

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 1, 2022- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:24 p.m. and wished everyone a Happy Lunar New Year. Councilmember Herrera Spencer led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 7:29 p.m. The meeting was conducted via Zoom]

Absent: None.

AGENDA CHANGES

None

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(22-069) Proclamation Declaring February 2022 as Black History Month.

Mayor Ezzy Ashcraft read the proclamation.

(22-070) Vice Mayor Vella did a reading for the Season of Nonviolence: Courage.

ORAL COMMUNICATIONS, NON-AGENDA

(22-071) Marilyn Rothman, Alameda, discussed the Alameda Police Department (APD) quadrant meetings; expressed concern about noticing of quadrant meetings and the lack of mention for the Community Assessment Response & Engagement (CARE); urged notices be corrected for future meetings; stated the meetings are a good place to provide information.

(22-072) Linda Gilchrist, Alameda, urged Council to correct an issue related to stop signs on Clement Avenue; discussed changes to Buena Vista Avenue and Chestnut Street; stated the improvements made to the neighborhood have been dramatic; expressed concern about diversion of traffic; urged Council to consider traffic calming devices; stated that she would like APD to patrol and ticket trucks.

(22-073) Kristi Black, Alameda, discussed the level of participation in remote City meetings; expressed concern about the duration of City Council meetings and Consent Calendar discussions; urged Council to consider efficiency and the length of meetings negatively affecting public participation.

(22-074) Laura Gamble, Alameda, discussed the removal of public trash cans near her home; stated dumping has increased due to trash can removal; dumping in areas

suggests the need for more trash services; expressed concern about quality of life and effects to the neighborhood; urged Council to consider addressing how dumping matters are handled.

(22-075) Josh Altieri, Alameda Housing Authority, announced that applications are still being accepted for Rosefield Village; discussed available units at Rosefield Village; stated the State of California awarded the Housing Authority \$2.5 million to build more affordable housing; discussed upcoming events and landlord-tenant guides for rent programs.

(22-076) Carmen Reid, Alameda, discussed an initiative related to city and county land-use, zoning and local housing laws; stated the initiative would return decision making ability to local communities.

(22-077) Zac Bowling, Alameda Democratic Club, stated the Club is hosting State Superintendent Tony Thurmond to discuss California's response to the COVID-19 pandemic.

(22-078) Brian Kennedy, Alameda, expressed concern about the SEED Collaborative contract approved at the last Council meeting.

CONSENT CALENDAR

Expressed concern about abandoned boats and the Police grant [paragraph no. 22-082] not being utilized last year when there is great demand: Brock de Lappe, Oakland Marina.

Encouraged the City to apply for the Police grant: Sandra Coong, Marina Village Yacht Harbor.

Councilmember Herrera Spencer recorded a no vote on the teleconference findings [paragraph no. 22-081] and requested final passage of the Encinal Terminals ordinances [paragraph nos. 22-083, 22-083A, and 22-083B] be removed from the Consent Calendar for discussion.

Mayor Ezzy Ashcraft requested staff provide comments on the Police grant.

The Assistant City Manager stated staff has applied for the grant in previous years; the cost per boat is \$7,500 and the grant will provide enough funding for the removal of 10 vessels; Bay Area Conservation District Commission has authorized its staff to move forward with a regional effort related to abandoned boats and the City will participate in the effort as well.

Vice Mayor Vella moved approval of the reminder of the Consent Calendar.

Councilmember Knox White seconded the motion, which carried by the following roll call

vote: Councilmembers Daysog: Aye; Herrera Spencer: Ayes; 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.]

(*22-079) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and the Regular City Council Meeting Held on January 4, 2022. Approved.

(*22-080) Ratified bills in the amount of \$4,250,242.47.

(22-081) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

[Note: Councilmember Herrera Spencer recorded a no vote, so the item 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.]

(*22-082) Resolution No. 15861, "Authorizing the City Manager to Negotiate and Execute a Grant Agreement Between the State of California Department of Parks and Recreation, Division of Boating and Waterways and the City of Alameda by and through the Alameda Police Department." Adopted; and

(*22-082A) Resolution No. 15862, "Amending the Fiscal Year 2021-22 Police Grants Fund Estimated Revenue and Expenditures by \$75,000 Each for the Surrendered and Abandoned Vessel Exchange Grant." Adopted.

(22-083) Ordinance No. 3311, "Approving a Disposition and Development Agreement (DDA) for the Encinal Terminals Project By and Between the City of Alameda and North Waterfront Cove, LLC ("Developer") Governing the Encinal Terminals Project for Real Property Located at 1521 Buena Vista Avenue and Approving and Authorizing the City Manager, or Designee, to Execute a Land Exchange and Title Settlement Agreement for the Encinal Terminals Project By and Among the State of California Acting By and Through the State Lands Commission, the City and Developer Substantially in the Form Attached Hereto." Finally passed;

(22-083A) Ordinance No. 3312, "Approving the Amended Encinal Terminals Tidelands Exchange Master Plan and Density Bonus Application for Redevelopment of Real Property Located at 1521 Buena Vista Avenue (APN 072-0382-001, 072-0382-002, 072-0383-003 and 072-0382-009)." Finally passed; and

(22-084B) Ordinance No. 3313, "Approving Development Agreement (DA) (Encinal Terminals Project) By and Between the City of Alameda and North Waterfront Cove, LLC Governing the Encinal Terminals Project for Real Property Located at 1521 Buena Vista Avenue." Finally passed.

The City Manager recused himself from the matter and left the meeting.

Councilmember Herrera Spencer discussed appraisals for the project; stated that she received emails about the value of the property being unfair; the City has been trustee of the property, but the property belongs to the State; the process will continue; members of the public will have an opportunity to voice concerns at the State Lands Commission (SLC) level; expressed support for staff providing clarification on the project appraisals.

Bill White, Shute, Mihaly & Weinberger LLP, stated the SLC is required to approve any exchange of public trust property; the SLC will need to review and make a decision about the agreement at a public meeting; the SLC is required to make certain findings, including that the value of the lands that are coming into the public trust are equal or greater than the lands coming out of the trust; the City has made similar findings in the resolution; however, the City findings are not required by law; the legal requirement lies with the SLC; the SLC will be reviewing the appraisal; the SLC may request changes or provide comments on the appraisal and will be the ultimate entity responsible for looking at evidence and conducting a confidential legal analysis; the SLC will decide whether the lands coming in have greater value than the lands coming out; the public will have the opportunity to participate in the hearing.

Councilmember Herrera Spencer stated the public can visit the SLC website: www.slc.ca.gov in order to communicate and follow up on the public hearing; the land belongs to the public, not the City; the City is the trustee; the public has not had access or benefits of the land; she supports the project providing access to the land; Council worked hard to develop the best compromise and solution; the SLC will check the City's work to see whether it is fair; she is looking forward to the completion of the project and access to the land.

Councilmember Herrera Spencer moved final passage of the ordinances.

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

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(22-085) Recommendation to Provide Direction to Staff Regarding the Use of Fixed and Mobile Automated License Plate Readers (ALPR).

The Police Chief gave a Power Point presentation.

Councilmember Herrera Spencer stated that she understands businesses and private residents may register cameras with the City; requested clarification about the program.

The Police Chief stated the City has a camera registry program that allows people with private camera systems to register with the City; in the event an incident or crime occurs, the APD is able to look at the camera list for possible footage.

Councilmember Knox White stated there is acknowledgement that the cameras capture photos which will sometimes have people's faces; questioned whether the information will be shared with law enforcement throughout the rest of the region and nation.

The Police Chief responded the details are vendor-specific; stated some vendors prioritize taking a picture of the rear of the vehicle; it is possible that the back of someone's head could be captured in a picture; staff would recommend considering vendors that prioritize the rear of the vehicle.

Councilmember Knox White stated Council should provide direction that staff not use systems which capture that type of information; if the City uses a system that captures the information, the information should not be shared with other law enforcement; Alameda is one of the few cities with a facial recognition ban; photos should not be shared with other agencies that do not have facial recognition bans.

The Police Chief stated staff can include Council direction in vendor selection.

Vice Mayor Vella stated the previous vendor shared information with Immigration and Customs Enforcement (ICE); inquired whether vendors which share information with ICE would not be considered.

The Police Chief responded in the affirmative; stated some vendors include information sharing; some vendors allow the agency to decide who the information can be shared with; staff would have to select an agency to share information; staff would not share information with ICE.

Stated that she has not had her privacy threatened in her almost 60 years of residence; she is alarmed and upset at the matter being considered; there is no data showing ALPRs work to prevent or solve crime or that more policing prevents crimes; expressed concern about spying on people accessing Alameda: Marilyn Rothman, Alameda.

Stated APD used to be the envy of surrounding cities; the past two years have caused a lack in patrols throughout Alameda and has led to an increase in crime; ALPRs would allow APD to be alerted of stolen vehicles; discussed people being intent on committing crime; stated APD needs a head start to catch people in the act; urged Council to vote yes on ALPRs: Barry Parker, Alameda.

Stated that she opposes any expansion of ALPRs in Alameda; discussed lack of trust in police departments; expressed support for APD regaining the trust of herself and the community; stated increasing surveillance is less likely to regain trust; if the expansion be approved, general trust of APD will go down: Anna Smalley, Alameda.

Stated the impacts of ALPRs will largely be felt by marginalized people in Alameda; discussed the history of law enforcement abusing surveillance technology; stated the proposed policy does little to attempt to prevent or detect abuse of the technology; questioned whether data shows APD's existing ALPRs have been effective; stated the report indicates data is lacking; inquired about audits; urged Council to reject the proposal; expressed support for a comprehensive surveillance ordinance: Mike Katz-Lacabe, Research for Oakland Privacy.

Discussed the lack of data and anecdotal accounts; stated more research is needed to show that ALPRs are worth the investment and possible lawsuits resulting from surveillance; expressed concern about the community being a test case; stated misuse of the system is not impossible; discussed crime statistics; expressed support for the matter being funded by APD's current budget and for the City matching any funds on other projects: Jenice Anderson, Alameda.

Expressed support for Alameda being a Sanctuary City; stated that he is glad the City is taking steps to ensure social justice; discussed fears of random hate crimes occurring due to the color of his skin and families installing cameras on their properties; stated people are strategic in order to stay safe; APD is having difficulty responding to a rise in crime and response times are abysmal; the installation of ALPRs is a no-brainer decision; expressed concern about providing political correctness over public safety; urged Council to vote yes on ALPR's: Michael Robles-Wong, Alameda.

Discussed his experience being a victim of vehicle theft; stated ALPRs are a waste of money and are a surveillance tool that will provide APD a pretext to monitor citizens and possibly cause an increase in Police violence; expressed concern about Police violence and death being repeated in Alameda: Erin Fraser, Alameda.

Stated his neighborhood has frequently had both property and auto-related crime; expressed support for the proposed installation and use of both fixed and mobile ALPRs; stated ALPR usage under the authorized use guidelines will be a valuable crime-fighting and investigative tool; Council has a duty to provide a safe and secure environment; urged Council support APD's request to use ALPRs: Bill Garvine, Alameda.

Stated that she strongly opposes the installation of stationary or mobile ALPRs; there is no evidence that the technology will prevent crime; the collection of data is a violation of privacy; ALPRs will not reduce the footprint of policing; discussed APD's use of facial recognition software; stated APD cannot be trusted to operate additional surveillance technology; the cost adds to an already high Police budget and does not include maintenance or replacement of broken readers; urged Council not to approve the use of ALPRs: Isabel Sullivan, Alameda.

Stated that she strongly opposes ALPRs; expressed support for protecting residents and neighbors of Color by not installing the devices; discussed ALPR reports from the

Brennan Center for Justice; stated those that harbor views about ALPRs being neutral are not the ones being profiled; urged Alameda to do better: Laura Cutrona, Alameda.

Stated that she strongly opposes the matter; urged Council oppose the use of ALPRs; stated ALPRs do not work; there is no data showing ALPRs are worth their cost or possible risks; ALPRs would be a step backwards; Alameda has worked toward social justice through the Steering Committee; questioned how residents are to trust APD; discussed APD not following protocol; stated there are many unknowns; expressed support for more stop signs and a better mechanism for ticketing that does not target people of Color; urged Council to vote against the matter: Alexia Arocha, Alameda.

Urged Council to vote no on ALPRs; stated implementing ALPRs is a knee-jerk reaction to a small group of people's fears of crime and personal safety; it is reasonable for people to express fear; however, honesty around the fear should be clarified; it is not the City's obligation to spend money on efforts to blindly comfort fearful groups; expressed support for the possibility of other solutions; stated Alameda should not be implementing harmful surveillance technologies with no safeguard for personal privacy; the program does not hold up as a good solution: Savanna Cheer, Alameda.

Urged Council vote against ALPRs; stated ALPRs are a waste of money and resources which can be better used elsewhere; ALPRs do not work as-described and will not achieve the desired results; the City is working hard to right the wrongs of social justice and approving ALPRs would be a step backwards: James Bergquist, Alameda.

Stated that she is strongly opposed to the proposed use of ALPRs in Alameda; Council needs to do more to ensure proper safeguards of the technology; she is distrustful of APD after their misuse of facial recognition software; currently, there is not an oversight body; without such a body in place, the City should not trust that APD will not misuse the technology; expressed concern about the waste of taxpayer funds; stated the funds can be used in more effective ways: Carly Stadum-Liang, Alameda.

Stated that she supports those that oppose the use of ALPRs; discussed her work and recommendations on the Subcommittee for Racial Equity and Policing; stated a recommendation was made to hire a Data Analyst; expressed concern about the Data Analyst work being diverted to review ALPR data and about using ALPRs for missing persons: Jennifer Rakowski, Alameda.

Expressed support for the full expansion of ALPRs; stated the presentation has been effective; it is important to consider ALPRs as another tool for investigations; ALPRs can be used to support APD initiatives; APD can significantly increase its investigative efficiency while reducing delays in leads; the use of ALPRs would mitigate the unintended consequences associated with over-policing; urged Council to direct staff to take the next steps to implement fixed ALPRs and expand mobile ALPRs: Jeff Wasserman, Alameda.

Stated that she does not support the addition of funds to APD's budget for ALPRs; urged Council to vote no on the matter; stated proof has not been presented that the system prevents crimes or clears cases; cameras do not prevent crime; it is irresponsible for the City to have a reactionary response to a sense of fear; expressed support for waiting for Berkeley's program data; discussed subcommittee recommendations; stated the recommendations did not include ALPRs; APD funds should be spent on social services that prevent poverty and desperation, which leads individuals to resort to crime: Jackie Zipkin, Alameda.

Stated showing crime statistics in the presentation was not material and appeared to be used as a scare tactic; there is no correlation to solving crimes since the crimes solved by ALPRs is unknown; discussed the Electronic Frontier Foundation data drive; noted the results of the data showed 99.9% of data collected is never used in an investigation; expressed concern about mass data collection and 90-day data retention; stated no solution should be considered without a full audit of an outside vendor; expressed support for separate, ongoing security access audits and a better approach to not over-police certain areas of Alameda: Zac Bowling, Alameda.

Stated a reference to Piedmont's statistics without context is misleading and cherry-picking; ALPRs are not an effective crime fighting tool; providing ALPRs blindly without justification is not leadership; ALPR technology lends no greater effectiveness; statistical evaluations show 0% success; urged Council to table the matter to address missing components or vote no: Brian Hofer, Secure Justice.

Stated that he opposes ALPRs; there is no evidence that ALPRs work; if the technology works, data would be brought forth; recent increases in crime are likely due to the COVID-19 pandemic; noted victims often knows perpetrators; being scared should not compel a response; urged a reasoned approach: Josh Geyer, Alameda.

Stated City government exists to provide vital services to the public it represents; ALPRs have been proven to be an effective and unobtrusive tool; violent street crime has increased in the City; part of the reason for the rise in crime is due to APD being understaffed; urged Council to provide APD with state of the art equipment, including ALPRs: Burny Matthews, Alameda.

Urged Council to vote no on the matter; stated that she understands people are worried about their safety; there is little research that ALPRs effectively address crime; the City should look at solutions that will not compromise people's freedom to privacy or risk misuse of data; the matter would be an irresponsible waste of money; urged Council continue to focus on methods that work: Meredith Hoskin, Alameda.

Discussed recent crimes; stated people are angry and scared; a number of people want ALPRs; privacy concerns can be addressed; costs are reduced; Alameda is a unique community as an Island with limited access; urged Council to support APD with ALPRs: Neil Wilson, Garden Isle Homeowners Association.

Stated ALPRs are not the correct way to move forward; ALPRs are the wrong system for the City; the proposal concedes that no studies have been able to show ALPRs help reduce crime; the system is a data collection for all who enter and exit Alameda; expressed concern about sensitive location data being shared with other agencies; stated if Alameda continues, strong protections and policies with community review should be included prior to purchase and implementation; urged Council vote no: Rebecca Jaschke, Alameda.

Stated if the City uses the largest vendor in California, Vigilant Solutions, the sharing of information is turned on automatically by default; the information sharing feature must be manually turned off; discussed other California departments misusing features and license plate swapping; stated ALPRs do nothing regarding catalytic converter thefts or break-ins; the ALPR technology is not the answer: Tracy Rosenberg, Alameda.

Stated that he shares concerns about rising crimes in Alameda; it is Council's duty to ensure the safety of residents; fixed ALPRs will be security theatre and will not reduce crime; there is evidence that ALPRs do not help; questioned whether Council is comfortable installing a tool that any future Alameda Police Chief could misuse: Jeremy Gillula, Alameda.

Stated some people see ALPRs as part of the solution for safety; it is important to address objective safety as well as feelings around safety; however, she is not convinced ALPRs will address either; questioned whether people coming to Alameda to commit crimes will be dissuaded by ALPRs or whether license plates will be removed prior; noted ALPRs will not indicate where a stolen car is taken after leaving the Island; data does not show that ALPRs reduce crime: Kristi Black, Alameda.

Stated that she does not support funding ALPRs; there is no data or studies which show that ALPRs make streets or the community safer; expressed support for a fact based approach; discussed costs for street improvements and Vision Zero; stated the funding could be used towards safety improvements in high injury corridors; urged Council to spend limited resources where it is known to create more safety; expressed support for pursuing other proven automated enforcement, such as guard rails and speed enforcement cameras: Denyse Trepanier, BikeWalk Alameda.

Stated that she is unsure whether the matter will stop anyone from feeling afraid or scared; discussed being followed across the Island by APD; stated ALPRs will not make her feel any safer; instead, she will feel more surveilled; urged Council to say no to ALPRs: Melodye Montgomery, Alameda.

Stated the technology does not reduce crime or increase clearance rates; urged Council to make data informed choices to improve the City; discussed the death of Mario Gonzales and data presented; expressed concern about being constantly surveilled: Laura Gamble, Alameda.

Discussed recommendations provided by the Police Reform and Racial Equity Subcommittee; stated the Crime Analyst position came about from APD's commitment to evidence based policing; ALPRs are not evidence based; Council has taken action to boost and strengthen APD in the past year; urged Council not to vote in favor of ALPRs: Beth Kenny, Alameda.

Stated there are relevant ALPR documents, studies and articles; discussed a 2004 United Kingdom home office report; stated studies highlight the efficiency of the tool: Joe Van Winkle, Alameda.

Mayor Ezzy Ashcraft called a recess at 9:18 p.m. and reconvened the meeting at 9:32 p.m.

Mayor Ezzy Ashcraft inquired whether there has been a freeze on Police hiring.

The Police Chief responded there is not a freeze; stated APD is hiring; three Officers finished field training; six Officers are currently completing field training; eight people are in the academy and two are graduating; three recent academy graduates will be hired soon; APD is actively hiring sworn staff, as well as professional staff.

In response to Mayor Ezzy Ashcraft's inquiry about the Crime Analyst being used to review ALPR data, the Police Chief stated the Crime Analyst will be used to analyze crime; the hiring process is still underway.

Mayor Ezzy Ashcraft stated that she would like clarification about the data collection process; some public comments referenced the location tracking where people live, worship and gather; inquired the relationship of data and ALPRs.

The Police Chief responded the ALPR system will capture visuals of license plates; stated license plates exist to identify vehicles; ALPRs are a camera system which identifies a license plate and take a picture; the only time the system would be accessed for data would be in response to a crime; Officers would not be able to access or monitor data; Officers would be required to obtain supervisor approval with a case number associated with the search; all information is purged and removed after the 90 day retention period; the system would provide a location mark of the vehicle passing in front of a camera; the recommendation is for 13 to 14 camera locations to be set up; vehicles will be marked at the time they pass the camera; the information will only be accessed in response to a follow-up investigation.

In response to Mayor Ezzy Ashcraft's inquiry about New York Police Department surveilling people coming and going from a mosque, the Police Chief stated that he is not familiar with the incident; he will not tolerate misuse; the camera system will not be used to surveil anyone in their place of worship or used as a surveillance tool; the

system will be used to follow up on investigative leads; he will not tolerate staff using the technology to make people feel uncomfortable.

Mayor Ezzy Ashcraft noted staff changes; inquired whether a policy can guarantee how the system would and would not be used.

The Police Chief responded policies should be created and exist no matter who is in place; stated clear policies will be created to reference how the technology can and will be used; the policy creation process includes getting all stakeholders involved.

Mayor Ezzy Ashcraft inquired whether the City is looking at Vigilant Solutions as a vendor.

The Police Chief responded in the negative; stated the current mobile ALPRs are provided by Vigilant Solutions; however, the contract has not been renewed.

Mayor Ezzy Ashcraft inquired who will be able to access deleted data and whether the data will be accessible.

The Police Chief responded the data will not be accessible and is purged; stated various vendors have a digital print of the data; if the matter moves forward, staff will ensure information is gone and inaccessible once purged.

Mayor Ezzy Ashcraft expressed support for speed cameras; stated the State of California needs to pass legislation which will allow use.

Councilmember Daysog stated the Police Chief has expressed concern about Vigilant Solutions; requested clarification of the vendor selection process; inquired the process to be used for vendor selection.

The Police Chief responded the selection process should be clear; stated the process relates to how the information works with existing technology; the retention period should allow for information to be purged; vendor track records related to efficacy should be considered; expressed support for a vendor that is compatible with evidence.com; stated cost is an important factor; he would like a system which allows control over who has access to the information; expressed support for the information not being open for anyone to access; expressed support for a vendor that does not tie into a third party database; stated privacy is a concern and should be a priority.

Councilmember Daysog inquired whether the Police Chief envisions working with the City Manager to involve the City Council and the public in the Request for Proposal (RFP) processes to select a vendor.

The Police Chief responded that he is open; stated that he take direction from the City Manager.

Councilmember Knox White inquired whether the data will not be shared with Northern California Regional Intelligence Center (NCRIC).

The Police Chief responded the type of vendor desired is one where the City can select who information is shared with.

Councilmember Knox White inquired whether the City will house the information locally, not in a regional database, to which the Police Chief responded in the affirmative.

Councilmember Knox White stated the last speaker pointed out studies showing there can be some investigative benefit; however, sources were unable to be cited; studies do not show ALPRs have led to a reduction in crime; inquired which shootings would have been helped with the use of ALPR technology.

The Police Chief responded that he does not have the specific details on each shooting; stated anytime a vehicle is used in any type of crime, including shootings, ALPRs license plate information can be used; the technology can be leveraged to try and help identify vehicles involved.

Councilmember Knox White stated the technology is useful after-the-fact; inquired whether ALPR technology is helpful before-the-fact to stop shootings.

The Police Chief responded by providing an example of a possible shooting from a stolen vehicle; stated an alert would be made when the stolen vehicle enters the Island and Officers in the area might locate the vehicle [prior to the shooting]; it is difficult to quantify deterrent and show how many incidents are interrupted; the choice not to commit a crime can be difficult to show.

Councilmember Knox White stated the three studies he looked at have not found deterrent occurs; expressed concern about a discussion addressing ALPRs being useful after a crime has occurred and helping APD catch criminals and possibly return vehicles; stated many people are discussing fear for safety and ALPRs helping stop crime from occurring; past Police Chiefs have not made the case and the data does not support a decrease in crime due to ALPRs; discussed hoping for an effect on crime rates; stated if the matter passes, ALPRs might help APD solve crimes; however, there is no reason to believe crime will decrease; crime has gone up in every surrounding community with ALPRs; ALPRs have not kept crime from increasing; there are many policy issues; Council is the City's policy body and should set and approve policies; expressed support for strong direction being provided to ensure the policies come back to Council ahead of the actual request to purchase.

Mayor Ezzy Ashcraft inquired whether specific policies are desired to be included.

Councilmember Knox White responded that he would like the policy to include evaluation and who data is shared with under which circumstances; expressed support for retention being included; stated 30 to 60 days of retention seems to be a normal

rate; he is not looking for a report that shows a single case of ALPR usefulness; expressed support for knowing the impact on crime and safety and that the evaluation performs a comparison to make the case.

Vice Mayor Vella stated the technology being presented is a traditional ALPR; inquired whether technology has been considered which would not retain all data while scanning license plates, similar to FasTrak and retain data relative to hits against a hot list with an established criminal predicate or at-risk alert.

The Police Chief responded the retention period comes into play for the circumstance; stated when someone is planning on committing a crime using a vehicle, the person may scan the area and establish exit routes; the process is quick; there is value in holding the returns for a short period of time; he is open to reducing the retention period; six months is a bit long; returns of hits on vehicles associated with a crime will be retained and saved for evidence; 90 days provides a sufficient window to locate vehicles and follow up on cases.

Vice Mayor Vella expressed concern about the cost-benefit analysis; stated there are costs to civil liberties and the toll on civil liberties versus the benefit of ideally preventing and solving crime; there is value in crime solving; inquired whether studies are looking at efficacy based off solving crimes.

The Police Chief responded in the affirmative; stated one metric relates to solving crimes; another benefit reduces the APD footprint; ALPRs allow APD to know which vehicle is involved in a crime without misunderstanding; ALPR technology helps narrow down the vehicle; the technology allows efficient deployment of resources.

Vice Mayor Vella expressed support for the openness to a policy discussion; stated that she still has many concerns about the program cost; she would feel most comfortable with a system that scans license plates, looks for hits and provides alerts; discussed UK efficacy and the inclusion of fast monitoring helping to close in on offenders, rather than an overall data retention; expressed support for a Council policy providing direction; stated the policy can insulate the City; she would like to see the policy include: some form of annual reporting, how the City gauges efficacy to ensure best use, evidence of how many crimes the system produced evidence for that led to crime solving, and vetting within the American Civil Liberties Union (ACLU) framework related to acquisition; the policies should be included in the RFP process; the policy should limit and articulate the limited authorized use so not just anyone can use or access data; specific categories, such as Amber and silver alerts, should be predicated before someone can access the system; she would like the policy to articulate who within APD has access to data and the process for accessing data; the policy should indicate the requirements for access prior to access and use; expressed support for data protection language being included, such as safeguards to protect the acquisition or access of information and encryption in place where the information is housed; the policy should ensure the City is storing and controlling the information; the policy should include any processes for releasing data and needed disclosures; she would like to see the

retention language be reduced to 30 or 60 days; she is opposed to mass surveillance; the retention limitation is needed in the policy; expressed support for processes outlined for deletion, conditions for extended retention, such as evidence in a crime, and the extent of extended retention and future deletion; stated public access to data should be defined in the policy; expressed support for auditing and oversight being included in the policy, as well as internal record keeping to index who has access to data and when; stated that she would like the legal sanctions for violation included in the policy, as well as language related to ensuring deletion of data by other agencies, so that no automatic sharing occurs.

Councilmember Herrera Spencer stated many important issues and concerns have been raised; requested the Police Chief to provide his background.

The Police Chief outlined his law enforcement experience of 24 years, with most of his time at Oakland Police Department.

In response to Councilmember Herrera Spencer's inquiry about the Police Chief's formal education, the Police Chief outlined his education and training.

Councilmember Herrera Spencer inquired how long the Police Chief has been with the City of Alameda, to which the Police Chief responded 8 months.

Councilmember Herrera Spencer inquired what has been done in the 8 months' time to yield the staff recommendation.

The Police Chief responded that he has met with APD staff to try and understand the organization, including strengths and weaknesses; APD is a good Department and the staff is committed to public safety and service; the position is more than just professional since he lives in Alameda; he has lived in Alameda for almost 8 years; based on his review, he has been able to identify challenging staffing areas; the Department has performed mass hiring and has been selective in hiring; some candidates have not been selected due to not fitting the APD operation; the technology will help APD with the staffing deficit as a force multiplier; ALPRs are a tool that can help APD in several areas; APD has been restructured, has initiated public community meetings and has begun a data-driven approach to crime fighting by instituting CompStat where Commanders are responsible for specific shifts and areas within the City; a Captain performs crime review every two weeks; APD questions why crime is up or down to best deploy resources; several policies have been approved and team-building workshops have been held.

Councilmember Herrera Spencer stated the former Police Chief recommended installing fixed cameras at the places to enter and leave the Island; questioned the current Police Chief's recommendation.

The Police Chief stated that he recommends having the cameras installed at several strategic locations throughout the City.

Councilmember Herrera Spencer inquired the recommendation for mobile ALPRS.

The Police Chief responded that he recommends expanding the existing mobile ALPR system; stated mobile ALPRs would augment the fixed systems and help with Officers being readily alerted any time a vehicle stop is conducted.

Councilmember Herrera Spencer stated questions have been raised about the system being the best use of money; the City has limited funds; inquired the Police Chief's response to the cost of the program.

The Police Chief responded the system is a good use of funds; stated that he assumes the responsibility of consistently looking at outcomes to see whether the system should continue to be invested in.

Councilmember Herrera Spencer inquired how many vehicles would have mobile ALPRs, to which the Police Chief responded 30 vehicles.

Councilmember Herrera Spencer stated there have been comments related to the City of Berkeley; noted Berkeley's system is similar to a security camera or closed circuit surveillance system; requested clarification on the similarities between systems.

The Police Chief stated that he needs to look at the matter further; many cities are moving in a similar direction as Berkeley; the system is a little too new and he would like to see how other agencies implement the system; he will look further into the system if it is something worth pursuing.

Councilmember Herrera Spencer inquired whether the desired system is considered mass surveillance.

The Police Chief responded in the negative; stated the technology takes pictures of vehicle license plates that pass before the camera.

Councilmember Herrera Spencer inquired whether anything else should be included in the recommendation.

The Police Chief responded in the negative; stated that he feels as though he has been clear on his recommendations.

Councilmember Herrera Spencer moved approval of the staff recommendation in support of the fixed cameras at the points of entrance and exit of the City as well as the cameras for the 30 vehicles.

Councilmember Herrera Spencer stated that she listens carefully to all public comments provided to evaluate the best decisions for the City; the City has had multiple Police Chiefs recommend the system; other cities have implemented an ALPR system; she

disagrees that ALPRs are frittering away money; crime is difficult to address, reduce and solve; the Police Chief has made it clear that the system is one of the tools to help the City; the Police Chief is the City's law enforcement expert; she is a person of color and has been assaulted in the City; discussed other people being victims of crime in the City; stated that she agrees with speakers and is looking to the Police Chief to do his best to serve the community; she is aware of racist Police; the City cannot have racist Officers; cameras are not racist and do not see color; cameras are one of the least racist ways of policing; expressed her supports; stated a previous Council worked on policy in 2014; the policy can be improved; the process is a balancing act; the issue has been delayed too long; other cities are ahead of Alameda.

Mayor Ezzy Ashcraft stated that she is not ready to support the motion; expressed support for including recommendations from other Councilmembers related to policy and other considerations.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog expressed support for the way in which the Police Chief has reached out and worked with the broader Alameda community; stated admiration for the Police Chief from those who do not support the current matter says a lot; he is thankful that the Police Chief is making headway in strengthening the trust between City Hall, APD and the broader community; the presentation and staff report clearly bring professional experience in the recommendation to move forward with ALPRs; the recommendation is not made lightly; the Police Chief understands the environment across the nation, as well as Alameda; the Police Chief making a recommendation in such a charged atmosphere is because the City needs a tool, such as ALPRs, for solving crimes; he is going to support the Police Chief's recommendation; he is confident the City can manage the ALPRs in a professional, culturally sensitive manner; the Police Chief is ensuring reform and allowing for mental health professionals to deal with certain situations that Police previously dealt with; the actions taken demonstrate a Police Chief who truly cares about different ways of policing; he is confident that when the ALPR system is implemented, APD will use it in a professional, culturally competent and sensitive manner; he understands that Council might want to modify policies for implementation and management of ALPRs; however, there is enough information included in the staff report to cover the issues that have been raised; Council has an existing basis for coming forward; he is confident that the City can move forward with the recommendation.

Mayor Ezzy Ashcraft stated that she heard more speakers against than for ALPRs; the email correspondence was evenly divided; there are ideological differences; she wants to move forward with actions that will protect and provide APD tools needed to help keep the community safe; Council needs to stay involved in setting standards; requested clarification about the reference to community forum noticing.

The Police Chief stated the City has been divided into 12 beats, breaking the City down into smaller areas where APD can have neighborhoods get together at monthly

community meetings; staff makes a presentation on crime trends and solicits feedback from community members; the meetings are advertised on the City and APD's website; a Community Resources Unit will be created as the department grows; each beat will have a specifically assigned, full-time Officer to handle long-term problems; the Officers will not be handling 911 calls and will be focused on specific beats; the program is new; urged the public visit the City and APD website to find upcoming community meetings.

Mayor Ezzy Ashcraft stated ALPRs provide Police another tool at a time when policing is complicated; departments are dealing with reduced staffing; there is a need and desire to focus on reducing policing footprints; discussed a Statewide League of California Cities webinar related to organized retail crime; the consensus of the webinar is that ALPRs can provide an additional tool; ALPRs are not a panacea; APD will need to manage the public's expectations; installing ALPRs will not solve all crimes; ALPRs help with investigations and solving crimes; Police resources can be freed up to ensure the City has Officers out on traffic patrol; ALPRs are an important tool that APD could use; however, it is important to have a policy in place that governs the retention of data; expressed support for waiting until the City has its Crime Analyst position filled; questioned how long it takes to open and close a case using ALPR data; she would like information about what the vendor does with the data; the Council comments related to data sharing should be incorporated in the vendor selection process; inquired about the public-facing transparency portal.

The Police Chief responded the portal is based on Piedmont's Police Department; stated the portal is a way for anyone to look at the way technology is being used; referenced a spreadsheet showing database access, Officer identifiers and reasons for access; stated some vendors can customize report fields.

Mayor Ezzy Ashcraft stated that she would favor a system which only captures the rear-facing license plate; expressed support for the comments provided by Vice Mayor Vella being incorporated into the ALPR policy; stated privacy is important; however, FasTrak cameras capture similar information; she would like the City to start with fixed ALPRs, other vendors should be researched for mobile ALPRs.

Councilmember Herrera Spencer stated that she understood the Police Chief will come back with information regarding vendors and rear-facing cameras; she is unsure whether the details are decided at this point.

Mayor Ezzy Ashcraft requested clarification about how the matter will move forward.

The Police Chief stated staff will go through the RFP process and see which vendors respond; staff will determine whether the vendors fit the details being requested; APD can find a vendor that fits the City's needs.

The City Manager stated that he is hearing the policies Council wishes to have considered; when the matter returns, proposed policies will also come forth for

consideration; policy details include: retention of data, ensuring facial recognition does not occur, who data is shared with and who has access to the data.

Councilmember Herrera Spencer inquired whether cameras are different for fixed versus mobile ALPRs; questioned whether the same vendor can be used for both fixed and mobile ALPRs.

The Police Chief responded ideally, a vendor that can provide both systems in cooperation is desired.

Councilmember Herrera Spencer inquired whether an RFP for both fixed and mobile ALPRs would make sense in order to move forward with the fixed ALPR now and add mobile at a later time.

Mayor Ezzy Ashcraft stated that she would like to start with one aspect of the technology to see how it works and determine what might need to change and what to add-on later; expressed support for moving forward cautiously.

Councilmember Herrera Spencer stated that she would like to hear from the Police Chief; expressed concern over only putting out an RFP for fixed ALPRs; stated the best vendor might not be selected in order to provide compatible fixed and mobile ALPRs.

Mayor Ezzy Ashcraft expressed support for starting with fixed ALPRs; stated the City can later add on from the same company.

Councilmember Knox White stated that he would like to recommend that the RFP and policies come back to Council prior to releasing the RFP; the program is complicated with a lot of moving parts; expressed concern about putting out the RFP, selecting a vendor and realizing that questions were not addressed in the desired way; stated the delay will be a couple of weeks; however, the delay ensures Council approved policies are put in place before the RFP moves forward.

Councilmember Herrera Spencer stated that the recommendation can be added as a friendly amendment to her motion.

Councilmember Knox White concurred with Councilmember Herrera Spencer [providing the friendly amendment to motion].

(22-086) Councilmember Knox White moved approval of giving Councilmembers that have run out of time an additional three minutes of speaking time.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog expressed support for all Councilmembers receiving an additional three minutes of speaking time.

Councilmember Knox White amended his motion to include all Councilmembers.

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.

Mayor Ezzy Ashcraft requested clarification on the timeline for Council approving the RFP prior to release.

The City Manager stated he does not know the timeline; noted the RFP has not been put together yet.

Mayor Ezzy Ashcraft questioned why Council cannot currently provide policy direction; inquired whether the motion includes the comments being placed in the RFP or whether the entire RFP will be brought back.

Councilmember Herrera Spencer responded that she is fine with providing the policy if staff finds it appropriate; expressed support for the RFP including both fixed and mobile ALPRs to find a vendor that provides both; stated the City can introduce one [fixed ALPRs] and then the other; expressed concern about breaking up the matter and not finding a vendor that can provide both.

Mayor Ezzy Ashcraft expressed support for Councilmember Herrera Spencer's comments.

Councilmember Daysog stated there is question regarding rear-facing cameras, as well as starting with fixed ALPRs; inquired whether any of the proposed recommendations degrade the effectiveness of ALPRs.

The Police Chief responded his recommendation is to find a vendor which prioritizes rear license plates; stated the system should exclude the front view of a vehicle if the rear view is captured.

Councilmember Daysog inquired whether there is an issue with timing or effectiveness by only pursuing fixed ALPRs and moving to mobile ALPRs in the future.

The Police Chief responded mobile ALPRs are different; stated that he has not come across mobile ALPR technology that excludes the front of the vehicle; vendors that provide fixed ALPRs have a focus on rear-license plate reading; the benefit of mobile ALPRs is assisting with traffic enforcement; video evidence is powerful; systems have a 30 to 60 second buffer to indicate what violation an Officer has seen; staff can do a lot with a fixed ALPR system.

Mayor Ezzy Ashcraft inquired whether Councilmember Daysog accepts the friendly amendment as seconder to the motion.

Councilmember Daysog responded in the affirmative; stated the other issues related to the RFP are process driven and can be figured out.

Councilmember Herrera Spencer stated her understanding of the matter is Council is providing direction, so that the matter [RFP] does not have to return in the future.

Vice Mayor Vella stated that she does not plan to support the motion; expressed support for a second motion to provide clarifying direction on desired policy elements.

Mayor Ezzy Ashcraft expressed support for an additional motion.

Councilmember Daysog stated that he thinks the motion had been amended to include several things, which implies staff will come back with a policy; inquired whether the policy is included in the current motion.

Mayor Ezzy Ashcraft stated that she understands Council is articulating desired elements of the RFP; the RFP will not come back to Council; however, the policy will return to Council for further consideration.

Vice Mayor Vella concurred with Mayor Ezzy Ashcraft.

The City Clerk noted comments related to the Crime Analyst position would also be included in the second motion.

Councilmember Daysog stated Council should vote on one motion which covers everything; noted supporting an RFP for an ALPR system can include direction for the ALPR policy to return; the matter is not a political issue; the City will either issue an RFP for an ALPR system with a policy or not; he is not understanding the reasoning for a second vote.

Mayor Ezzy Ashcraft stated Vice Mayor Vella can make the motion she desires and Council has the right to vote accordingly; noted policy returning to Council is not part of the current motion on the floor.

Councilmember Herrera Spencer inquired whether the motion related to policy would include Council deciding on the actual policy; expressed concern about not being upfront with vendors in the RFP process by not deciding the policy at this time.

Vice Mayor Vella stated that her motion would be to provide direction on what will be included in the policy; the policy itself is not currently agendized and has not been noticed; the details matter; she has heard many colleagues express concerns; there could be agreement about some policy areas; Council previously bifurcated votes on policy matters; expressed support for providing staff with clear policy direction.

Councilmember Daysog stated that he is ready to move forward with the motion and subsequent discussion on the policy.

On the call for the question, the motion carried 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.

(22-087) Mayor Ezzy Ashcraft moved approval of continuing the meeting until 11:30 p.m. hearing Council Referrals until the stop time.

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.

Vice Mayor Vella moved approval of directing staff to come back with a policy regarding ALPRs, including a statement of intended use, data protection provisions, a limit for data retention, process for deletion, conditions for extended retention, data protection safeguards, limitations and processes for use and access, limitations and processes for who uses or would have access, auditing and oversight provision potentially including things like record keeping, indexing, access, and provisions for sanctions for violations, potentially add language which limits the type of technology used or would prioritize certain things like rear license plates, requirements for data sharing, processes for requesting public access provisions and processes, clear articulation that agencies and the City would not be sharing the information with ICE, and language regarding how the Crime Analyst would evaluate efficacy regarding retention.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Daysog stated that he does not see everything that had been proposed as significantly different from what had been presented by the Police Chief; the motion only requests the Police Chief to clarify many of the things listed; he is supportive of the motion; however, he does not see the point.

Mayor Ezzy Ashcraft stated the motion acts as a protection for the future; the policies will be known and will continue.

Councilmember Herrera Spencer stated that she would like to see how the new policy differs from the current policy; she does not want the policy discussion to slow down the RFP process and moving forward with ALPRs; inquired whether the policy discussion will delay physically getting ALPRs.

Mayor Ezzy Ashcraft stated that she understands that the policy discussion will not need to be done before the RFP goes out.

Vice Mayor Vella stated the policy discussion will occur before Council enacts the use [of ALPRs], not goes out to RFP.

Councilmember Knox White stated that the timing is up to staff; staff should not buy things without a policy in place due to conflicts with system functions; staff should determine timing; if questions regarding the policy arise, staff should bring the matter forward on the timeline that is needed in order to be successful with the RFP.

Mayor Ezzy Ashcraft noted staff has listened to Council concerns; she is confident that the concerns will be considered during the RFP process; questioned whether the policy needs to be drafted prior to the RFP being issued.

The City Manager responded staff can ensure the RFP complies with the Council intent and bring back the policy discussion with the vendor approval.

Councilmember Herrera Spencer requested clarification be provided from the Police Chief.

The Police Chief stated staff will work expeditiously and will likely return in 60 to 90 days.

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

CITY MANAGER COMMUNICATIONS

(22-088) The City Manager announced CARE team has received 44 calls for service in the first month of operation; stated the CARE team can be reached by 911 or 510-337-8340; the City is tentatively planning on holding the Fourth of July parade while staff continues to monitor the COVID-19 situation; there is a high wind watch alert for the Bay Area through Thursday.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(22-089) Consider Directing Staff to Address Identifying New Areas at Alameda Point to Develop a Number of Housing Units Above the Originally-Agreed Upon Numbers of the 2023-2031 Regional Housing Needs Allocation (RHNA). (Councilmember Daysog)

Councilmember Daysog gave a brief presentation.

Councilmember Daysog moved approval of directing staff to address identifying new areas at Alameda Point to develop a number of housing units above the originally agreed upon amount.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she agrees with the referral; the matter is something Council has tried to get more information about; expressed concern about waiting for the Housing Element; noted Alameda Point is roughly one third of the entire Island; it makes sense to focus on the area of Alameda Point.

Vice Mayor Vella stated some of Alameda Point will be a wetlands preserve; she assumes the City will not build housing on the preserve; noted the Navy cap still exists; staff is in the process of negotiating with the Navy; she has heard concerns about job creation; expressed support for clarification on where staff will be looking to add housing; questioned whether the direction is to reduce parkland or the enterprise zone.

Mayor Ezzy Ashcraft expressed concern about duplicative efforts; stated City staff are doing a lot and are stretched thin; the City is building houses and opening businesses; the challenges are not that the City has more area than discovered, it is trying to make projects pencil out and get built; she does not support the referral.

Councilmember Daysog stated the point of the referral is to have staff indicate where housing could occur; the referral is not to say whether housing should occur on wetland areas or natural preserves; staff may report back that housing can be placed in the Enterprise District and provide the necessary regulatory steps; some of the steps will sync with the RHNA process and some will not; there is value to the public in understanding the steps needed to be taken for more housing at Alameda Point.

Mayor Ezzy Ashcraft stated one of the things the RHNA process is looking for is that a city not concentrate all new housing in one place and that the housing is dispersed throughout the city; Council recently voted on the Encinal Terminals project, which added housing in the Northern Waterfront area; the RHNA obligation needs to be met; staff has presented various housing sites throughout the City; expressed concern about residents being misled by thinking all housing can be placed at Alameda Point; plans provide a balance of jobs and housing at Alameda Point to replace the 18,000 jobs lost when the Navy Base closed; the jobs and housing balance is desired to not over burden one area of the City; she is concerned about the idea of trying to meet the RHNA obligation solely at Alameda Point.

Councilmember Daysog stated the referral contemplates the fact that additional housing could not be a part of the 2023 to 2031 RHNA process based on the time it takes to change regulations and perform an RFP, developer selection and Exclusive Negotiating Agreement (ENA) going beyond the timeline; the referral recommends staff gather information on the process for increasing housing at Alameda Point.

Councilmember Herrera Spencer stated it is important to educate the community on options; the referral speaks to the ability of housing at Alameda Point; she would like to hear from staff on reasonable housing numbers that can be added and locations for housing; the Navy cap considered the balance of housing and jobs; however, with the need for more housing, she is not sure the balance will be held to; it is important for Council to make informed decisions; Council cannot make the decision without staff providing information.

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

(22-090) Consider Directing Staff to Move Jean Sweeney Park Fencing. (Councilmembers Herrera Spencer and Daysog)

Councilmember Herrera Spencer gave a brief presentation.

Mayor Ezzy Ashcraft stated that she discussed the matter with the Recreation and Parks Director; the area where the fence is being considered is hazardous and not ready for the public due to safety.

Councilmember Knox White moved approval of supporting the referral with direction to staff that the fence be moved to the new easements as safety allows.

Vice Mayor Vella expressed concern over not understanding the safety issues present; stated different portions of the park have had issues; she agrees with allowing public access; however, she would like to understand the safety issues and any associated costs; expressed support for the direction including the matter being heard by the Recreation and Parks Commission (RPC) for input and prioritization of funding; the matter can return to Council with budget information.

Mayor Ezzy Ashcraft concurred with Vice Mayor Vella; stated the last thing Council should do is take away money from other prioritized park projects; expressed support for the motion; however, Vice Mayor Vella makes a good point about having the matter go to the RPC for review.

The City Clerk stated Council is limited to three actions for referrals: take no action, refer the matter to staff to schedule at a future City Council item or dispositive action which is limited to legislative matters of urgency.

Mayor Ezzy Ashcraft inquired whether Council can modify the direction or whether the language has to remain as shown in the referral.

The City Clerk stated the recent process adopted yielded a two-step process to allow a referral to come back on a Council agenda.

Vice Mayor Vella stated Councilmember Knox White's recommendation of having the Recreation and Parks Director bring the matter back to Council would suffice; she would like to note that Council has recommended the matter go through whichever processes seen fit prior to coming back before Council.

Councilmember Knox White stated that he has proposed a motion with direction to staff, not a motion to take action; the direction indicates Council's wish that when the easements go forward, staff can see fit to move the fence when safety allows; Council is not taking action.

Mayor Ezzy Ashcraft inquired whether the motion is to have the matter return to Council at a future agenda date.

Councilmember Knox White responded in the negative; stated that he does not want to see the matter return; Council has given direction on matters which are within the general scope of an item; the motion is general direction that Council would like to see the fence get moved when the easements are complete and safety permits; the motion keeps Council from getting into the administrative actions of the City.

The City Attorney stated Council may always provide general direction on any agenda item; Council may give general direction; the referral rules are clear in that should Council wish to give specific direction, there are three choices; Council may direct staff to bring the matter back, take no further action or reject the referral; Council may provide general direction on any item.

Councilmember Herrera Spencer seconded the motion.

Mayor Ezzy Ashcraft requested the motion be re-stated.

Councilmember Knox White stated the motion is to approve the Council's wish that the fence be moved at such a time that the fence is setup for when the new easements are put in place and that those fences are erected as safety allows.

Mayor Ezzy Ashcraft inquired whether budget is included in the motion, to which Councilmember Knox White responded in the negative.

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.

(22-091) Consider Reviewing and Updating the Previous City Council's Priorities at a Regular City Council Meeting. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Councilmember Herrera Spencer moved approval of the Council Priority Setting Workshop being held on a regular Council meeting date.

Councilmember Knox White seconded the motion.

(22-092) Councilmember Knox White moved approval of adding ten more minutes to the meeting in order to finish the discussion; stated that he is not ready to vote on the matter; if time is not extended, the matter should be continued to another meeting; he will not provide any additional dates for the priority setting workshop until the discussion occurs.

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.

Under discussion, Councilmember Knox White stated that he was enthusiastic about trying to have regular Council workshops; he understands Councilmembers have refused to consider dates on the weekends or other times; he is at the point where now he does not see value in holding a workshop; the current priorities still represent the priorities of the majority of Council; it is disappointing that a time could not be found due to inflexibility; he does not see any point in holding a workshop eight months prior to an election; he will not support the matter and will no longer submit times for workshops; there will not be any benefit to holding a workshop.

Mayor Ezzy Ashcraft stated that she shares frustrations about the scheduling difficulties experienced; some members have refused to meet on weekends, which causes disadvantages for those working jobs during the day; noted having a date where only four out of five Councilmembers meet defeats the purpose of the workshop.

Councilmember Knox White stated that he has agreed to all but two of the proposed dates presented and attempted to be as flexible as possible.

Vice Mayor Vella expressed support for comments; stated Councilmembers are volunteers and are not full-time; it is difficult for those with jobs to meet during the day on a weekday; workshops are publically agendaized and open to the public; workshops set in the middle of the day disadvantages the public; workshops should be set at times which are accessible to the broader public; it is unfortunate; many Councilmembers have worked to set a date; her priorities have not shifted and housing is still a top priority.

Councilmember Herrera Spencer stated multiple dates have been suggested; she is not privy as to who accepted which dates; some Councilmembers do not fill out charts; she has provided her availability multiple times and has been available; the current discussion does not address the referral topic; her referral speaks to setting the

workshop during a regular Council meeting; it is untrue that Council must discuss priorities at a workshop retreat; Council can start by reviewing prior Council priorities and set the matter as a regular agenda item; all Councilmembers are available the first and third Tuesday of the month.

Vice Mayor Vella stated that Council discusses priorities at workshops in order to allow for a focus and deliberation on only the priorities; workshops have previously lasted several hours; expressed concern about having full agendas; stated taking away from the business of the City or ensuring the discussion does not occur at 11:00 p.m. is the reason to have a separate workshop; she will not be supporting the motion.

Councilmember Daysog stated that he found the referral reasonable; the idea of having a workshop during a Council meeting starting at 5:00 p.m. is reasonable; Council has held workshops in areas which were not accessible or generally open to the public.

Councilmember Herrera Spencer requested the motion be re-stated.

The City Clerk stated the motion is to approve the referral to have the priority setting workshop held at a regular City Council meeting.

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

(22-093) Consider Having the City Council Address the Zoning of the Harbor Bay Club. (Councilmember Herrera Spencer) Not heard.

(22-094) Consider Having the City Council Review Recreation and Parks Department Community Events. (Councilmember Herrera Spencer) Not heard.

COUNCIL COMMUNICATIONS

(22-095) Mayor Ezzy Ashcraft discussed the Vaccine Task Force's booster clinic at Mastic Senior Center.

(22-096) Councilmember Daysog discussed the City Council/School Board Subcommittee meeting; stated the School District will be placing a bond measure on the June ballot.

(22-097) Councilmember Knox White discussed the AC Transit Interagency Liaison Committee meeting; stated AC Transit Line 78 to the Seaplane Lagoon for the 1 year pilot program is coming to the end; the pilot program cannot be extended; public hearings will be held.

Councilmember Daysog noted AC Transit is also working with the City on a bus pass for low income senior citizens and those with disabilities.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:45 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- -JANUARY 18, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:02 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 5:34 p.m. The meeting was held via Zoom.]

Absent: None.

Consent Calendar:

(22-037) Recommendation to approve Eric Levitt, City Manager, Nico Procos, Alameda Municipal Power General Manager, Erin Smith, Public Works Director, Alan Cohen, Assistant City Attorney, and Alan Harbottle, Senior Energy Resources Analyst, as Designated Negotiators with NextEra Energy Resources Related to Doolittle Landfill. Not heard.

The meeting was adjourned to Closed Session to consider:

(22-038) Conference with Real Property Negotiators (Pursuant to Government Code 54956.8); Property: 11-Acre Portion of the 33.2-Acre Doolittle Landfill Site Located Northwest of the Intersection of Doolittle Drive and Harbor Bay Parkway. Not heard.

(22-039) Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9); Case Name: City of Alameda v. All Persons Interested in the Matter of the Issuance and Sale of One or More Series of Pension Obligation Bonds to Refinance Outstanding Obligations of the City of Alameda to the California Public Employees' Retirement Law, and All Proceedings Leading Thereto, Including the Adoption of a Resolution and Sale of Such Bonds, Alameda County Taxpayers' Association, Steve Slauson, and Howard Jarvis Taxpayers Association; Court: Superior Court of the State of California, County of Alameda; Case Number: 21CV001157.

(22-040) Conference with Legal Counsel – Potential Litigation, Initiation of Litigation (Pursuant to Government Code Section 54956.9, subsection (d)(4)); Number of Cases: One (As Plaintiff – City Initiating Legal Action); Potential Defendant(s): Alameda Point Partners, LLC.

(22-041) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Alameda Point, Site A, Alameda, CA; City Negotiators: Eric Levitt, City Manager, Lisa Maxwell, Community Development Director, and Louis Liss, Base Reuse Manager; Negotiating Parties: City of Alameda and Alameda Point Partners, LLC; Under Negotiation: Price and Terms.

(22-042) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiators: Eric Levitt, City Manager, Gerry Beaudin, Assistant City Manager, and Nancy Bronstein, Human Resources Director; Employee Organizations: Alameda Police Managers Association (APMA), and Alameda Fire Chief's Association (AFCA); Under Negotiation: Salaries, Employee Benefits and Terms of Employment.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Existing Litigation, staff provided information and Council provided direction, by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Abstain; Vella: Absent; and Mayor Ezzy Ashcraft: Aye; Ayes: 3. Abstain: 1. Absent: 1; regarding Potential Litigation and Real Property, staff provided information and Council provided direction 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; and regarding Labor, staff provided information and Council provided direction 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.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:28 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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