmember Herrera Spencer inquired whether rent payments were not required for the first 6 months after the business took possession due to credits being given for improvements, to which the Management Analyst responded in the affirmative.

Councilmember Herrera Spencer inquired whether the tenant made every required payment through July 2021, to which the Management Analyst responded in the affirmative; stated August 2021 was the first missed payment.

Councilmember Herrera Spencer inquired whether any payments were made after July 2021, to which the Management Analyst responded the tenant was able to make the February 2022 payment and the March payment is due today.

In response to Councilmember Herrera Spencer's inquiry, the Management Analyst stated the tenant was unable to make payments from August 2021 through January 2022.

In response to Councilmember Herrera Spencer's inquiry, the Management Analyst stated that she would confirm whether or not the March payment has been made tomorrow.

Councilmember Herrera Spencer inquired whether there is a guarantor, to which the Assistant Community Development Director responded in the affirmative; stated the guarantor is the owner of the business.

Councilmember Herrera Spencer inquired whether the tenant received any COVID related assistance or grants.

The Management Analyst responded the options were no longer available by the time the tenant needed assistance.

The Assistant Community Development Director stated there has been a phenomenon of tenants making it through COVID, but not being able continue after opening; the Theater used all of the City funding that was allocated for the entire complex; the tenant is requesting deferral, not abatement.

Councilmember Herrera Spencer inquired whether the matter would return to Council if further payments are delayed, to which the Assistant Community Development Director responded if the tenant cannot meet the requirements of the lease amendment, Council could request that the matter return.

Mayor Ezzy Ashcraft stated the lease is for 700 square feet.

Councilmember Knox White stated the business owners must fear coming to Council since their validity is always questioned; expressed his support for the business and the staff recommendation.

Mayor Ezzy Ashcraft stated the City is the landlord; she would like to be a model for other landlords; commercial tenants have been extremely challenged.

Vice Mayor Vella stated the tenant is only requesting deferral.

Vice Mayor Vella moved approval of calling the question.

Councilmember Knox White seconded the motion, which required four affirmative votes and failed 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.

Mayor Ezzy Ashcraft encouraged Councilmembers to follow the Council rules.

Councilmember Herrera Spencer stated she did follow the rules.

The City Manager stated Councilmember Herrera Spencer's questions started prior to today and continued into today; additional questions were asked after information was provided.

Councilmember Herrera Spencer stated the tenant paid rent last month, but did not pay the prior six months; she is concerned the business may continue to struggle, which is why she wants to ensure there is a sufficient personal guarantee to reimburse the City if the tenant falls behind; she plans to support the staff recommendation, but wants to acknowledge it is City property and having the tenant get back on schedule is very important; the tenant received 6 months credit for improvements; an additional 6 month is being deferred, which will make the payment higher and might be difficult for the tenant.

The Assistant Community Development Director noted the tenant requested the same thing the City offered to other tenants.

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

(22-183) Resolution No. 15876, "Amending the Fiscal Year 2021-22 Budget." Adopted; and

(22-183 A) Resolution No. 15877, "Amending the Alameda City Employees Association (ACEA) Salary Schedule to Add the Classification of Street Light Maintenance Technician; Amending the International Brotherhood of Electrical Workers (IBEW) Salary Schedule to Remove the Streetlight Technician; Upgrading Two Maintenance Worker II Positions to Streetlight Technicians, Effective March 12, 2022." Adopted.

The Senior Management Analyst gave a Power Point presentation.

In response to Councilmember Knox White's inquiry regarding the cross Alameda trail connector project, the Public Works Director stated it connects 9th and Wood Streets to Sweeny Park.

Councilmember Knox White moved approval of budget as recommended [including adoption of the resolutions].

The Recreation and Parks Director stated the City received a grant from Alameda County Transition Commission for four connection points that are from the Cross Alameda Trail through Sweeney Park, 8th and Wood Streets, and Triumph and Challenger Drives.

The Assistant City Manager stated other money is coming from private sources for the project

as well.

Mayor Ezzy Ashcraft stated the connections are important.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer inquired whether the motion is to approve the two resolutions: the mid-year budget and the workforce changes.

Councilmember Knox White and Vice Mayor Vella responded in the affirmative.

Councilmember Herrera Spencer inquired which resolution includes allocating \$9 million towards Other Post-Employment Benefits (OPEB).

The Assistant City Manager responded OPEB is in the resolution amending the budget; the policy will be discussed as part of the mid-cycle budget workshops.

In response to Mayor Ezzy Ashcraft, the Assistant City Manager stated the workshops will be held in May.

In response to Councilmember Herrera Spencer's inquiry, the Assistant City Manager stated the \$9.2 million in Exhibit A.

Councilmember Herrera Spencer stated the resolution itself does not mention the funding, which is the most significant ask; requested it be included in future resolutions; inquired about the reserves and total OPEB amount.

The Assistant City Manager responded the Senior Management Analyst would share a table; outlined the policy and budget surplus.

Mayor Ezzy Ashcraft inquired whether payment was suspended during the pandemic, to which the Assistant City Manager responded in the affirmative.

The Senior Management Analyst shared a table; stated the total OPEB amount is \$37.5 million.

In response to Councilmember Herrera Spencer's inquiry about the reserves, the Senior Management Analyst shared a table.

Councilmember Herrera Spencer inquired whether the fund balance is the reserves, to which the City Controller responded in the affirmative.

Councilmember Herrera Spencer inquired whether the reserves would not be as high and not as much would have gone to OPEB if the City spent more on the community during COVID, to which the Assistant City Manager responded in the affirmative; stated the pension policy is a balancing act.

Councilmember Herrera Spencer stated the City should have spent more money on people dealing with COVID; provided an example.

Mayor Ezzy Ashcraft stated that she looks forward to discussing the policy and potential

modifications; the City has to do something to get a handle on the pension and OPEB costs; noted Hayward is also addressing the issue.

Councilmember Daysog expressed concern about the OPEB formula; stated \$37 million has been allocated to buy down pension and OPEB obligations; the City has \$356 million in unfunded OPEB and CalPERS pension liabilities, of which \$277 million is a CalPERS liability; clearly, the City needs to find a way to buy down the unfunded liability, but what is in place is not the right formula; the people of Alameda need to be involved when \$37 million is spent; an additional \$9 million is being spent; in the audit for the past two fiscal years, spending came in approximately \$13 million under for both years; underspending ends up increasing the reserve; he will not support the staff recommendation because the issue needs to be fixed; he is not saying nothing should be spent on the unfunded liabilities, but \$37 million is way out there and the residents need to be involved; if the formula is reasonable, he thinks residents would support it.

The City Manager stated that his recommendation is to set aside the funding until the Council reviews the policy at the budget workshop at which time Council could decrease the amount.

Councilmember Knox White stated adoption of the Vision Zero Action Plan included direction to put \$2 million towards new safety projects; inquired whether the amount is included in the budget.

The Assistant City Manager responded the \$2 million set aside is not currently budgeted, but it can be in place for the budget workshop; stated the mid-year budget is technical fixes and the mid-cycle budget is the opportunity to address policies and priorities.

Councilmember Knox White stated in December, the Council wanted fast and decisive action; expressed concern about the money not being used until July and waiting until May to talk about it; stated that he expects a funded program based on the Council direction to be presented at the budget workshops.

Mayor Ezzy Ashcraft stated the Council priority setting prior to the budget workshops is another opportunity for Council to prioritize staff work.

The City Manager stated the matter can be addressed in the mid-cycle; he met with the Public Works and Planning, Building and Transportation Directors about the matter; both want to expedite projects in the pipeline and already have funding; the issue is getting the funding spent, which they want to do; he will get an update and follow up.

Councilmember Knox White expressed concern about Council giving direction and decisions being made that the money cannot be spent after Council made a commitment to the community; a plan is needed at the upcoming workshops.

The City Manager stated the items are already included in the mid-cycle budget.

Councilmember Daysog stated that he is voting no with the utmost respect to City staff who did great work.

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

Noes: 2.

Mayor Ezzy Ashcraft called a recess at 9:58 p.m. and reconvened the meeting at 10:12 p.m.

REGULAR AGENDA ITEMS

(22-184) Presentation by the Alameda Point Collaborative on the Alameda Wellness Campus on McKay Avenue.

Doug Biggs, Alameda Point Collaborative, gave a Power Point presentation.

(22-185) Vice Mayor Vella moved approval of allowing an additional five 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.

Mr. Biggs completed the presentation.

Councilmember Knox White stated the buildings are over 75 years old; people not connected to the property filed an application for historic monument status; inquired whether there is any impact.

Mr. Biggs responded an application was submitted to the State Parks Department and will be considered on April 29th; stated the application to list the property on a National Register of Historic Places will not impact the project; the application was draft, incomplete and failed to disclose key points of the project; federal law does not allow privately owned property to be listed on the National Registry over the objections of its owners; the General Services Administration (GSA) objected to the listing; in 2003, GSA completed a 106 Assessment to determine historic suitability; the State Preservation Officer affirmed the property is not suitable for listing; the draft application is going against the objections of the owner and the State's previous determination.

Mayor Ezzy Ashcraft stated the construction schedule for the respite center might be later than July due to East Bay Regional Park District (EBRPD); stated that she marshalled the support of fellow Mayors; inquired how something EBRPD is doing could hold up construction; noted that she serves on the subcommittee of the City Council and EBRPD.

Mr. Biggs responded the end date of September 2023 will remain the same; stated EBRPD is replacing sewer lines going down McKay Avenue; having EBRPD complete the work prior to starting the project would be much easier; currently, EBRPD uses the Wellness Center's sewer lines, which will be separated; the street will be closed, which will make it difficult to start construction; at a meeting a couple of days ago, EBRPD indicated the project might be delayed, which would allow construction to go forward.

Mayor Ezzy Ashcraft stated that she would like City staff to reach out to EBRPD; time is of the essence.

Expressed support for the project: Zac Bowling, Alameda.

Questioned how the public can get information on the historic plaques, especially the Merchant Marines: Rosalinda Fortuna, Alameda.

Mayor Ezzy Ashcraft stated the project has been worked on since the ballot measure; inquired how many years it has been since the ballot measure passed, to which Mr. Biggs responded three.

Councilmember Herrera Spencer discussed the homeless count.

Councilmember Knox White concurred with Mayor Ezzy Ashcraft; stated the City should help with any hurdles; the project needs to move forward as expeditiously as possible.

Mayor Ezzy Ashcraft stated staff understands the gravity and need for the project; encouraged Mr. Biggs to reach out if any assistance is needed.

(22-186) Recommendation to Authorize the City Manager to Execute an Agreement with Andrew M. Jordan, Inc., DBA A&B Construction, in a Not to Exceed Amount of \$31,277,673, for the Alameda Point Reuse Area Infrastructure Replacement Phase 1 and Phase 2, No. P.W. 11-19-55; and

(22-186 A) Resolution No. 15878, "Amending the Capital Improvement Program Budget by Increasing Revenue and Expenditure Appropriations in the Alameda Point Backbone Infrastructure Capital Improvement Project (C75000) by \$5,790,913 from Available Fund Balance in the Alameda Point/Base Reuse Fund (290) to Construct the Alameda Point Reuse Area Infrastructure Replacement Phase 1 and 2, No. P.W. 11-19-55." Adopted.

The Public Works Director gave a Power Point presentation.

In response to Councilmember Knox White's inquiries about land not included on the map, the Public Works Director stated Package K would be sold to a developer who would be responsible for the infrastructure; the streets not included are not backbone streets; when the adaptive reuse areas are subdivided and sold, the adjacent development would be responsible for frontage improvements.

Councilmember Knox White stated the program is \$31 million; related to an earlier discussion regarding voter approval, inquired whether the voters approved the program.

The Public Works Director responded the voters did not approve the project; stated the Master Infrastructure Plan was approved by Council.

Councilmember Daysog stated that he does not see an issue; the earlier discussion was about General Fund money and activities; the project is pay as you go; proceeds from the property sales are being used to pay for infrastructure; the subjects are completely different.

Councilmember Knox White stated a Council policy requires the building sales to go into an

infrastructure fund; the decision regarding the large amount of funding was made by Council; he supports fiscal neutrality; there is not a threshold that requires voter approval; the program is a good example of a past Council making policies that are being implemented by the current Council to meet long term needs.

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

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated the project is exciting.

(22-187) Councilmember Daysog moved approval of hearing the Automatic License Plate Reader (ALPR) policy [paragraph no. 22-188] and catalytic converter item [paragraph no. 22-189].

Councilmember Knox White suggested that Council finish the current item.

Councilmember Herrera Spencer seconded the motion, which required four affirmative votes and failed by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: No; Vella: No; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Mayor Ezzy Ashcraft suggested the two items be heard under Continued Items.

Councilmember Herrera Spencer moved approval of hearing the ALPR policy [paragraph no. 22-188].

Councilmember Daysog seconded the motion, which required four affirmative votes and failed by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: No; Vella: No; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Councilmember Herrera Spencer moved approval of hearing the ALPR policy and catalytic converter item under Continued Agenda Items on April 5, 2022.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Herrera Spencer expressed support for the items being heard in the same order on April 5th.

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 inquired whether prior agenda items can be discussed in context of the current item.

The City Attorney responded as long as the conversation relates to the current item, the Brown Act gives latitude.

Councilmember Herrera Spencer stated a Councilmember brought up a previous item that she does not think is relevant to this item; inquired whether she could discuss why she voted no on the previous item, but will be voting in favor of this item.

Mayor Ezzy Ashcraft responded the City Attorney would let Council know if discussion veers into Brown Act danger zones.

The City Attorney stated Councilmember Herrera Spencer could use prior experience to explain how she will vote in this case; everything should be related to the current matter, but prior agenda items could be used to inform the decision.

Councilmember Herrera Spencer stated that she voted against allocating \$9 million under the previous agenda item, which she does not think is appropriate to discuss at this time; she is happy to see this item move forward; prior Council policy requires funds be spent at Alameda Point; the rest of the City will not be imposed upon to complete Alameda Point projects; the people did vote on how to make progress at Alameda Point; at least one measure failed; Council has tried to hear the public; the fiscal neutrality policy is good, has helped balance the needs of the community at large and forces the City to do heavy lifting and good work.

Councilmember Daysog stated when he was elected in 1996, his message was Alameda Point has to pay for itself; money from land proceeds is funneled back into Alameda Point; discussed implementing the fiscal neutrality policy in 2003; stated that he is excited about the project.

Mayor Ezzy Ashcraft discussed development at Alameda Point; noted the ribbon cutting for the Waterfront Park would be in a few weeks.

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.

(22-188) Recommendation to Provide Direction to Staff Regarding the Attached Draft Alameda Police Department Policy for Fixed Automatic License Plate Technology. Continued to April 5, 2022.

(22-189) Recommendation to Provide Direction to Staff Regarding Crime Prevention Programs to Deter and Reduce Catalytic Converter Thefts. Continued to April 5, 2022.

(22-190) Recommendation to Discontinue the Alameda Loop Shuttle; and Authorize the City Manager to Negotiate and Execute a Three-Year Agreement with AC Transit, Substantially the Same as Exhibit 4, for an Amount Not to Exceed \$673,000 to Provide a Free AC Transit Bus Pass Pilot Program for Seniors and People with Disabilities as Part of the City's Paratransit Program. Continued to April 5, 2022.

(22-191) Recommendation to Accept the Annual Report on the Climate Action and Resiliency Plan (CARP) and the Annual Report on Transportation. Continued to April 5, 2022.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(22-192) Consider Having the City Council Address the Zoning of the Harbor Bay Club. (Councilmember Herrera Spencer) Not heard.

(22-193) Consider Having the City Council Review Recreation and Parks Department Community Events. (Councilmember Herrera Spencer) Not heard.

(22-194) Consider Directing Staff to Bring the Rent Program “In-House” to the City Attorney’s Office. (Mayor Ezzy Ashcraft and Vice Mayor Vella) Not heard.

COUNCIL COMMUNICATIONS

(22-195) Councilmember Knox White discussed a meeting of the City Council and School Board Subcommittee, the Community Assessment Response and Engagement (CARE) Team, School District Measure B and pools.

(22-196) Councilmember Daysog discussed the CARE Team and a ceremony honoring for Robert Davey, Jr.

(22-197) Councilmember Herrera Spencer announced that she attended the Encinal High School Crab Feed and an East Bay Toishan Association event commending Oakland Chinatown volunteer patrols.

(22-198) Vice Mayor Vella discussed the Lead Abatement Health Homes Department Board Meeting.

(22-199) Mayor Ezzy Ashcraft discussed U.S. Conference of Mayors’ webinars, infrastructure grants, a second grade class visit, wearing masks, a community listening session on interim supportive housing at Alameda Point and an Eagle Scout Court of Honor for the first City of Alameda female Eagle Scout.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:22 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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