

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -NOVEMBER 17, 2020- -5:45 P.M.

(20-700) This meeting was cancelled.

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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- - NOVEMBER 17, 2020- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:06 p.m. and Councilmember Oddie led the Pledge of Allegiance.

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

Absent: None.

AGENDA CHANGES

(20-701) Mayor Ezzy Ashcraft announced the resolution rezoning 2350 Fifth Street [paragraph no. 20-722] would be continued to January 5, 2021.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(20-702) Paul Foreman, Alameda, discussed statements made at the November 4<sup>th</sup> Council meeting and violations of the Code of Conduct; urged Mayor Ezzy Ashcraft to enforce the Code of Conduct and to not allow citizens to be intimidated from advocating for Council action.

(20-703) Eva Stephens and Tim Anderson, Alameda Maker Farm (AMF), discussed the AMF community; stated their land has been sold; the farm would like to rent a half acre of City land to continue providing services to the City; discussed chicken and duck rehabilitation; encouraged people visit the AMF website: [www.themaker.farm](http://www.themaker.farm).

(20-704) Michelle Diaz, AMF, discussed the AMF space being used for “Make Me Personal Protective Equipment (PPE) Bay Area” collective efforts and resources; stated the AMF would like to continue providing assistance to the community; spaces, such as the AMF, are vital to the community.

(20-705) Imma DeLaCruz, AMF, discussed AMF impacts and activities as a community on sustainability; stated AMF has been key to support local, mutual aid efforts; discussed partnership with the Loyalton Pig Farm and food waste recovery efforts.

(20-706) Christina Cole, AMF, stated the AMF space has been an incredible resource; discussed repairs, upcycling efforts and PPE distribution; urged Council to assist in finding new space for AMF.

CONSENT CALENDAR

Mayor Ezzy Ashcraft announced the Clark Services agreement [paragraph no. 20-709], the Shallow Groundwater Layer Report [paragraph no. 20-710], and the Tract 8500 Final Map [paragraph no. 20-714] were removed from the Consent Calendar for discussion.

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

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

(\*20-707) Minutes of the Special and Regular City Council Meetings Held on October 20, 2020. Approved.

(\*20-708) Ratified bills in the amount of \$3,554,397.64.

(20-709) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Clark Services for Cleaning and Maintenance of Park Street, Webster Street and Marina Village, in an Amount Not to Exceed \$1,264,323.

Councilmember Daysog recused himself and left the meeting.

Vice Mayor Knox White moved approval of the staff recommendation.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Knox White: Aye; Oddie: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. [Absent: Councilmember Daysog - 1.]

(20-710) Recommendation to Accept the September 2020 Report Titled, "City of Alameda, the Response of the Shallow Groundwater Layer and Contaminants to Sea Level Rise."

Vice Mayor Knox White stated Alameda is one of the first cities to be looking into the issue; the matter has been placed in the Climate Action Plan based on input from the community; issues related to old contaminated soil arise earlier than sea level rise impacts; expressed support for providing next steps for the project.

The Public Works Director gave a brief presentation.

Vice Mayor Knox White moved approval of the staff recommendation.

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

(\*20-711) Recommendation to Authorize the City Manager to Execute a First Amendment to Agreement with Tri-Signal Integration, Inc. for Fire and Intrusion Alarm Monitoring, Maintenance and Repair for a Total Compensation Not to Exceed \$488,263.48. Accepted.

(\*20-712) Recommendation to Authorize the City Manager to Execute a Second Amendment to Agreement with Imperial Maintenance Services, Inc. for Janitorial Services for Various City Facilities, Adding Three Years to the Term for a Total Five Year Compensation not to Exceed \$2,063,608.13. Accepted.

(\*20-713) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with IPS Group, Inc. for Maintenance and Management of Single Space Parking Meters in the City of Alameda, in an Amount Not to Exceed \$927,835. Accepted.

(20-714) Resolution No.15722, "Approving a Final Map and Authorizing Execution of A Subdivision Improvement Agreement for Tract 8500, Alameda Marina As A Condition to Final Map Approval." Adopted.

Councilmember Daysog stated that he has not supported this matter in the past and will remain consistent in voting no.

Councilmember Oddie stated the matter is ministerial in nature and Council may approve or remand; inquired the consequence should Council reject the matter and not remand.

The City Engineer responded Final Maps are typically ministerial actions; stated Council takes a discretionary action of approving the Master Plan subsequent Tentative Map application and associated conditions of approval; staff has processed the Final Map and assured the pertinent conditions of approval have been met; Council does not have the option to reject the map; however, questions may be asked or details may be provided about whether or not the developer has complied with all conditions of approval to the City's satisfaction.

Councilmember Oddie inquired the legal consequences should Council decide to not approve the matter.

The City Attorney responded it is difficult to speculate the outcome; stated should Council disagree, Council may send the matter back to the City Engineer for further review; should Council vote no on a final map, there is a possibility of a court ordering the City to change its mind; Council is able to review staff's work and decide on the final analysis.

Councilmember Oddie stated many times Council is provided with ministerial acts which are voted against without knowing the legal consequences; Council is being asked to either remand the matter back to staff with suggestions for changes or note that staff has complied with what has been asked; discussions on ministerial acts are strange; expressed support for the Public Works department doing its job.

Councilmember Oddie moved approval of adoption of the resolution.

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

### REGULAR AGENDA ITEMS

(20-715) Recommendation Authorizing the Mayor to Sign a Letter of Support for the Oakland Alameda Access Project (OAAP).

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

Tess Lengyel, Alameda County Transportation Commission (ACTC), gave a brief presentation.

Mayor Ezzy Ashcraft stated the matter set to come before ACTC is to include the West End crossing in the 2020 Countywide Transportation Plan for the 10-year Investment Plan; the letter includes other routes as well.

Councilmember Oddie inquired what the 10-year Capital Improvement Project (CIP) list provides.

Ms. Lengyel responded ACTC is responsible for developing the long-range Countywide Transportation Plan; stated the Plan feeds into the Regional Transportation Plan and projects must be in the Regional Transportation Plan in order to receive State or federal funds; ACTC requires projects to come through a comprehensive Investment Plan for funding to be listed in the Countywide Transportation Plan; there is a pathway which allows projects to move forward from a funding perspective.

Councilmember Oddie inquired whether there is no guarantee of funding in moving from the 30-year plan to the 10-year plan; stated the intention of the original letters was to provide a funding commitment.

Ms. Lengyel responded in the affirmative; stated the Countywide Transportation Plan is not a programming document; it is a document which enables cities to pursue funding; typical long-range, Countywide Transportation Plans compile projects of interest and importance to cities and transit operators throughout Alameda County; ACTC has worked with cities and transit operators to identify projected 10-year accomplishments, in terms of priorities; ACTC established a 10-year priority list based on local jurisdictions, project readiness and funding ability; both a 30-year and 10-year project list have been established; the OAAP is on the 10-year list and any funding for the project would have to come as a specific action to the full Commission; staff is not able to commit to funding.

In response to Mayor Ezzy Ashcraft's inquiry, Ms. Lengyel stated ACTC developed a Countywide Transportation Plan to go before voters and seek approval of a half-cent

transportation sales tax augmentation and extension; ACTC went to each city within Alameda County to seek support; discussions with the City of Alameda included questions about including enough Alameda projects within the Transportation Plan; at the time, Alameda wanted assurances that should the project not move forward, enough funding would be provided to support the needed multimodal access to the City; a letter was written by the ACTC Chair and Vice Chair considering programming enough money to the City of Alameda; there are two pathways for Alameda to pursue funding: 1) the City can go through the application process for discretionary funding for the Comprehensive Investment Plan (ACTC-CIP) and 2) ask the Commission for consideration of the 2014 letter and any applicable funding.

In response to Councilmember Daysog's inquiry, the Planning, Building and Transportation Director stated the horseshoe and the Broadway off-ramp are both included in the core project.

Vice Mayor Knox White inquired whether the horseshoe includes a speed limit slow-down for the tube.

Rodney Pimentel, HNTB Corporation, responded due to design, traffic needs to be slowed to 20 miles per hour by the first curve; stated the speed limit will be lowered to 35 miles per hour in the Posey Tube; 1,000 feet prior to the exit of the tube, the speed limit will be further lowered to 25 miles per hour; reducing the speed limit is a key component for safety; signage will be updated as well as lane narrowing to aid in traffic calming.

Vice Mayor Knox White stated true multimodal access is needed; expressed concern about there being no actual commitments to fund the next steps of the project and no action taken on past requests; inquired the commitments being provided besides consideration of the project being put into the ACTC-CIP.

Mayor Ezzy Ashcraft responded that she has solid support from fellow Commissioners; stated every city in the county has a representative from the Council on the ACTC; noted the City of Oakland has two representatives due to its large size; stated that she has requested moving the West End Crossing project from the 30-year ACTC-CIP to the 10-year ACTC-CIP list; the project is important to Alameda and the region in reducing the number of single-occupant automobiles.

Ms. Lengyel stated funding matters go before the full Commission and staff is not able to make commitments; ACTC could receive a letter from the City of Alameda regarding its interest the 2014 letter being considered; noted that she will commit to bringing consideration to the ACTC at the January 11, 2021 meeting; meetings will be set with City staff related to approaches on moving forward with the project; the ACTC-CIP will be a competitive call for projects released in December as an opportunity for the City to pursue discretionary funding for bicycle-pedestrian facilities through the ACTC-CIP; any actions taken will be done by the full Commission.

Mayor Ezzy Ashcraft stated that she does not recall a proposal for funding being brought

forth other than the funding already received; the draft letter serves different purposes; funding matters need approval from the full Commission; everyone needs to work on effective communication; noted ACTC staff was unaware about how much Coast Guard engagement has occurred; stated a letter is expected from the Coast Guard soon.

Councilmember Vella inquired whether the policy committees will provide a recommendation supporting the project.

Ms. Lengyel responded in the affirmative; stated there are subcommittees of the full Board; the Board is made up of 22 elected officials in Alameda County; the committees hear items and make recommendations to the full Commission.

Councilmember Vella inquired whether the matter will have to be provided with some sort of recommendation in order for the matter to go to the full Commission, to which Ms. Lengyel responded in the affirmative.

Mayor Ezzy Ashcraft noted that she is lobbying her committee.

Councilmember Daysog inquired whether there is an option not to have the horseshoe.

The Planning, Building and Transportation Director responded there is an option; stated the option will not be as fast due to the bicycle and pedestrian improvements.

Councilmember Oddie stated that he is curious about the process; noted that the letter was reviewed by the Transportation Commission at a public hearing and modifications were made; the letter was then agendaized for the current meeting for Council review; stated a non-Council discussion occurred and a revised letter has been provided in a non-transparent process.

Mayor Ezzy Ashcraft stated the letter submitted in the Council packet was updated in a manner not intended to not be transparent; an urgent request was submitted with concerns about asking the Commission for funding with ACTC being the lead agency for the estuary crossing project; Council could have provided wordsmithing at the meeting; stated that she wanted the updated language to be provided to Council and members of the public; technical points needed to be corrected for a more accurate letter.

Councilmember Oddie expressed concern about the changes not coming before Council to be made rather than a unilateral decision to change the letter; stated many people in the community have raised concerns in correspondence and part of Council's role is to evaluate the concerns and decide together as a Council; noted that he is unsure whether the letter update follows the spirit of the Sunshine Ordinance.

Mayor Ezzy Ashcraft stated the matter could have been continued to another date and time; the matter is time-sensitive in order to make the January 2021 meeting; Council will be able to discuss the matter after public comments are made.

Expressed support for the project; stated the project is overdue and travel times have increased; urged Council to consider motorized skateboards or other personal motorized electronic devices be able to use the bridge: Michael Moon, Alameda.

Stated recent protests and the pandemic's anti-Asian sentiment have affected Chinatown; the freeway destroyed 2,000 units of housing in Chinatown; expressed support for the project moving forward and the change in the letter; stated the bridge will help everyone: Serena Chen, Alameda.

Discussed her experience as a commuter; stated that she is glad the problem is being addressed with forethought; traffic will only get worse; the plan is very complicated and has many moving parts; the Chinese Garden Park is underutilized due to traffic; removing the Broadway off-ramp will create more tourist opportunities; urged Council to move forward with the project: Doris Gee, Alameda.

Stated Bike East Bay supports the project for its safety benefits; expressed concern about the failure of the project to provide true multimodal access across the estuary; stated there is a question about funding commitments; inquired about the implication of ACTC's commitment to multimodal projects as promised to voters; urged support and commitment from ACTC staff leadership to partner with the City of Alameda and present the project to the Commission in a way that will earn success: Susie Hufstader, Bike East Bay.

Stated that she is taken aback by the change in the letter; staff's original letter conditioned support for OAAP on identifying committed funding sources for the next two phases of the bridge; expressed concern about supporting the project in exchange for a promise of being added to the 10-year plan with no committed funding; expressed support for a true multimodal solution: Denyse Trepanier, BikeWalk Alameda.

Stated Chinatown has been taking the brunt of traffic for many years; the Chinese Garden Park cannot be used by residents due to safety conditions; expressed support for the project; urged Council to approve the project; stated the project is likely to reduce traffic and will improve the community: Sugiarto Loni, Oakland Chinatown Chamber and Alameda resident.

Expressed support for the staff recommendation as described in the original and updated letter; stated the updated letter should be refined further to ensure funding promised will be funding delivered; OAAP is a good project, but needs to fulfil its multimodal promise to users; progress seems dependent on votes and applications, which may be denied; a competitive funding process is a step backward; urged Council to further refine the letter to ensure funding is committed with greater certainty: Cyndy Johnsen, BikeWalk Alameda.

Expressed support for the original draft of the letter; stated support should be conditioned on having commitment to a pedestrian bridge; outlined petitions in support of a pedestrian bridge; stated the project is vital and should be moved forward as soon as possible with a better solution to bike and pedestrian access across the estuary: Zac Bowling, Alameda.



Discussed her experience with the OAAP project; stated the City has rejected the solution since the 2009 estuary crossing study; the project is not a net gain; there is no data to suggest new users; the path would be a waste of taxpayer dollars; urged Council to reject the Webster Tube path and find a way to include a meaningful multimodal solution: Lucy Gigli, BikeWalk Alameda.

Discussed poor air quality due to traffic; stated infrastructure changes have been needed for two decades; creating ease for car drivers during a climate crisis is unconscionable; any fundraising making the project easier for drivers is akin to climate denial; discussed the impacts of cars on the climate crisis; urged Council to reprioritize infrastructure projects; stated Oakland is the victim of Alameda's commuting and infrastructure choices: Tommaso Boggia, Oakland.

Discussed his experience bicycling through the Posey Tube; stated the new bicycle pedestrian lane is needed and will be used; expressed support for Alameda requesting Caltrans to have monthly maintenance cleaning of the walls and to upgrade the air circulating technology of both Tubes; stated that he supports the OAAP; there would be more favorable opinions with another vehicle bridge access on and off the Island: Jim Strehlow, Alameda.

Discussed his experience bicycling through the Posey Tube; stated a second bike path will not improve the overall experience and is a bad option; discussed bicycle and pedestrian interfaces; stated there will be multiple conflicts between bicyclists and pedestrians; the goal of improvements is to increase the number of people biking and walking through the Tubes; expressed support for spending funds on a real solution: Michael Sullivan, Alameda.

Stated that he believes the project is designed exclusively for drivers of private automobiles, which does nothing for multimodal access or long-term sustainability; the bike and pedestrian components of the plan are laughable and have been provided as a sop; the project will do nothing to further the City's goals of reducing automobile trips, greenhouse gas emissions and traffic will likely exacerbate the issues; Alameda has an opportunity to encourage more bicycle transit with the estuary bike pedestrian bridge; urged Council to condition support on a firm commitment to fund the estuary bike pedestrian bridge: Doug Letterman, Alameda.

Expressed support for ACTC committing funding to the bike pedestrian bridge; stated there has not been clarity on money from the OAAP funding the Environmental Impact Report (EIR) for the bike pedestrian bridge; expressed support for having clarity and including it in the letter: Dave Campbell, Bike Easy Bay.

Mayor Ezzy Ashcraft requested clarification about Council conditioning support of the OAAP funding the estuary crossing.

The Planning, Building and Transportation Director stated staff prepared a first draft letter

that conditioned support on getting funding; however, funding was never conditioned on the OAAP funding being used for the estuary crossing; building a bridge is a \$200 million effort; the bridge was conditioned on the next \$5 million study; the bridge is a huge project and will require a large effort from the region for many years; the bridge will need regional support and will serve a purpose; the bridge has brought regional attention to the project for the first time; many regional members have expressed support for the project; the OAAP is a good project and will take care of long standing problems in the Oakland Chinatown area caused by the current design; the solution is safer for the area; the OAAP does not solve the bike pedestrian access issues; the City Transportation Commission expressed support for not allowing the estuary crossing money be used on the next phase of OAAP; the OAAP and estuary crossing are good projects; however, neither are at the finish line and both are short on funding resources; the region will have to work together in order for both projects to be fulfilled; holding another project back contingent on funding from another project did not seem the proper stance for Alameda; outlined the change in the updated letter.

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(20-716) Councilmember Daysog moved approval of resetting Mayor Ezzy Ashcraft's speaking time.

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

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Mayor Ezzy Ashcraft requested clarification about using OAAP money to fund the estuary crossing bridge.

Ms. Lengyel stated the determination is made with the ACTC full Commission and is not done at a the staff level.

Mayor Ezzy Ashcraft inquired whether the OAAP money could be used to fund the estuary crossing bridge.

Ms. Lengyel responded in the affirmative; stated the City has two options; one option is to bring forth the 2014 letter for ACTC consideration of funding for the estuary crossing bridge; the letter commits bringing the matter to the ACTC board in January if the City submits a request letter.

Mayor Ezzy Ashcraft inquired whether the funding amount requested in the letter is \$75 million.

Ms. Lengyel responded in the affirmative; stated the letter also notes that should the project become infeasible, the Commission would consider reallocation; the amounts will be part of the discussion at the ACTC meeting; there is a strong commitment to multimodal access and improvements; the Commission is expected to be open to

multimodal access considerations.

Mayor Ezzy Ashcraft inquired whether there are geographical limitations.

Ms. Lengyel responded the environmental document for the OAAP does not have the estuary crossing as part of its project study area; stated the 2014 expenditure plan did not have specific project delineation and is the difference between the two options.

Mayor Ezzy Ashcraft inquired whether the difference would impact funding.

The Planning, Building and Transportation Director responded the OAAP EIR cannot cover the estuary crossing bridge.

Vice Mayor Knox White stated there is history with this project; outlined past Transportation Commission discussion about a horseshoe; stated previous Councilmembers urged Public Works to keep the option of a horseshoe design alive; the horseshoe is what makes the [OAAP] project worth consideration; the decision before Council is difficult; the project being delivered is not what voters expect; the OAAP is not an Alameda Point serving, multimodal project; the situation occurring in Oakland Chinatown is unacceptable; Alameda traffic is impacting the community; expressed support for the original letter; expressed concern about the delay in the process when details have been known for years; he would like ACTC staff to make a recommendation with the City of Alameda to support funding; he understands ACTC staff cannot make a commitment to funding; however, making the recommendation is a show of good faith and understanding of priority; outlined his past discussions related to the need for linking multimodal connections in order to reduce traffic through Oakland Chinatown; expressed support for signing onto the new letter with the condition of ACTC staff making a recommendation.

Councilmember Vella stated Alameda's traffic impacts to Oakland Chinatown need to be addressed; expressed support for the buy-in from Oakland Chinatown and the improvements to the project; expressed concern about negotiations surrounding support for the project; stated leverage is lost for a separate project in supporting the OAAP; both projects are behind and in need of more funding; expressed support for a commitment from ACTC staff to recommend support for next steps in the Alameda estuary crossing bike pedestrian bridge; outlined her experience using the Posey Tube via bicycle; stated there is importance in discussing equitable access across the estuary for the West End; many people need the crossing; the West End bike pedestrian crossing access is a priority for Council and a personal top priority; the matter is about equity and environmental issues and should be non-negotiable; the timing is tight; commitments are being asked for in writing; expressed support for the bike pedestrian estuary crossing.

Councilmember Oddie stated that he has been critical of Sunshine Ordinance blocking supporting matters; however, it is hypocritical that he ignore the Sunshine Ordinance for matters of support; expressed concern about transparency; stated the letter had been published; advocates noted an opportunity to leverage the bike pedestrian bridge for next

steps on OAAP; the letter went to the Transportation Commission and had been changed to not give away portions of the deal; then, the letter came to Council as an agenda item wanting to secure funding for the bike pedestrian bridge; noted the concerns for Oakland Chinatown are legitimate, that he supports the OAAP; outlined letters provided by the City of Oakland and ACTC; stated the concerns from bike pedestrian bridge advocates and the OAAP should be fleshed out in public versus private; expressed support for a win-win situation where one project is not put at-risk; the revised letter provides a win for one project, but not the other; funding is not guaranteed; expressed support for a funding recommendation from ACTC staff; stated the current Tube design is not multimodal; the project must be a collaboration with regional support; expressed support for engaging State representatives and for ACTC alternate Vice Mayor Knox White to be included in the process.

Councilmember Daysog stated the project is a long-time coming; the historic initial project was to improve Alameda resident's access to Interstate-880; the project will help residents get off the Island and deal with concerns raised by residents; his goal is to help improve vehicular traffic out of the Posey Tube based off data; vehicle traffic is a primary component in morning traffic; outlined morning vehicle traffic statistics; stated infrastructure is needed to facilitate the goals; expressed concern about the proposed speed limit decrease; outlined data showing time savings even with the speed decrease; expressed support for the OAAP; stated the bike pedestrian bridge should be considered separate from the OAAP.

Mayor Ezzy Ashcraft inquired the possible commitments ACTC staff could make to recommending funding as a condition of OAAP approval.

Ms. Lengyel responded ACTC has previously committed to funding; stated should she receive a letter from the City of Alameda, she can commit to bringing consideration of the next phase forward to the Commission; noted the Commission funds in phases; projects are not funded through feasibility and construction; there is a lot of work to complete between now and when the consideration is brought to the Commission to ensure an appropriate level of funding is being recommended; discussions with City staff will be important to provide a clear consideration for the Commission.

Mayor Ezzy Ashcraft stated that she believes it is important and essential that the City approves the OAAP; the current design has not been fair to Oakland Chinatown; the solution is auto-centric; cars will not stop travelling through the Posey Tube; Council has the opportunity to stop the impacts on Oakland Chinatown; some matters require trust; while funding is not guaranteed, there are good assurances that funding is present; noted that she has received enthusiastic support from other Commissioners; stated there have been obstacles with the Coast Guard in showing a navigable bridge over waterways outside of the Coast Guard Base.

Vice Mayor Knox White inquired whether ACTC staff will bring forward the City's request and commit to bringing the matter forward as a staff recommendation to the Commission.

Ms. Lengyel responded that she would not be able to bring a ACTC-CIP recommendation in January; stated that should she receive a letter from the City of Alameda requesting consideration based on the 2014 letter, a recommendation can be brought by ACTC staff to the Commission for consideration; noted ACTC only funds by phase, with distinct project phases; expressed support for discussing appropriate approaches to bring the next phase to ACTC; stated more vetting needs to happen and is encouraged.

In response to Mayor Ezzy Ashcraft's inquiry regarding the next logical phases, the Planning, Building and Transportation Director responded the next logical steps include continuation of the design process; stated there is a feasibility study with ACTC to determine whether it is feasible to build a bridge; staff needs to sit down with the City of Oakland to determine the exact location; steps to follow are the environmental, permitting and funding processes; questioned whether ACTC staff will recommend the project to the Commission after the next steps are determined.

Mayor Ezzy Ashcraft inquired whether the comments from the Planning, Building and Transportation Director describe the Project Study Report.

The Planning, Building and Transportation Director responded in the affirmative; stated the process may go by a different name; the process includes coming up with a final design to get to the environmental review process.

Vice Mayor Knox White inquired whether ACTC staff will recommend the project for action to the Commission or will ACTC staff simply bring it forward as a consideration.

Mayor Ezzy Ashcraft inquired whether enough specificity and direction has been provided.

Ms. Lengyel responded many technical questions need to be addressed in order to position the project to go after funding; stated there is a large funding need for the project; the project needs to be developed in a way which provides the right kind of studies to open the pathway for funding; she has committed to bringing the matter to the Commission for the next phase; she would like to bring the appropriate information for consideration; ACTC staff will make recommendations to ACTC Committees, which in turn make recommendations to the full Commission.

Vice Mayor Knox White moved approval sending the letter to ACTC with direction to staff to start the process [on the bicycle-pedestrian bridge].

Mayor Ezzy Ashcraft requested clarification that the motion includes approval of both the letter from herself and a letter sent from City staff, to which Vice Mayor Knox White responded in the affirmative.

Councilmember Oddie seconded the motion, inquired whether the motion includes the two pathways included in the letter from Ms. Lengyel, to which the Planning, Building and Transportation Director responded in the affirmative.

Mayor Ezzy Ashcraft stated the propositions are not mutually exclusive; these are the early steps in the next phases.

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

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Mayor Ezzy Ashcraft recessed the meeting at 9:55 p.m. and reconvened the meeting at 10:11 p.m.

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(20-717) Resolution No.15723 “Amending Master Fee Resolution No. 12191 to Revise and Add Recreation and Park Fees for Calendar Year 2021.” Adopted.

The Recreation and Parks Director gave a PowerPoint presentation.

Vice Mayor Knox White stated that he would like to consider freezing the fees for 2021; noted the use at facilities will be lower in 2021; non-profits are being hit hard and struggling financially; the City can spend money to provide services.

Councilmember Oddie expressed support for adopting the new categories but deferring the actual increases until 2022 for the same reasons listed by Vice Mayor Knox White; stated the trajectory of the pandemic causes uncertainty.

Councilmember Daysog stated the fee increases are meant to cover costs stemming from use; facilities are maintained and activities are staffed; the proposed fee increases appear reasonable for the demand for service and not out of line.

Councilmember Vella stated that she has asked the City Manager the quantity of people using facilities or rentals; the demand is not the same for facilities or rentals; significant changes have been made and many families are struggling financially; many sports programs cover costs by tournaments; expressed concern about encouraging mass gatherings in order to make money; many local leagues are taking financial losses; expressed support for adopting the fees and freezing the increases.

Mayor Ezzy Ashcraft inquired the implications of the Recreation and Parks fund not having the anticipated revenue.

The Recreation and Parks Director responded the impacts would return at the mid-year budget adjustments for a greater General Fund transfer; stated the expenditures do not change much; rental facilities are closed yet are the biggest revenue generator; there is a lower staff-to-child ratio due to COVID-19, which yields higher costs to revenue ratios; the swim lesson costs are being shifted to half-hour lessons; requested Council review and consider the swim lesson adjustments.

Mayor Ezzy Ashcraft inquired whether funding is available for the increase in lifeguards.

The Recreation and Parks Director responded lifeguards are only available when swim lessons or user groups occur; stated the lifeguard fee is new and costs will be covered under the new fee.

Vice Mayor Knox White moved approval of the City Manager's alternative proposal [adoption of the resolution] with all 2020 fees held through 2021, with the exception of the proposed reduction in swim fees and accepting the proposed new fees.

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

(20-718) Public Hearing to Consider Amendments to the Community Development Block Grant Action Plans for Fiscal Years 2019-20 and 2020-21; and Authorize the City Manager to Negotiate and Execute Related Documents, Agreements and Modifications.

The Program Manager gave a PowerPoint presentation.

Councilmember Daysog inquired whether thought has been given to transitioning persons using the safe parking program into the community cabins and whether thought given about who is eligible for community cabins.

The Program Manager responded the matter includes allocating funds for the potential purchase of community cabins; stated steps will be taken, including contracting with a social service agency to provide services; staff expects cabins to be potential shelter for those living in cars.

Councilmember Daysog inquired how many cabins can be purchased for \$200,000, to which the Program Manager responded 12 to 15 units.

Questioned the proposed location for the community cabins: Carmen Reid, Alameda.

The Development Manager stated identifying a location is part of the steps to take once funding is approved; a location has not yet been identified.

Councilmember Oddie stated the matter shows how much government can do to help and serve people.

Vice Mayor Knox White moved approval of the staff recommendation.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Vella stated there are many moving parts to the

matter; Council has shown a clear desire to fund these programs.

Mayor Ezzy Ashcraft stated County Measure W passed; outlined a Mayors' Conference meeting; stated Mayors of Alameda County have signed a letter to the County Board of Supervisors requesting that the Mayors have a seat at the table when the County is determining expenditure and allocation of Measure W funds to ensure needs are met.

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

(20-719) Recommendation to Accept the Status Report of the City's Economic Recovery Task Force Activities.

The Management Analyst gave a PowerPoint presentation.

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(20-720) Vice Mayor Knox White moved approval considering the remaining items and continuing the meeting until 12:00 a.m.

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

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The Management Analyst continued the presentation.

Mayor Ezzy Ashcraft outlined a County Public Health briefing; stated the City needs to remain proactive.

Councilmember Oddie stated that he would like more information provided for the County business assistance program; noted the application period is set to close soon.

The Management Analyst stated Alameda County announced the Alameda County Cares Grant program yesterday; the grant provides a \$5,000 one-time grant to businesses located in Alameda County; stated the program closes at the end of the month; the information is posted on the City's website and has been sent out.

Councilmember Oddie inquired whether the outreach is being provided in multiple languages, to which the Management Analyst responded the application is provided in multiple languages and all language options are shared.

Vice Mayor Knox White inquired whether the City has considered surveying local businesses for a status and needs update; stated costs are compounding.

The Management Analyst responded the early processes provided many surveys and



respondents indicated survey fatigue; stated focus groups have been formed, as well as receiving comments from Town Halls; ongoing outreach will be important to the strategy going forward; incorporating a survey into the matter is a good idea for the future.

Councilmember Vella stated the grant program is administered by the East Bay Economic Development Alliance (EDA) and the website can be found at: [eastbayeda.org/grants/](http://eastbayeda.org/grants/); noted reduced instructor to youth ratios are required due to COVID-19; inquired how the City will respond to employee limit restrictions for grant eligibility.

The Interim Community Development Director responded the Alameda Strong grant allows for two locations and up to 50 employees; stated the criteria for the East Bay EDA County grant was compiled without input from cities; noted an agenda item for matching grants will come to Council for consideration on December 1<sup>st</sup>; City staff must follow the County criteria; staff will follow-up with the County to see if the criteria can be shifted.

Councilmember Vella inquired the approach to businesses not located within business districts.

The Interim Community Development Director responded staff has used the business license list in order to reach as many businesses as possible; stated some businesses exclude e-mail addresses and are not able to be contacted; the business with email addresses are informed when announcements are made; focus groups have allowed staff to reach additional businesses and have helped relay information.

Mayor Ezzy Ashcraft inquired whether the majority of businesses provide an e-mail address, to which the Interim Community Development Director responded in the affirmative.

Councilmember Oddie moved approval of accepting the status report.

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

(20-721) Public Hearing to Consider Introduction of Ordinance Approving a Third Amendment to Development Agreement By and Among the City of Alameda, TL Partners I, LP, and Alta Buena Vista Owner, LLC Governing the Del Monte Warehouse Project Located at the Northeast Corner of the Intersection of Sherman Street and Buena Vista Avenue to Extend the Completion Deadline for the Clement Extension Improvements by One Year and Authorizing the City Manager to Grant an Additional One Year Extension Without Further Action by the City Council or Planning Board.

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

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

Councilmember Oddie inquired whether the provision for authorizing the City Manager needs to change due to his recusal.

The Planning, Building and Transportation Director responded staff will make the change; stated the adjustment will show on the second reading.

Councilmember Oddie moved approval of the staff recommendation, including introduction of the ordinance.

In response to Councilmember Daysog's inquiry, the Planning, Building and Transportation Director stated the entire project will not be completed, just Clement Avenue; there are multiple outside agencies involved in the project; it is better to ask for the time needed once versus return to the Planning Board and City Council for an additional extension should it be needed.

Mayor Ezzy Ashcraft expressed support for the one-year extension.

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

(20-722) Adoption of Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to Rezone the Property at 2350 Fifth Street from M-X, Mixed Use to R-4, Neighborhood Residential District to Facilitate Residential Use of the Property; and

(20-722A) Introduction of Ordinance Amending the Zoning Map Designation for the Property at 2350 Fifth Street (APN 74-1356-23) from M-X, Mixed Use to R-4, Neighborhood Residential District to Facilitate Residential Use of the Property, as Recommended by the City Planning Board. [Continued to January 5, 2021]

The City Clerk announced a motion is needed to continue the matter to January 5, 2021.

Vice Mayor Knox White moved approval of continuing the matter to January 5, 2021.

Councilmember Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Knox White: Aye; Oddie: Abstain; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Abstain: 1.

#### CITY MANAGER COMMUNICATIONS

(20-723) The City Manager announced NextGen COVID-19 testing located at Alameda Point; stated the County has moved into the Purple Tier and adjustments to restrictions are being noticed to businesses; announced the annual Alameda Firefighters Toy program has switched from a toy drive to raising funds through GoFundMe; announced Posey Tube closures.

## ORAL COMMUNICATIONS, NON-AGENDA

(20-724) Ashley Gremel, AMF, discussed AMF PPE production work, food distribution and remote work hub; stated there are many collaborative projects in the works for AMF; discussed the sale of land used by AMF; stated AMF is looking for a half acre to one full acre of City land to be rented to AMF.

## COUNCIL REFERRALS

(20-725) Consider Directing Staff to Address Zoning and General Plan Alignment with City Charter Article 26 as Part of the Association of Bay Area Government (ABAG) Regional Housing Needs Allocation (RHNA) Agenda Item. (Vice Mayor Knox White)

Vice Mayor Knox White gave a brief presentation.

Expressed support for Option 2; stated it is important to note the citizens' wish to keep Article 26 and for Council to discuss how to move forward: Zac Bowling, Alameda.

Expressed support for Option 2; stated every jurisdiction in the Bay Area has ambitious targets to meet; the City must determine how to reach RHNA goals; urged Council to face the issue head-on and aggressively schedule staff to report back as soon as possible; stated the housing crisis affects everyone and cities should coordinate: Adam Buchbinder, Campbell.

After Councilmember Daysog's interruption, Mr. Buchbinder completed his comments.

Stated it is important for the City Council to uphold the will of the voters; discussed the possibility of Alameda joining Tri-County neighbors in proposing a reduction of RHNA; stated Alameda is an island and its geography should be taken into account: Carmen Reid, Alameda.

Expressed support for Option 2; stated the matter is urgent; Measure Z was a decisive vote and Council must decide how to move forward: Doug Letterman, Alameda.

Councilmember Daysog stated on November 3<sup>rd</sup>, the people of Alameda clearly stated they would like to keep growth control measures, such as Article 26; Measure A is being kept as-is and is embedded in the City's zoning; noted there are circumstances which overwrite Measure A: State Density Bonus law or housing overlay; following through on the matter is to undo the vote of November 3<sup>rd</sup>; it is not the role of City Council to undo the outcome of the vote; the City is working within the parameters of Measure A and is meeting State housing law in building multi-family housing through Density Bonus and multi-family housing overlay; a new RHNA number will be provided; the Housing Element is still certified; the City Council will need to find a way to meet the RHNA number; the vote on Measure Z indicates Council should pursue the lesser of the two choices; Alameda is an Island with limited constraints; tools, such as Article 26, are needed.

Vice Mayor Knox White stated a discussion is needed on how to move forward; questioned whether the City can use overlays and whether the City can accommodate if overlays are not used; how many housing units can be accommodated and should the number be used in ABAG discussions about proposing a lower RHNA number; stated the voters were decisive and Council should honor the results.

Councilmember Vella discussed the Code of Conduct; stated actions taken during this discussion have been counter to the Code of Conduct; Council should welcome public comment openly; the voting results are public and have been decisive; however, there has been much misinformation and misguidance; expressed support for discussing how to move forward with limitations; noted that she takes Council fiduciary obligations seriously; stated there has been difficulty in Council not having conversations with executive staff to discuss pros and cons moving forward from a fiduciary standpoint; expressed support for an established timeline for discussions and for the matter to be first agendized at a Closed Session to allow Council to hear input from the City Attorney; stated there is value to Council meeting in Closed Session for an honest discussion; noted that she is not concerned about a lawsuit from a developer per se, but potentially from constituents; stated lawsuits come at a cost to the City; Council should be moving forward in a proactive way; expressed support for discussing what the election results mean for the City, for a presentation from ABAG, and for a publicly agendized meeting; stated it is insulting to refer to Alameda as “the Island City” as it ignores an entire portion of the City which exists outside of the Island as a peninsula and is exclusionary to a vast majority of the population that resides on Bay Farm Island; it is important to recognize all of the City.

Councilmember Oddie outlined the Code of Conduct; stated it should be possible to combine a Closed Session hearing legal risks and taking a vote on waiving Council privilege, then, hold an open session on said waived rights; he has advocated for Measure Z yet it convincingly lost; it is imperative to discuss what the results mean for the City and how to move forward with conflicting ordinances, which have been passed; outlined City Charter provisions and constitutional rights; noted Council has passed laws which get around Measure A; outlined election results; stated Council cannot ignore the results whether agreed upon or not and must learn how to deal with them; conflicts with the City Charter must be addressed; expressed support for Option 2, with the caveat of adding a Closed Session to discuss waived privileges.

Mayor Ezzy Ashcraft stated the Code of Conduct applies to all Councilmembers; Council conducts its best work when members listen to each other, especially when matters are disagreed upon; outlined the theme of communication and misinformation; stated Council strives to treat people the way they would like to be treated; noted a presentation will be brought forth on the RHNA methodology for determining the allocation of housing numbers; expressed concern about waiving attorney-client privilege; stated a slippery slope can evolve through waiving certain privileges.

The City Attorney stated staff plans to prepare a confidential memorandum outlining various legal implications to the Council; the memo will be provided within the month in advance of future Council meetings; Council can digest the memo and consider whether

any portion of the memo should be waived and shown to the public; the desired Closed Session will be agendized as “Anticipated Litigation – City Initiation of Anticipated Litigation” and staff will need additional factual development before bringing the matter to Council.

Mayor Ezzy Ashcraft expressed support for Council receiving a presentation from ABAG staff on RHNA numbers at the first meeting in December, Council receiving a confidential memo from legal staff, and agendizing a Closed Session as soon as reasonable for legal staff.

Vice Mayor Knox White expressed concern about the ABAG six-month comment window which ends in June; stated members of the public have interest in discussing the RHNA numbers; expressed support for discussions in January including options for moving forward; stated the sooner Council is able to talk through matters, the calmer interactions will be with the public for participation.

Councilmember Daysog stated that he was the campaign manager for Measure Z and that he wrote and designed the political mail.

Mayor Ezzy Ashcraft announced the time as 12:00 a.m.; stated the previous motion to extend the meeting has been met; inquired whether staff has received sufficient direction, to which the Planning, Building and Transportation Director and City Attorney responded in the affirmative.

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(20-726) Councilmember Oddie moved approval of extending the meeting five minutes to 12:05 a.m.

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

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Councilmember Daysog stated that he has interacted with media and radio outlets; noted the campaign message never indicated that building multi-family housing was not desired; stated the campaign committee understood the density bonus and housing overlay factors have to be lived with.

Councilmember Oddie moved approval of adopting Option 2 of the Council Referral and directing staff to return at the December 1<sup>st</sup> Council meeting.

Mayor Ezzy Ashcraft inquired whether the discussion at the December 1<sup>st</sup> meeting could take place under the RHNA methodology matter, to which Councilmember Oddie responded in the affirmative.

The City Attorney requested clarification that the direction to staff is not to bring a Closed

Session item to the December 1<sup>st</sup> meeting, to which Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Vella inquired whether December 1<sup>st</sup> discussion will not have any Council privileges waived, to which Councilmember Oddie responded in the affirmative.

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

#### COUNCIL COMMUNICATIONS

(20-727) Stopwaste October 2020 Topic Brief: Re: Source. (Councilmember Oddie). Not heard.

#### ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 12:05 a.m.

Respectfully submitted,

Lara Weisiger, City Clerk

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