

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

Mayor Ezzy Ashcraft convened the meeting at 7:06 p.m.

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

Absent: None.

AGENDA CHANGES

(22-686) The City Clerk stated staff recommends hearing the three park names [paragraph nos. 22-700, 22-701 and 22-702] together.

Councilmember Knox White moved approval of hearing the items together.

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

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(22-687) Mayor Ezzy Ashcraft read a proclamation for Elsa Ortiz.

Councilmembers Daysog, Herrera Spencer and Knox White made brief comments.

(22-689) Proclamation Declaring November 2022 as Lung Cancer Awareness Month.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Councilmembers Herrera Spencer and Daysog recorded no votes on the teleconference findings [paragraph no. 22-693].

Councilmember Knox White moved approval of the Consent Calendar.

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

(*22-690) Minutes of the Special and Regular City Council Meetings Held on October 4, 2022 and the Continued September 28, 2022 Meetings Held on October 17 and 18, 2022. Approved.

(*22-691) Ratified bills in the amount of \$5,474,390.84.

(*22-692) Recommendation to Authorize Updates to the Existing Alameda Police Department Policy Manual to Conform to Best Practices and to Confirm/Ratify Policies That Have Been Updated Pursuant to Legal Updates, Significant Liability Issues, and Imminent Safety. Accepted.

(22-693) Recommendation to Approve Findings to Allow City Meetings to be Conducted via Teleconference.

Note: Councilmembers Daysog and Herrera Spencer recorded a no vote, so the motion carried by the following vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

(*22-694) Recommendation to Accept the Work of Suarez & Munoz Construction Inc. for Alameda City Hall Lawn Conversion, Project PW No 02-22-05. Accepted.

(*22-695) Recommendation to Authorize the Interim City Manager, or Designee, to Execute a Second Amendment to Infrastructure Agreement with Harbor Bay Business Park Association; and

(*22-695A) Resolution No. 15994, "Amending the Fiscal Year 2022-23 Capital Improvement Program Budget by Appropriating \$900,000 in Harbor Transportation Funds (287) for Bus Shuttle Stop Improvements and Signage in Harbor Bay Business Park." Adopted.

(*22-696) Resolution No. 15995, "Approving of Administrative Corrections to Revise the Language for Retention Pay in the Memorandum of Understandings (MOU) Between the Alameda Police Officers Association (APOA) and Update the Salary Schedule for the Alameda Fire Chiefs Association (AFCA) to Reflect the Correct Calculation of Management Incentive Pay." Adopted.

(*22-697) Resolution No. 15996, "Authorizing the Interim City Manager, or Designee, to Execute a Consent to Assignment and Assumption of Lease in Favor of Daniel Patrick Nichols With Respect to the Lease of Real Property Between Agnes McKinley, Successor Trustee of Mihailo Crnjanski, and the City of Alameda for the Tidelands Parcel Adjacent to the Uplands Parcel at 1620 Fernside Boulevard, Alameda, CA." Adopted.

(*22-698) Resolution No. 15997, "Authorizing the Interim City Manager, or Designee, to Execute a Fourth Amendment to the License with Amber Kinetics, Inc., a California

Corporation, to Extend the License Term for Twelve Months for the Unimproved Lot Located at 641 West Red Line Avenue, Alameda, CA.” Adopted.

(*22-699) Ordinance No. 3331, “Article XIX (Third Party Food Delivery Services) of Chapter VI (Businesses, Occupations and Industries) of the Alameda Municipal Code to Modify the Sunset Provision Such that the Cap on Food Delivery Service Fees Will Remain in Place Until the State Emergency is Rescinded.” Finally passed.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(22-700) Recommendation to Name the New Park known as Alameda Landing Waterfront Park as Bohol Circle Immigrant Park and Direct Staff to Include Educational Signage About Bohol Circle.

This item was heard along with naming Whale Park [paragraph no. 22-701] and Seaplane Lagoon Promenade [paragraph no. 22-702].

The Recreation and Parks Director gave a Power Point presentation.

Councilmember Herrera Spencer moved approval of all three park names.

Councilmember Herrera Spencer stated the proposed names are great; discussed attending events at Bohol Circle; noted Dumaguete is one of Alameda’s sister cities; expressed support for all three park names being a great combination.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Daysog expressed support for the Bohol Circle Immigrant Park name; discussed contributions made by the members of Bohol Circle; stated the park will be important.

Vice Mayor Vella stated that she is excited to see Bohol Circle being recognized; there is a lot of personal history for her with Bohol Circle; noted Filipino History Month just ended and the park name is a nice culmination.

Mayor Ezzy Ashcraft expressed support for contributions made to the park names; stated many people agree on the love for parks in the City.

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.

(22-701) Recommendation to Name the New Park Known as Alameda Point Neighborhood Park as Whale Park.

This item was addressed under naming Bohol Circle Immigrant Park [paragraph no. 22-700].

(22-702) Recommendation to Name the New Park Known as Alameda Point Waterfront Park as Seaplane Lagoon Promenade.

This item was addressed under naming Bohol Circle Immigrant Park [paragraph no. 22-700].

(22-703) Introduction of Ordinance Amending Alameda Municipal Code Chapter 21 (Solid Waste and Recycling) to Comply with Senate Bill 1383 and Conform with Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance. Introduced.

The Program Specialist gave a brief presentation.

Councilmember Know White moved approval of the staff recommendation [including introduction of the ordinance].

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

(22-704) Recommendation to Provide Direction to Staff Regarding Police Accountability.

The Interim City Manager gave a Power Point presentation.

Councilmember Herrera Spencer inquired whether there is a way to back out of hiring a Police Auditor after the upcoming election if the new Council so chooses.

The City Attorney responded Council has the ability to change its mind with respect to limited vesting rules; stated if the City hires an employee prior to the Council changing its mind, the City would have to implement a layoff.

Councilmember Herrera Spencer inquired the projected salary for the Police Auditor position.

The Interim City Manager responded staff would have to perform salary surveys; stated the position is viewed as high-level and will likely range in the high \$100,000's.

Councilmember Knox White inquired whether a budget line item currently exists for the position, to which the Interim City Manager responded in the affirmative.

Stated timely and thoughtful oversight is needed; expressed support for Option 3 with one modification to have the Auditor report to the City Manager and City Attorney: Russ Giuntini, Alameda.

Expressed support for Option 3 and opposition to Options 4 and 5: Michael Robles-Wong, Alameda.

Urged Council to postpone the vote on Police accountability; stated Option 3 would be preferred; suggested new committees be formed with public participation; expressed concern about subcommittee meetings not being public: John Healy, Save Alameda.

Urged Council to support Option 3; stated the National Association for the Advancement of Colored People (NAACP) supports the recommendation; stated civilian oversight is not needed in Alameda; expressed concern about a civilian group being pitted against the Police Department: Kimberly Giuntini, Alameda.

Expressed support for the staff recommendation; stated Option 3 is supported by the NAACP and the Police Chief: Felsha Zuschlag, Alameda.

Expressed support for the staff recommendation, for starting with Commission on Accreditation for Law Enforcement Agencies (CALEA) certification and for hiring a Police Auditor later: Joe LoParo, Alameda.

Urged Council to reject the staff recommendation, which does not allow for community oversight; stated accreditation is not oversight or accountability; discussed CALEA rubber stamping; stated the NAACP represents Hayward, not Alameda: Cheryl Taylor, Alameda resident and 2020 Steering Committee.

Stated there needs to be a community oversight committee; questioned the reason Hayward NAACP is supporting the staff recommendation; urged a committee be formed: Marilyn Rothman, Alameda.

Urged Council to implement meaningful civilian Police oversight; stated Alameda has its own wrongs to correct; civilian oversight is a critical element in rebuilding trust between Alameda residents and Police; there is a gap in trust; urged Council to direct staff to continue to pursue civilian oversight: Jackie Zipkin, Alameda.

Stated Council needs to follow-through on the commitment made to the community in March 2021; stated the subcommittee had an explicit recommendation to embark on an independent Police oversight effort that is civilian-inclusive and does not include the Police; expressed concern over delay in implementation and the insufficiency of the staff report: Savanna Cheer, Alameda.

Stated the subcommittees have been patient and given Council time to react to community members' needs; the report provides a range of options, but only references San Francisco and Oakland for oversight models; urged Pleasanton, San Leandro,

Berkeley, and many other models be reviewed; stated there is a professional organization for oversight bodies; the position has been budgeted: Jennifer Rakowski, Police Accountability and Oversight Subcommittee and Alameda resident.

Stated none of the proposed solutions seem to capture the direction of the subcommittees; discussed the death of Mario Gonzalez; expressed support for meaningful community oversight; stated resources for the community help reduce crime; expressed concern over the system being designed to keep people in jail; stated data does not show an increase in Police accountability or a reduction in Police violence: Jenice Anderson, Alameda.

Urged council vote in favor of Option 3; stated the Police Chief has brought a data-driven approach to policing; expressed concerns over police commissions; discussed a letter submitted to Council related to Police misconduct; urged Council not approve the Police Commission alternative: Joyce Boyd, Alameda, United Democrats of Alameda.

Expressed support for the staff recommendation; stated Alameda has a good Police Department and Chief; public safety is the number one priority; expressed concern over unintended consequences of other options provided, including a potential increase in crime; stated the proposed commission will hinder policing in Alameda: Rohit Reddy, Alameda, United Democrats of Alameda.

Expressed support for Option 3; stated the Police Department needs a streamlined process versus layered oversight: Amy Seefeldt, Alameda.

Stated that she worked hard as a member of the subcommittee; expressed concern over NAACP correspondence; stated the NAACP does not speak for her; questioned the gold standard designation shown in the presentation; stated none of the recommendations provided have been asked for by the subcommittees; community oversight does not impede the ability of Officers to perform: Melodye Montgomery, Alameda.

Stated the subcommittees modeled the needed expertise to perform well; it is unfortunate that the recommendations are being set aside for a professional process; expressed concern about the experts being recommended being similar to those who explained away the death of Mario Gonzalez and other incidents; the recommendation does not represent the community; urged Council to hold to the commitment made to the community: Amanda Cooper, Alameda.

Expressed support for comments provided by Speaker Taylor; stated disregarding the subcommittee recommendations throws out volunteer hours and effort spent; discussed the City being on National Public Radio (NPR); expressed concern over Council flip-flopping; urged Council to stand by its commitments: Erin Fraser, Alameda.

Urged Council to support Option 3; stated the CALEA certification process is solid and reputable; expressed support for the Police Chief and Speaker Boyd: Carmen Reid,

Alameda.

Stated that she was a member of the subcommittees on Racial Justice and Equality; the subcommittees agreed to community input and oversight; the staff report feels disingenuous; expressed concern over delay; stated community input is needed; Option 3 seems problematic: Beth Kenny, Alameda.

Stated the commission had been a great idea; however, there are too many people involved; Council has been flip-flopping; questioned which side Councilmembers are on; expressed support for the Police Department: David Chu, Alameda.

Named people who have been abused or killed by local police; stated that he has provided a long history on Alameda Police and the lack of oversight; discussed the results of a survey supporting civilian oversight; stated Option 3 is not a good fit for Alameda: Rasheed Shabazz, Alameda.

Councilmember Herrera Spencer moved approval of Option 3.

Councilmember Herrera Spencer stated that she is comfortable with allowing the Police Chief to perform his job; Option 3 is not her first choice; however, she will respect staff's recommendation; discussed the citizen Police subcommittees; stated that she was not on Council at the time the subcommittees met; the subcommittee members were selected by the prior City Manager; the subcommittees did not fall under the Brown Act; the subcommittee members meeting information was not made public in a timely manner; expressed concern over members of the public not being allowed to participate and provide comments at subcommittee meetings; stated the subcommittees are one part of the community and are not representative of the community at-large; many members of the community were excluded from the process; she supports the staff recommendation of an outside advisor being involved; inquired whether Option 3 is being recommended by the Police Chief.

The Police Chief responded in the affirmative.

Councilmember Herrera Spencer requested further elaboration from the Police Chief as to his recommendation.

The Police Chief stated that he has significant experience with oversight; it is important to have a layer of independent review; based on several models available, the Police Auditor seems to be a good fit; the position is full-time; the Police Department can receive immediate, timely recommendations on best practices; the position will have access to the Police Department's data to make timely recommendations; the position is a way to install a level of accountability being sought by the community.

Councilmember Herrera Spencer stated that she understands the position will report to the City Attorney's Office; requested clarification about the position.

The City Attorney stated the staff recommendation is to have the position report to the City Attorney; the position will be hired, report to, or be discharged by the City Attorney.

Councilmember Herrera Spencer inquired whether the position reporting provides a level of oversight that could be beneficial to the Police Department.

The City Attorney responded in the affirmative; stated staff has looked at various options and have provided the recommendation, in part, due to it providing some level of separation outside the Police Chief-City Manager chain of command; the position has a level of independence, which is part of the reason for staff's recommendation.

Councilmember Herrera Spencer stated that she is a person of color; she has raised her family in the community; she strongly believes it is important to provide the Police Chief the opportunity to perform his job.

Councilmember Knox White proposed the motion be amended to include setting a hire-by date of the end of June 2023 with direction that once the position is filled, a work plan will be produced to Council within six months that includes a process for community engagement and involvement in the process; noted that he will second the motion with the proposed amendment.

Councilmember Herrera Spencer stated the amendment is not part of the staff recommendation; requested clarification.

The Interim City Manager stated that she believes staff can hire someone by the proposed time; sometimes the marketplace and qualifications can be reason for delay; staff can begin a recruitment fairly quickly.

Councilmember Herrera Spencer stated that she would accept a friendly amendment that speaks to starting the hiring process for the position by January 2023.

The Interim City Manager stated staff can begin working on the recruitment quickly; if there is a good candidate, the position can be filled by June 2023; some work needs to be done, but the process can begin right away.

Councilmember Herrera Spencer stated that she will accept the friendly amendment with the clarification provided by staff.

Councilmember Knox White seconded the amended motion with the understanding that the hiring process will begin by January 1, 2023.

Under discussion, Councilmember Knox White stated Council needs to be clear that over one and a half years have been spent waiting to have a discussion on community oversight and the meaning; Council requested it return in time to potentially place a measure on the ballot; moving forward on the current matter is moving forward on a matter from one and a half years ago; the lack of hiring is inexplicable; questioned hiring

has not proceeded for a position that has been budgeted for; expressed support for the Police Chief; stated that he does not make decisions on how the City runs the Police Department based on whether or not he thinks an individual that sits in a specific seat is a good person; the matter represents the past two to three Police Chiefs causing multiple negative and fatal incidents; the delay in dealing with the matter has caused the matter to be discussed with the current Police Chief; the action is a way to build trust within the City and community; people within the community are then likely to feel as though their voices are being heard in a way that has not yet occurred in Alameda; the Police Auditor option has been recommended due to there being a role for a professional to help guide a process; as long as the Police Auditor sits in the City Attorney's office, there will be enough independence to ensure the City Manager and City Attorney are being provided needed information; he expects the six-month work plan to return with recommendations about how the Police Auditor will report unfollowed recommendations; community involvement should be implemented in the process; expressed support for the Police Auditor plan to include how the community will be involved; stated that he does not want the community involvement to include street fairs; the Police Auditor is not a Public Relations position; the Police Auditor position should be someone for people to engage with and ask questions; the CALEA accreditation could have begun one and a half years ago and did not require Council action; CALEA accreditation is not the pinnacle of great policing and does not provide the sense of needed oversight and accountability; moving forward with Option 3 starts the process of moving forward; hopefully future City Councils will recognize the commitment made; four Councilmembers have committed to the future of what community safety should be; many people are requesting Council go back and do a review; stated crime data shows some increases over the past year; the increases are coming from historic lows; crime is nowhere near the amounts of many years prior; data shows Alameda is a safe city; the community wants to begin engaging in a meaningful way with community voice and involvement in the process; the City already has many Boards and Commissions providing information; it is important the motion makes a commitment to community involvement returning to Council.

Vice Mayor Vella stated that she is unsure of whether or not she will support the motion; the position is a fairly large investment and the of benefit is unknown; she would rather see the investment be made in proactive services; Council has funded the Community Assessment Response and Engagement (CARE) team; she would like to see continued investment along the same line; the City has several high level vacancies that need to be filled; expressed concern over the timeline of putting a Police Auditor in place; stated the biggest changes to the City Charter have come from community led initiatives; she would like to temper expectations related to Council's allowable actions under the City Charter; community members are asking for community oversight and involvement; the City Charter has some limitations in place that prohibit some of the community oversight abilities; the six month update might not be in line with the expectations of some of the community members due to City Charter limitations; expressed concern about the creation of an expensive position being another level of bureaucracy and over performing an action that is middle ground to reach a compromise instead of adding changes; stated there is a large need for social services funding being available at the

County level; reports from Officers limit what can be shared.

Councilmember Daysog stated generations of Alamedans will see the decision to hire a Police Auditor as a historic inflection point in the continuing reform of policing in Alameda; an independent Police Auditor will strengthen Police accountability, oversight and public safety; he is not convinced the decision has to happen currently; however, he is ready to make the decision if necessary; the City is potentially on the cusp of hiring a new City Manager; the matter is likely something the new City Manager should be involved with; people have expressed concerns over delays; expressed support for moving the matter forward and for the staff recommendation of Option 3; discussed the CARE team.

Mayor Ezzy Ashcraft stated there is a range of views on the topic of what sort of Police oversight there should be; it seems as though there is agreement in the need for some oversight; expressed support for processes being put in place so that the position has safeguards; stated in a short amount of time, there have been some very tragic and unfortunate incidents in Alameda as a result of the Police Department; oversight is an opportunity for the Police Department to become a better department; expressed support for the Officers being hired, held to high standards and representing the community; stated there is always an opportunity to do better and learn; expressed support for the motion and amendment; stated the City Attorney's Office sometimes represents Police Officers; expressed concern about the potential for a conflict of interest; stated the placement of the Police Auditor under the City Attorney's Office is because the Police Chief does report to the City Attorney; it is important to have the position placed outside the chain of command; she supports having a process to hear from the community; community input will provide a broad spectrum of views, which is good; the discussions need to occur in order to move forward with something constructive; the approach to the matter is a constructive first step; the City stands to learn a lot from moving forward with a Police Auditor; expressed support for the proposed timeline; stated a new City Manager will be appointed in the near future; Council cannot delay decisions due to staffing vacancies; inquired whether the motion addresses CALEA accreditation.

Councilmember Herrera Spencer responded CALEA accreditation is part of Option 3; discussed Police Department community beat meetings; expressed support for the Police Chief establishing the beat meetings; stated that she is missing her community beat meeting tonight.

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

Mayor Ezzy Ashcraft called a recess at 9:00 p.m. and reconvened the meeting at 9:19 p.m.

(22-705) Recommendation to Consider New Information Regarding the Grand Street Resurfacing and Safety Improvement Project and Authorize the Interim City Manager, or Designee, to Proceed with Construction Documents for the Grand Street Resurfacing and Safety Improvement Project Final Concept.

The Planning, Building and Transportation Director gave a Power Point presentation.

Councilmember Herrera Spencer inquired whether staff believes the information presented had not been available for any of the prior Council meetings related to the matter.

The Planning, Building, and Transportation Director responded the information included in the staff report was not included or presented in any prior staff reports or meetings.

Councilmember Herrera Spencer inquired whether the information had been available online.

The Planning, Building, and Transportation Director responded none of the new information staff was in the October 4th staff report; stated it is possible the information about chicanes in other cities came up during other public meetings; however, he cannot be certain; the matter has been discussed with the community, Boards and Commissions for over a year.

Councilmember Herrera Spencer stated multiple pictures have been attached; inquired whether staff went on location to take the photos, to which the Planning, Building, and Transportation Director responded in the negative.

Councilmember Herrera Spencer inquired where the pictures came from.

The Planning, Building, and Transportation Director responded most of the pictures were taken from State and local guidelines; stated Lafayette and San Francisco guidelines were used; the photos were borrowed, not taken on-site.

Councilmember Herrera Spencer inquired whether staff found the photos online.

The Planning, Building, and Transportation Director responded some of the photos were transmitted to staff by members of the community; stated other photos were found referencing guidelines; staff understands there has been quite a bit of confusion about Concept 2 at the October 4th meeting; after the hearing, staff realized not a lot of information was provided about the reasons why staff felt Concept 2 is safe; the previous recommendation used design standards and strategies commonly used across the country.

Councilmember Herrera Spencer inquired whether the guidelines are posted online.

The Planning, Building, and Transportation Director responded the National Association of City Transportation (NACTO) guidelines are posted online.

Councilmember Herrera Spencer requested confirmation whether staff obtained the images online, to which the Planning, Building, and Transportation Director responded in the affirmative.

Councilmember Daysog stated there were previous discussion about the benefits each option presented; part of the discussion related to speed reduction and safety benefits; inquired whether the issue relates to the idea that documentation was missing showing Option 2 is better.

The Planning, Building, and Transportation Director responded staff is presenting information that had not been presented in prior staff reports.

Councilmember Herrera Spencer inquired whether the City is eligible for the entire amount of grant funding under either plan.

The Planning, Building, and Transportation Director responded in the affirmative; stated the construction costs are similar between both concepts; the grant can be used for either plan; Council must approve the plan; staff will use the funds already set aside along with funds to be received from Caltrans.

Expressed support for the October 4th vote; stated the project should not go forward without a comprehensive plan; discussed continuous, separated bikeways; urged a bikeway be built as-voted using grant monies while configuring the remainder of the street; urged Council to stick with the original vote: Karen Miller, Alameda.

Stated Grand Street is a busy street; the chicane plan does not show bike lanes and has no parking; the new information shows nothing that could overlay on Grand Street with parked cars; urged Council to stay with the original plan: Barry Parker, Alameda.

Expressed concern about the correspondence; urged Council to defer the current staff recommendation in order to accommodate more community input and proposals and to develop a Master Plan for the project; discussed a bike path in Boston; expressed support for preserving Class 2 bike lanes: Carmen Reid, Alameda.

Urged Council to pass the staff recommended final design concept for construction and expressed support for protected bike lanes and chicanes: Kevis Brownson, Alameda.

Stated the City has considered some recommendations and proposals over others; it is premature to come to a final decision; other cities using chicanes do not use them on major streets; Grand Street is a main thoroughfare and evacuation route; expressed concern over correspondence; urged Council to evaluate new information from the community: Jay Garfinkle, Alameda.

Urged Council to read the letter she submitted; stated that she has submitted correspondence to Boards and Commissions on the matter since May; Grand Street is not a high injury corridor; references to Grand Street being a Tier 1 high injury corridor should be removed from the Vision Zero documents; expressed concern over disability issues: Carol Gottstein, Alameda.

Requested clarification be provided regarding correspondence; stated the matter is a done deal; new information is hardly new and is not compelling; the matter is a solution looking for a problem; expressed support for repainting the existing lanes and adding pedestrian safety at crosswalks: Matt Reid, Alameda.

Mayor Ezzy Ashcraft stated that her objective is always the safety of street users; she had many questions when Council considered the Grand Street options; she thought that her safety-related questions would be answered at the prior meeting and they were not; the questions were two-fold and included whether there are any unintended consequences of the new zig-zag configuration; she could have performed her own research; however, City staff can provide information; a miscommunication must have occurred; staff thought the safety questions related to fire trucks safely navigating the configuration; her questions also included examples of where the configuration has been used in other cities; expressed support for deeper research being performed; stated Council needs to reach outside of City staff at times; for a variety of reasons, the Public Works Department has been auto-centric; the proposed configurations are newer; expressed concern about the previous plan being approved without staff confirming other cities have successfully and safely use the configuration; she reached out to the Planning, Building, and Transportation Director the morning after the previous project approval and researched the Federal Highway Administration (FHA) guidelines for traffic calming; she understands the concerns about automobile traffic being too fast on Grand Street making crossing intersections difficult; traffic calming devices were not presented as such because of the project's auto-centric focus; expressed support for the option containing protected bike lanes; stated that she would like to direct staff to move forward to complete the final plans and constructions documents; City staff should consult with a design firm that has relevant experience; the project must be correct and is not being done solely for the proposed blocks of Grand Street; if Grand Street is the true north-south bikeway, the improvements must go all the way to Clement Avenue and connect with the cycle track; discussed Fehr and Peers' Salt Lake City experience; expressed support for further community input; stated that she defers to those with proven expertise; safety is the goal along with people getting out of automobiles and using other means of transportation; Alameda is an Island and greenhouse gas emissions need to be reduced; the proposed project is a way for the City to combat climate change and sea level rise; the City is changing; discussed bicycles traversing through Alameda helping the City address climate change; stated the City has an obligation to address climate change safely; she is satisfied with the additional information that has been presented and is ready to move forward.

Councilmember Herrera Spencer stated three hands are raised; inquired why the speakers were not called.

The City Clerk responded all hands were raised after public comment had been closed.

Councilmember Herrera Spencer expressed concern about three members having raised hands; stated the issue is an ongoing problem; members of the public are being excluded from public comment; in regards to new information, everyone knows how to use google; googling chicanes yields traffic calming with images; all information is available online and is not new; if Mayor Ezzy Ashcraft wants to change her vote that should be stated; expressed concern about having staff representing the information as new when it is easily attainable; stated the motion made at the previous Council meeting is a good place to start; two Councilmembers had left the meeting; the previous motion included protected bike lanes from Shoreline Drive to Otis Drive in front of the middle school; children and adults ride their bikes all over town without protected bike lanes; it is important to have protected bike lanes in front of the school; the motion included all of the pedestrian improvements; discussed improvements to slow traffic on Bayview Drive; stated questions indicate the project is not ready to proceed with Option 2; Option 1 is a reasonable place to start; requested confirmation that an Americans with Disabilities Act (ADA) expert has not signed off on the plan.

The City Engineer responded engineering leads typically sign off on such plans; stated an ADA consultant provided input regarding placement of the ADA parking spaces.

Councilmember Herrera Spencer inquired whether an ADA expert claims that taking away parking in front of someone's home and placing it over 300 feet around the block is acceptable.

The City Engineer responded the consultant explained to staff that the placement is related to the entire block perimeter; stated the ADA spaces can be placed anywhere along the block perimeter, including side streets.

Councilmember Herrera Spencer inquired how many feet the spaces are from the furthest home.

The City Engineer responded that he does not know; stated each block is around 350 feet long.

Councilmember Herrera Spencer stated the proposal takes parking from in front of homes on a residential street with no businesses and shifts it around the block; she has ADA parking abilities due to a bicycle accident; asking someone that qualifies for disabled parking to walk around the block is a huge ask; she is surprised that measured or incremental steps are not being taken for a residential street; the data is clear and Grand Street is not a Tier 1 high injury corridor; inquired how many severe injuries involving bicycles have occurred between Otis Drive and Encinal Avenue on Grand Street.

The Planning, Building, and Transportation Director responded that he does not have

the information; stated high injury corridor maps were prepared as part of the Vision Zero Plan; the maps are based on data collected through Police reports; he does not know exactly how many incidents have occurred Grand Street during a specific period of time.

Councilmember Herrera Spencer stated Option 1 is a measured step to start slowing traffic; the City does not have to go to the extreme so close to an election; the information presented is not new; urged everyone to perform google searches for chicanes.

Councilmember Knox White stated every home has a driveway within 20 feet of their front door; expressed concern over the idea that there are ADA access concerns; stated the City is building the ADA compliant parking spaces in the entire corridor.

Councilmember Knox White moved approval of Option 2.

Vice Mayor Vella seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether consideration could be made for the additional direction to staff to bring in a design firm with relevant experience for the construction drawings.

Councilmember Knox White responded that he trusts City staff to bring the appropriate people to the project; stated that he does not think Council needs to direct staff to bring in a specific type of designer; he is confident that staff will bring in the right people.

Councilmember Daysog stated there have been different levels of discussion; one level includes the substance of the traffic calming solutions being evaluated; the other level includes the process by which City Council makes its decisions and reevaluates decisions which have previously been made; he would like to focus on the process by which Council makes and revisits decisions; Council made a decision to approve Option 1 on October 4th; a decision was made mid-October to reevaluate the October 4th decision; the basis for reevaluation was due to new information; each Councilmember makes their decision on a standalone basis; he does not think new information is being presented to Council; he does not think there is a basis for reevaluating the prior October 4th decision; different strategies and options were presented to Council, Boards, and Commissions; City bodies were able to provide guidance; staff's recommendation on October 4th is the recommendation Option 2 tonight; the root of staff's October 4th recommendation related to safety; he understands chicanes provide more safety due to vehicles being forced to slow down; the option also provides for protected bike lanes; the increased safety features of Option 2 were always available; staff is not making any different observations related to the safety of Option 2 versus Option 1; the new information is the documentation being provided; nothing is being changed fundamentally; the approach does not constitute new information; he is not convinced new information is being used to reevaluate the October 4th decision he supports the Option 1 due to the significant concerns raised by Grand Street residents;

he makes balanced decisions in the face of significant concerns; Option 1 is still fundamentally safe, but not as safe as Option 2; he is satisfied that the City can still improve the Grand Street corridor for bicyclists and pedestrians with Option 1; he is not convinced that the process for revisiting the October 4th decision is present; Council has processes in place for revisiting matters; he will not be support the motion.

Mayor Ezzy Ashcraft stated the second person she called after speaking with the Planning, Building, and Transportation Director was the City Attorney to see whether it could be possible to move forward with new information; she had two questions that were not previously answered and have now been answered; the decision to move forward with new information was not hers, she checked with the City Attorney.

Councilmember Herrera Spencer stated residents of Grand Street have concerns about parking in their driveway; delivery vehicles double parking on the street also causes concern; double parking is a serious concern; the Grand Street configuration does not exist elsewhere in the City; the design will be unique; she believes the term protected bike lane is a misnomer; she encourages caution using the term.

Mayor Ezzy Ashcraft expressed support for adding a design firm to the project configuration.

Councilmember Herrera Spencer stated that she disagrees; staff will be working on the proposals; she does not think someone from outside needs to be brought in; she will be opposing the motion and does not think the option is safe.

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

(22-706) Resolution No. 15998, "Adopt the Revised Pension Rate Stabilization Program (PRSP) and Other Post-Employment Benefits (OPEB) Funding Policy." Adopted.

The Controller gave a Power Point presentation.

Councilmember Herrera Spencer requested clarification about the term loss.

The Controller stated the presentation refers to CalPERS issuing reports one year in arrears; the figures shown are from Fiscal Year (FY) 2021; preliminary numbers for FY 2022 show a net loss of 6.2%.

In response to Councilmember Herrera Spencer, the Controller stated discussed the investment loss in the PARS trust fund for OPEB.

Councilmember Herrera Spencer inquired what happens to numbers and impacts in a down economy or recession.

The Controller responded generally as investments go down, CalPERS has a discount rate; stated the discount rate formulates how much is expected to be earned in any FY; the current rate is 6.8%, which has not changed in about one and a half years; staff expects the percentage to be smaller which will imply that the normal costs and unfunded pension liabilities will increase; the City will need more money to gain the interest rate over time.

Councilmember Herrera Spencer inquired the interest rate of the trust fund and what happens to the rate in a down economy.

The Controller responded the City's plan sponsors CalPERS; the City does not have a plan sponsor for OPEB; the reports coming in are actuarial; as invoices come in for retirees, the City utilizes a pay-as-you-go approach; the City has a rainy day fund set aside for PARS that can only be used to pay these obligations; the City pays the amount out of current year costs; the City has an investment fund set aside in the event of a down economy.

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

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog inquired whether the City has its Comprehensive Annual Financial Report (CAFR) for FY ending 2022.

The Controller responded in the negative; stated the City is currently under audit; the report is due December 31st.

Councilmember Daysog stated one of the key triggering events says: "the amount is considered surplus only if the current year residual fund balance is greater than the prior year residual fund balance;" inquired if the residual fund balance is less than the prior FY residual fund balance, it will go down to zero and nothing will happen.

The Controller responded in the affirmative; stated if the City has a prior year fund balance of \$30 million and the balance is currently \$20 million, the City has spent or earmarked \$10 million more in expenditures and staff would report there is no General Fund surplus.

Councilmember Daysog stated that he has concerns; he is concerned over the annual and cumulative amount of funds the current formula generated; the magnitude of the cumulative amount seems high relative to other choices that could have been made; discussed ballot measures; expressed concern over the formula, not the fact that the City has paid above and beyond what is normally paid towards CalPERS or OPEB; the City has to pay above and beyond, but should also have the correct formula; he is not convinced the adjustments being made are going to work; the most recent CAFR has a \$56.6 million residual fund balance; the amount is almost \$20 million above the prior

year residual fund balance; in the four FY prior to 2020-2021, the City has averaged roughly \$28.2 million in residual fund balance; something happened in 2020-2021 where the residual fund balance increased dramatically; the total fund balance also increased; the City will return back to normal going forward; the residual fund balance will almost always be less than the end balance of 2020-2021; the problem lies in the way the policy is worded because the residual fund balance in the scenario money will not go towards lowering the unfunded liability; expressed support for sticking with the formula currently in place, but capping the overall amount at \$4 million; discussed the formula yielding roughly \$45 million cumulatively over the years; the stated amount averages to \$7.5 to \$7.6 million per fiscal year; expressed support for capping the amount to \$4 million annually; stated the approach still generates an excess amount to pay down the various unfunded liabilities; the past fiscal year will not allow the formula to work in subsequent fiscal years.

The Finance Director requested clarification.

Councilmember Daysog stated sometimes the formula might not result in \$4 million; stated the amount could be limited to \$4 million per year or the current formula could be kept with a \$4 million cap.

Councilmember Herrera Spencer inquired how the City ends up with unfunded pension liabilities each year; stated each year the City accrues more unfunded pension liabilities.

The Controller responded CalPERS comes to the City with the amount; stated the City has little control over the total pension liability amount; staff can control assets, not the pension liabilities and the actuarial assumptions used by CalPERS.

Councilmember Herrera Spencer inquired whether the amount is based on staff salaries and employee contracts approved by Council.

The Controller responded in the affirmative; stated if the City changes hiring practices or similar matters, the total pension liabilities would be reduced.

The Finance Director stated there is also a longevity component to the actuarial analysis; noted life expectancy is considered in the amount.

Councilmember Herrera Spencer inquired whether the matter deals with one side of the equation related to after employee contracts have been approved by Council and benefits have been promised to employees; stated the City ends up with unfunded pension liabilities; requested clarification; stated that she understands the formula to be one side of the equation, as opposed to Council approved employee contracts; inquired whether the City has used pay as you go for the past 30 years.

The Controller responded when the City enters into employee contracts, or when new staff is hired, there is an effect on one side of the equation; stated staff is focusing on the asset side of the equation now; long-term hiring practices increase the total liability;

the current matter addresses how the City will increase net assets to balance out future liabilities.

Councilmember Herrera Spencer stated that she appreciates focusing on the other side of the equation; not every city has the same amount of unfunded pension liabilities per capita as Alameda; inquired whether staff is aware how Alameda compares to other cities and whether Alameda has one of the higher unfunded pension liabilities per capita.

The Controller responded that he cannot speak to that.

Councilmember Herrera Spencer discussed a League of California Cities meeting using Alameda as an example due to having the highest unfunded pension liability per capita; expressed support for a discussion about how the City arrives at its unfunded pension liabilities; stated the City is focusing on one side of the equation and not the other; inquired whether the money being discussed comes out of reserves.

The Finance Director responded the additional funding paid above the required contribution comes out of reserves; the City budgets annually for the required contribution.

Councilmember Herrera Spencer inquired what other items reserve funding could be spent on; inquired whether the funding could be spent on a community swimming pool.

Mayor Ezzy Ashcraft inquired whether Council can discuss swimming pool funding during the current matter.

The City Attorney responded Council could briefly discuss reasons to put or not put money into pensions; stated that he would caution Council to not specifically discuss the merits of alternatives; listing alternatives is fine.

Councilmember Herrera Spencer stated that she would generally like to know what other things the money could be used towards; the money cannot only be spent on paying down unfunded pension liabilities, there are other uses for the funding.

The Finance Director responded staff has never stated the funding can only be spent on unfunded pension liabilities; stated the standing Council policy has been in place since 2017; staff has brought an update; the Council majority could direct staff to spend undesignated funds on something other than unfunded pension liabilities going forward; staff is present due to the 2017 policy that has directed staff to spend the funds in the designated manner.

Councilmember Herrera Spencer inquired what other things the money could be spent on; stated Council is being asked to make a choice.

The Finance Director responded the choice falls on the majority of Council; stated

Council may choose how to spend the General Fund money at its pleasure; General Fund money is not restricted.

Councilmember Herrera Spencer stated the money could be spent on road repairs, swimming pools and other broad items; General Funds can be spent on anything; when Council is being asked to designate millions of dollars for the proposed purpose, it is to pay down unfunded pension liabilities accrued due to the City's history of entering into contracts that are not paid for; the City has a high percentage of unfunded pension liabilities compared to other cities; it is important to understand that there are two sides to the equation; she does not rubber stamp every contract that comes before Council; expressed concern; stated that she will not support the matter; the matter relates to millions of dollars; prior to 2017, business was not conducted the same; the City continues to enter into contracts it cannot afford.

Councilmember Knox White inquired whether staff can address how the City reached its current position; stated the current contracts are all under the Public Employee Pension Reform Act (PEPRA), which is not the same as public safety contracts signed 20 years prior; the \$300 million liability has not happened in the last couple of years.

The Controller stated PEPRA was enacted in 2013 that the State adopted to put compensation limits on members as well as different funding ratios for retirees; the formulas were cut back heavily; any members new to CalPERS since January of 2013 are PEPRA employees which have different funding requirements and lower costs associated with future obligations; classic pre-PEPRA members have increased costs.

Councilmember Knox White stated it is important to recognize that market changes can have a big positive and negative impact on unfunded liabilities; most of the unfunded liability being looked at are not the result of contracts that have been signed in the last four to eight years; the contracts are from the early 2000s that did not fund pension commitments; Council is trying to figure out a way to pay down what is mostly a very old pension liability and ensuring it does not grow; not paying the liability down means the City will pay more in the future; the numbers get scary if Council does not take action; Council has made a \$45 million investment in paying down the liability; he supports the staff recommendation.

Vice Mayor Vella stated Council needs to contextualize what a pension obligation is; the obligation represents services and staff; some Councilmembers and members of the public have been speaking about how important different services are for the City; many people have discussed the importance of public safety; when the matter is discussed as though it is not connected to actual people that have served the community and City diminishes to work being performed; staff has earned their pensions as part of their earnings and benefits; expressed concern over diminishing the role of City staff by discussing the matter as though the pensions have not been earned; the formula has been agreed to by previous Councils; voting in support of the matter is trying to focus on solutions to ensure the City is reducing its liability; Council is trying to be fiscally responsible in paying down what is owed; expressed support for the motion; stated

General Fund dollars can be spent on many things; however, spending money on new things that require more staff, maintenance and upkeep is part of Council's responsibility to ensure the City pays existing obligations; the unfunded liabilities are one of the existing obligations.

Councilmember Daysog stated one of the problem areas is the trigger of residual fund balance not exceeding the previous year fund balance; under the circumstance, zero dollars will go towards paying down the unfunded liabilities; the formula is problematic; the City should contribute something above and beyond what is normally spent.

Mayor Ezzy Ashcraft stated after learning about the formula from a presentation, the approach appeared prudent; expressed support for the staff recommendation; stated that she is proud the balances have been reduced; there is a rainy day fund for the rainy day on the horizon; the City is looking at uncertain times; however, the City has never had to tap into its lockbox; expressed support for the formula allowing obligations to continue to be funded; if the City comes to a point where there is a rough patch, the City can decide not to put away the excess; the City might have to draw from the excess to make regularly scheduled payment; the City has been fiscally smart; she appreciates Vice Mayor Vella's comments; the City is a service organization and spends its money on staff; the City has incredible staff; the General Fund is not the City's piggy bank; the formula is a way for the City to continue to be prudent; expressed support for having current information and for the motion.

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

CITY MANAGER COMMUNICATIONS

(22-707) Mayor Ezzy Ashcraft made comments thanking the Interim City Manager.

(22-708) The Interim City Manager announced the City's annual Shop Local campaign; discussed three upcoming Webster/Posey Tube closures; stated the City is also celebrating two new public art pieces at Alameda Point and Fiesta Alameda.

ORAL COMMUNICATIONS, NON-AGENDA

(22-709) John Brennan expressed concern about public comment and following Rosenberg's Rules.

COUNCIL REFERRALS

(22-710) Consider Directing Staff to Reform the Fee Towing Companies Require Alameda Residents to Pay to Retrieve Towed Vehicles. (Councilmember Daysog) Not heard.

(22-711) Consider Directing Staff to Address Massive Corporations Purchasing Housing. (Councilmember Herrera Spencer) Not heard.

(22-712) Consider Directing Staff to Create a Requirement for Upfront Payment of Candidate Statements if a Candidate for Local Elected Office Has a Balance Due from a Prior Election. (Councilmember Knox White and Vice Mayor Vella) Not heard.

COUNCIL COMMUNICATIONS

(22-713) Councilmember Knox White made comments thanking the Interim City Manager.

(22-714) Councilmember Daysog discussed the School Board/City Council subcommittee meeting; provided comments thanking the Interim City Manager; announced the passing of Walt Jacobs.

(22-715) Councilmember Herrera Spencer discussed the passing of Walt Jacobs and events put on by Christopher Seiwald at Alameda Point.

(22-716) Mayor Ezzy Ashcraft discussed her participation in an interview hosted by the Encinal High School KJTZ radio; made announcements regarding Dignity Village construction commencing and the grand opening of the Lighthouse for the Blind and Visually Impaired Sirkin Center.

ADJOURNMENT

(22-717) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:13 p.m. in memory of Walt Jacobs.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE CONTINUED SEPTEMBER 28, 2022 AND
OCTOBER 17, 18, AND 25, 2022 CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 1, 2022- -4:59 P.M.

Mayor Ezzy Ashcraft reconvened the continued meeting at 5:09 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Vice Mayor Vella arrived at 6:31 p.m. The meeting was held via Zoom.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(22-679) Public Employee Appointment/Hiring (Pursuant to Government Code Section 54957); Title/Description of Positions to be Filled: City Manager

Mayor Ezzy Ashcraft called a recess at 5:14 p.m. and reconvened the meeting at 6:31 p.m.

Following the Closed Session, the meeting was reconvened and Mayor Ezzy Ashcraft announced direction was given to staff by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Abstain; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 1. Abstentions: 1.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:53 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- -NOVEMBER 1, 2022- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:14 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Vella arrived at 5:27 p.m. The meeting was held via Zoom.]

Absent: None.

Public Comment

Cindy Houts, Alameda Food Bank, discussed her experience at the Alameda Food Bank; stated the number of new Food Bank clients is growing fast; the Food Bank serves roughly 10% of the island population; expressed concern over the condition of the building; discussed the Food Bank self-funding a new location; urged Council action be taken.

Consent Calendar

Councilmember Knox White moved approval of the Consent Calendar.

Councilmember Daysog seconded, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Absent; and Mayor Ezzy Ashcraft: Aye. Ayes: 4; Absent: 1. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*22-680) Recommendation to Approve Lisa Maxwell, Community Development Director, Len Aslanian, Assistant City Attorney, and Nanette Mocanu, Assistant Community Development Director as Real Property Negotiators for 650 West Ranger Avenue (Building 92) Alameda Point , Alameda, CA, Parcel # 74-1375-2 and 2450 Saratoga Street, 801 West Ranger Avenue (Building 114), Alameda, CA, Parcel #74-1368-9-2. Accepted.

The meeting was adjourned to Closed Session to consider:

(22-681) Conference with Legal Counsel – Workers' Compensation Claim (Pursuant to Government Code Section 54956.95); Claimant: Employee - Fire Department, City of Alameda; Claim No. 9895500046; Claim No. 0195500062; Claim No. 2095500022; Claim No. 1795500017; and Claim No. 1495500076; Agency Claimed Against: City of Alameda

(22-682) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 650 West Ranger Avenue (Building 92) Alameda Point, Alameda, CA Parcel # 74 1375 2; City Negotiators: Community Development Director Lisa Maxwell, Assistant Community Development Director Nanette Mocanu, and Assistant City Attorney Len Aslanian; Negotiating Parties: Alameda Point Collaborative and the City of Alameda; Under Negotiations: Price and Terms of Potential Purchase by the City; Property: 2450 Saratoga Street, 801 West Ranger Avenue (Building 114) Alameda Point, Alameda, CA Parcel #74 1368 9 2; Property: Community Development Director Lisa Maxwell, Assistant Community Development Director Nanette Mocanu, and Assistant City Attorney Len Aslanian; Negotiating Parties: Alameda Food Bank and the City of Alameda; Under Negotiations: Price and Terms of Potential Lease/Sale

from the City of Alameda. Not heard.

(22-683) Conference with Legal Counsel – Potential Litigation; Potential 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): Steeltown Winery, Inc.

(22-684) Conference with Legal Counsel – Potential Litigation; Significant exposure to litigation pursuant to Government Code Section 54956.9, subsection (d)(2); Number of Cases: One (As Defendant - City Exposure to Legal Action); Potential Plaintiff(s): Steeltown Winery, Inc.

(22-685) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 2440 Monarch Street, Suite 100, (Building 43) Alameda Point, Alameda, CA; City Negotiators: Interim City Manager Nancy Bronstein, Community Development Director Lisa Maxwell, Assistant Community Development Director Nanette Mocanu, and Assistant City Attorney Len Aslanian; Negotiating Parties: City of Alameda and Steeltown Winery, Inc.; Under Negotiation: Price and Terms of Lease

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Workers' Compensation Claim, the case involves five workers' compensation claims filed by a former employee of the Fire Department; during his nearly 30 years of service with the City of Alameda, Applicant suffered multiple injuries, including those to his knees, hips, hearing, hernia and back, as a result of his work duties; he retired August 1, 2020; the Council authorized the City Attorney to settle all five pending workers' compensation claims in an amount not to exceed \$210,000 by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 4, [Absent: Vice Mayor Vella – 1]; and regarding the three Steeltown Winery items, 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 6:31 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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