

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JUNE 4, 2024- -5:30 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:35 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Jensen arrived at 5:37 p.m. and left at 6:46 p.m. and Councilmember Vella arrived at 6:22 p.m. and was present via teleconference from Aloft Dulles Airport North, 22390 Flagstaff Plaza, Ashburn, VA 20148.]

Absent: None.

Consent Calendar

Vice Mayor Daysog moved approval of the Consent Calendar.

Mayor Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Jensen and Vella – 2.] [Items so enacted or adopted are indicating by an asterisk preceding the paragraph number.]

(*24-332) Recommendation to Approve Jennifer Ott, City Manager, Abigail Thorne-Lyman, Base Reuse and Economic Development Director, Alesia Strauch, Base Reuse Manager, and Len Aslanian, Assistant City Attorney as Real Property Negotiators for 1399 Ferry Point, Pier 3 North, Alameda Point (Aircraft Carrier Hornet Foundation). Accepted.

The meeting was adjourned to Closed Session to consider:

(24-333) Conference with Legal Counsel – Existing Litigation Pursuant to Government Code § 54956.9(a); Case Name: City of Alameda v. Garcia Sinclair; Court: Superior Court of the County of Alameda; Case Numbers: 23CV056248 & 23CV057593; Court: In the Court of Appeal of the State of California, First Appellate District, Division Two; Case Number: A168804.

(24-334) Conference with Real Property Negotiators Pursuant to Government Code § 56956.8; Property: 1399 Ferry Point, Pier 3 North, Alameda Point, Alameda, CA; City Negotiators: City Manager Jennifer Ott, Base Reuse and Economic Development Director Abigail Thorne-Lyman, Base Reuse Manager Alesia Strauch, and Assistant City Attorney Len Aslanian; Negotiating Parties: City of Alameda and Aircraft Carrier Hornet Foundation; Under Negotiation: Price and Terms of Lease.

Following the Closed Session, the meeting was reconvened, and the City Clerk announced that regarding Existing Litigation, staff provided information and Council provided direction by the following voice vote: Ayes: Councilmembers Daysog, Jensen and Mayor Ezzy Ashcraft – 3; Noes: Councilmember Herrera Spencer – 1; Absent: Councilmember Vella – 1; and regarding Real Property, staff provided information and Council provided direction with no vote taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:48 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

Special Meeting
Alameda City Council
June 4, 2024

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - JUNE 4, 2024- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:03 p.m. Councilmember Herrera Spencer led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Vella was present via teleconference from Aloft Dulles Airport North, 22390 Flagstaff Plaza, Ashburn, VA 20148]

Absent: None.

AGENDA CHANGES

(24-335) Mayor Ezzy Ashcraft suggested the Rules of Order item [paragraph no. 24-355] be continued to June 18, 2024 and suggested the Hearing amending Alameda Municipal Code Chapter XXX [paragraph no. 24-352] be heard after the Consent Calendar.

Councilmember Vella moved approval of the suggested changes.

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

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(24-336) Mayor Ezzy Ashcraft made brief comments regarding a Gun Violence Awareness Proclamation.

(24-337) Proclamation Declaring June 2024 as Lesbian, Gay, Bisexual, Transgender and Queer+ (LGBTQ+) Pride Month.

Mayor Ezzy Ashcraft read the proclamation.

ORAL COMMUNICATIONS, NON-AGENDA

(24-338) Doug Jones, SEIU-United Healthcare Workers, discussed healthcare services at Alameda Hospital; expressed concern about the future of the Alameda Health System's commitment to keeping acute care in Alameda; encouraged residents and Council to become aware of the issue and hold the Health System accountable.

(24-339) Brooke El Amine, Alameda Friends and Family for a Ceasefire (AFF4C), discussed the attacks and deaths in Palestine; stated she is horrified at the community's silence.

(24-340) Roan Byrne-Sarno, AFF4C, stated schools are under resourced and are lacking materials and nutritional foods; urged Council to call for a permanent ceasefire in Palestine.

(24-341) Cam, AFF4C, urged Council to work on a ceasefire resolution for Palestine; thanked Council for declaring June as Pride Month; urged Council not to pinkwash LGBTQ+ people and

stories.

(24-342) Joe Zimmerman discussed the flags being flown in the streets and City Hall.

(24-343) Shelby Sheehan, discussed California Environmental Quality Act (CEQA) violations at Alameda Point; stated that she is looking forward to a meeting where speakers are not interrupted.

CONSENT CALENDAR

The City Clerk made an announcement calling for speakers for the Water Quality and Flood Protection fees [paragraph no. 24-351].

Councilmember Vella stated that she would recuse herself from the water quality fees.

Councilmember Herrera Spencer recorded no votes on the Village of Love agreement [paragraph no. 24-347] and the resolution amending the Executive Management salary schedule [paragraph no. 24-350].

Councilmember Herrera Spencer moved approval of the Consent Calendar.

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

(*24-344) Minutes of the Special and Regular City Council Meetings Held on May 7, 2024. Approved.

(*24-345) Ratified bills in the amount of \$3,803,850.58.

(*24-346) Recommendation to Accept a City of Alameda Communications Report. Accepted.

(24-347) Recommendation to Authorize the City Manager to Execute a One-Year Agreement from October 1, 2024 to September 30, 2025 with The Village of Love Foundation to Provide Homeless Outreach Team Services for Individuals Experiencing Homelessness in Alameda in an Amount Not-to-Exceed \$270,000.

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

(*24-348) Recommendation to Reject All Bids, Release All Bonds, and Authorize City Staff to Advertise for Rebidding the Mastick Senior Center Roof Replacement Project PW 02-24-07. Accepted.

(*24-349) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with PowerGen, Inc. for Generator Maintenance and Repair Services at Various City Facilities for a Total Amount Not-to-Exceed \$148,069. Accepted.

(24-350) Resolution No. 16169, "Amending the Executive Management Salary Schedule Effective June 5, 2024 to Reflect an Approximately 22% Increase to the General Manager - Alameda Municipal Power Classification." Adopted.

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

(24-351) Public Hearing to Consider Collecting the Water Quality and Flood Protection Fees on the Property Tax Bills; and Resolution No. 16170, "Finding [No] Majority Protest and Approving the Continuation and Collection of the Existing 2019 Water Quality and Flood Protection Fee for Fiscal Year 2024-2025". Adopted.

Since Councilmember Vella recorded a no vote, the item carried by unanimous vote – 4. [Absent: Councilmember Vella – 1.]

REGULAR AGENDA ITEM

(24-352) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Chapter XXX (Development Regulations) to Reinstate and Update Subsection a. Exceptions for Nonconforming Lots of Section 30-5.6 Building Site, Areas and Easements, as Recommended by the Planning Board. Introduced.

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

Stated that she did not see the redline and wanted to ensure the ordinance is re-editing back to 2022 language and not changing anything else; stated it is unclear: Shelby Sheehan.

Vice Mayor Daysog moved introduction of the ordinance.

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

CONTINUED AGENDA ITEMS

(24-353) Recommendation to Accept the Annual Military Equipment Report for the Alameda Police Department and Continue to Allow the Department to Use and Maintain the Equipment Previously Adopted;

(24-353 A) Introduction of Ordinance Adopting a Military Equipment Use Policy for Uncrewed Aerial Systems (UAS) (Drones) for the Alameda Police Department. Adopted; and

(24-353 B) Recommendation to Authorize the City Manager to Purchase Two Drones from Axon Enterprise, Inc. in an Amount Not-to-Exceed \$143,804.02 over a Term of Five Years, once the Ordinance Authorizing a Policy Governing the Use of Drones Becomes Effective.

The Police Chief gave a Power Point presentation.

Councilmember Jensen inquired how many times drones have been used to support public

safety in Alameda in the last reporting period.

The Police Chief discussed an incident regarding a stolen vehicle; stated the person who stole the vehicle fled on foot into a backyard; officers set a perimeter and contacted the Alameda County Sheriff's Office, who came out with their drones and located the individual hiding and armed; after de-escalation and negotiations, the individual willingly came out and officers took him into custody without any confrontation; drone technology is also used for traffic scene recreation.

In response to Councilmember Jensen's inquiry about drones borrowed from the Sheriff's office and other jurisdictions, the Police Chief responded the draft policy being proposed by staff stated if there is ever an instance where Alameda Police Department (APD) has to borrow a drone from another agency, they must follow the expectations of the community; APD Officers will ensure they follow his expectations.

Councilmember Herrera Spencer stated that she previously inquired about signage similar to radar enforced speed limit signs; she is unsure whether signs about patrol or surveillance by drones; inquired whether the Police Chief would be agreeable to posting signs to alert the public, if this recommendation passes today.

The Police Chief responded there are benefits and downsides to signage; expressed concern about signage since he does not want there to be a perception that the City is under surveillance at all times; stated in certain situations, there might be an opportunity where digital signage could be used to let people know, as a deterrent; he can conduct further research and will take Council direction on how to proceed.

Councilmember Herrera Spencer stated the language "all felonies" is very broad; inquired whether the Police Chief believes everyone should know drones could be used for any felony incidents.

The Police Chief responded the goal is to be transparent; stated the policy, as well as the fact that APD uses drones, will be on the website; this meeting is also part of sharing with the public that this is an initiative staff is looking to use.

Councilmember Herrera Spencer stated the East Bay Regional Parks District (EBRPD) policies on drones are more robust regarding privacy; inquired whether staff considered adding any EBRPD language.

The Police Chief responded he looked at both policies and thinks they overlay well; inquired whether there is a particular portion of EBRPD's policy that is missing; stated EBRPD's policy is structured a little bit different, however, they use the same vendor, Lexipol, to create policies; staff went above Lexipol's base model policy on drones.

Councilmember Herrera Spencer stated both sentences begin the same however, the EBRPD's policy elaborates by stating: "...operators will take steps to ensure the camera is focused on the areas necessary to the mission and minimize the inadvertent collection of data about uninvolved persons or places absent a warrant or exigent circumstances;" inquired if EBRPD's language is stronger or more robust in the proposed Alameda policy.

The Police Chief responded the proposed policy states Officers should take reasonable steps or

measures to inadvertently record in areas and should avoid inadvertent recording.

Councilmember Herrera Spencer stated when she reads the sentence in the proposed Alameda policy is similar, but not as direct in regards to protecting and recognizing privacy concerns, which is why she suggests using the more clarifying language.

Mayor Ezzy Ashcraft stated any direction given is given by the majority of Council.

The City Manager stated some police departments use drones proactively to somewhat surveil the community, however, that is not being suggested by staff; the suggestion is to use the drones reactively to address critical incidents; expressed concern over signage, since it may give the impression the community is being proactively surveilled.

Councilmember Herrera Spencer stated the language states drones could be used for all felony crimes; inquired how members of the public know if there is a felony and a drone is used.

The Police Chief responded there are two models; stated one is called Drone as First Responder (DFR), which is a first responder where drones are on routine patrol and are proactively patrolling the streets; staff is not proposing that model, but rather a completely reactive approach, where the technology would be deployed in response to an incident.

In response to Councilmember Herrera Spencer's inquiry where it can be found in the policy, the Police Chief responded it is under authorized use.

Councilmember Herrera Spencer read the language which states, "shall be permitted to deploy in the following circumstances: all felony crimes."

The Police Chief stated what it means is a felony crime would have to have occurred to then deploy the drone; a victim would report a crime and APD would then respond to what is being reported.

Urged Council to consider the use of drones as another method to increase the level of safety and security for citizens and Police and make Alameda unwelcome to crime; stated a drone is a technological advantage that would provide APD with a valuable tool against crime; Barry Parker, Alameda.

Stated that he does not believe we live in a world where we need more security measures; discussed his car being broken into in a place that had security not providing any more safety or making him feel safer; stated rather than building each other up, we are constantly creating more mechanisms to tear the lowest down; he does not think the drone program is going to fundamentally readjust how policing is done for good or for ill; Ramzi Elkawa, AFF4C.

Expressed opposition of the acquisition of drones, as well as the potential acquisition of a command-and-control vehicle in the future; stated militarizing a police force does not make anyone in the community safer, but rather makes people of color, immigrants, and others traditionally targeted by police much less safe; expressed concern about the company who is the maker of the drones, Axon Enterprises Inc; Brooke El-Amine, AFF4C.

Discussed a set of decisions made by Council in 2021, which indicated the Council majority wanted to be prudent in examining how Police engage with the community and what tools

Police use to do their jobs; stated that she hopes values have not changed and the decisions still stand; agreeing to APD using drones does not align; Council should not authorize a tool that has widespread effects on the community without having proper time to analyze it and be certain there will not be legality issues in the future: Savanna.

Stated knowing the history of police in this country, she cannot be assured power and equipment in their arsenal will not be used to target the queer community; by giving further military equipment, Council is only affording the Police a greater number of ways to target vulnerable communities; she does not have faith the vague language surrounding the use of uncrewed aerial systems will be enough to protect her community: Kristelle Manassian.

Expressed opposition to adding more weapons or technology to the Police Force; stated police violence and surveillance disproportionately impacts the most marginalized; we have a collective responsibility to protect and care for everyone in our community; drones and decked out Police vehicles will bring harm to those who are already experiencing state and Police violence: Maya Gordon.

Expressed opposition to the procurement of drones; stated militarized police means increased surveillance for black and brown people; using drones would only escalate the threat to peoples' civil liberties: Marilyn Rothman, Alameda.

Stated the use of drone technology is not new; all cities in Alameda County have approved the use of this technology and recognize its potential to enhance public safety; expressed support for what appears to strike the right balance between meeting privacy expectations and prioritizing public safety: Madlen Saddik, Chamber of Commerce.

Expressed support for drones; stated there are not enough Police to keep Alameda safe; he has a lot of respect for the Police Chief and the Police Force; the Police should be trusted to know what is needed to keep the City safe with the tools to do so: Paul Beusterien, Alameda.

Expressed support for drones; stated Alameda needs to stay up to date; having drones will make it safer for Police Officers, as well as those they interact with, to deescalate situations and will also address sideshows and racing: Joyce Boyd, Alameda.

Expressed support for the use of drone technology; stated that he does not personally like drones, however, we live in a world where criminal disorder and criminal acts have become common; sideshows are scary and menacing to the community; the proposal strikes the right balance between citizens' concerns about privacy and community interests in supporting public safety: Rohit Reddy, United Democrats of Alameda.

Discussed an incident that occurred on May 21, 2024 regarding tear gas being used in a San Francisco Sheriff's Department training operation; stated when passing a military equipment policy and procedures, safety check of all equipment being used is important: Jennifer Rakowski, Alameda.

Stated that she was struck by the fact that Alameda was considering and acquired military grade equipment; vague references to when drone surveillance will not be used is not reassuring; skyrocketing housing, food and healthcare costs, and the possibility of an environmental crisis are the real problems facing Alamedans; funds could be better used: Laura Thomas, AFF4C.

Discussed incidents in which people died at the hands of Alameda Police; expressed concern about the costs; stated this is an excessive use of City budget and colossal waste of public money; inquired why drones are being used; stated sidseshows are misdemeanors: Cam, AFF4C.

Stated drones would not be for apprehending or stopping felonies, but rather for criminal prosecution, including sidseshows; half of the cities in Alameda County do not have drones; the report does not include personnel costs; encouraged Council to direct staff to include reporting on deployment, as well as firing, in order to be transparent: John Lindsay-Poland, American Friends Service Committee.

Stated drones, even in the sole capacity of surveillance, have demonstrated worldwide that they are tools of oppression; data is never truly objective and is especially prone to bias with the introduction of artificial intelligence; he opposes the acquisition of surveillance drones; money could be used more effectively and should be spent establishing and maintaining systems of support so the community can care for itself: Jasmine Lua, Alameda.

Expressed support for the purchase and use of drones; stated that she understands some of the concerns mentioned, however, the pros outweigh the cons; Police having another tool to address crime will benefit the community by offering an opportunity for an intervention and enforcement without jeopardizing the safety of Officers or bystanders; urged Council to support the recommendation: Felsha Zuschlag.

Discussed a disturbing incident involving Axon Enterprises Inc; inquired whether Alameda has policies to ensure tax dollars are not supporting unethical companies; expressed opposition to the acquisition of surveillance drones or the proposed Police command vehicle; stated tools that power modern police surveillance are the tools that contribute to cycles of violence and harassment; urged Council to divest from Police militarization and invest back into the community: Teresa Igler.

Discussed an incident where police in Texas did not intervene during a school shooting; inquired what is the guarantee that drones are going to help; stated Police should receive more basic training; expressed frustration that this is being considered: Arely Mendoza

Discussed data that indicates you are nine times more likely to be arrested if you are black in Alameda; stated the armored military vehicle is constantly deployed in Oakland, which is unacceptable; when saying yes to having drones in Alameda, you are saying yes to giving Police more power to surveil, criminalize, hunt, incarcerate, and possibly kill; urged Council to stop approving and normalizing these technologies: Jeannia Fu.

Expressed opposition to the recommendation; stated the reason she is able to have a good life in the City is because of her identity, which may not be the case for other people of color; by accepting the annual military report, allowing drone use and the Police command vehicle purchase, Alameda is continuing its racist and violent legacy; military and surveillance technologies are not neutral and do not keep the community safe; the technologies will be used to target and prosecute communities of color, immigrants, and vulnerable populations in Alameda and Oakland; non-police strategies are needed to build community safety: Claudia Lam, AFF4C.

Stated many came from countries where militarization of police was in contradiction to the democratic values this country so strongly idealizes; expressed fear about what additional militarization will mean; stated for immigrant populations, militarized police is a trigger to their post-traumatic stress disorders (PTSD); she would like to see the funding go towards building community with the Police and building social services for Alameda: Sara Ahmed, Alameda.

Councilmember Herrera Spencer expressed concerns regarding unpermitted car shows and sideshow activity; inquired why an unpermitted car show rises to the level of flying a drone over people attending.

The Police Chief responded drones allow APD to get a view of a sideshow from a distance without having to introduce Officers to an event; stated it is a good way to see whether there are dangers; any time there is a large group gathering, there is an increased amount of risk; being able to deploy the technology allows APD to get an overview of the incident.

Councilmember Herrera Spencer inquired whether APD is planning on flying drones over the large gathering during the Park Street Fair.

The Police Chief responded only if information is received that there is a threat.

Councilmember Herrera Spencer stated to her, an unpermitted car show is different from sideshow activity; inquired why the Police are not treating the two things differently; inquired whether sideshows are illegal, to which the Police Chief responded in the affirmative.

Councilmember Herrera Spencer inquired what causes the unpermitted car show to rise to the same level of illegal activity.

The Police Chief responded some unpermitted car shows may start off as a car show gathering, but later turn into a sideshow event.

Councilmember Herrera Spencer inquired if there is a reason why the Police Department cannot wait until it turns into sideshow activity to implement the drones versus all hours when there is no sideshow activity.

The Police Chief responded perhaps it could.

Councilmember Herrera Spencer inquired if the Police Chief would be opposed to striking the unpermitted car show and leaving the sideshow activity, to which the Police Chief responded he would not be opposed to doing so.

Councilmember Herrera Spencer stated using drones for riots was mentioned; inquired what is the Police Chief's definition of a riot versus a protest.

The Police Chief responded a protest or a demonstration is protected by the First Amendment and is where groups gather and assemble to express and exercise that right, which APD supports and allows; stated sometimes the events turn into riotous situations, which include mass vandalism, crimes, and riotous activities where assaults and violence occur; most of the time when people are assembling, they are peaceful and there is no need to deploy a drone or have any enforcement.

Councilmember Herrera Spencer stated that she agrees there is a difference between riots and protests; it is unfortunate the same analysis was not applied in the proposed policy, in regards to a car show versus sideshow activity; regarding speakers concerns about Axon Enterprises, inquired whether there are other companies that make drones, to which the Police Chief responded in the affirmative; stated a lot of technology used by APD, specifically the repository for evidence, APD uses evidence.com, which Axon Enterprises seamlessly interfaces with.

Councilmember Herrera Spencer stated Axon Enterprises had a mass exodus of its ethics panel; there are concerns about encouraging or requiring employees to get tattoos; inquired whether the Police Chief thinks concerns rise to the level of doing business with a different company.

The Police Chief responded that he is not aware of the company making it a requirement to get an Axon tattoo to work there; stated that he is anecdotally aware about the concerns; there were disagreements with an earlier proposal to attach a taser device; the proposed policy prohibits weaponizing the drones.

Councilmember Herrera Spencer stated it sounds like the Police Chief still recommends doing business with this company.

The Police Chief responded APD currently uses Axon for a lot of technology.

Councilmember Herrera Spencer inquired what technology Axon is used for, to which the Police Chief responded Axon is used for body-worn cameras and license plate readers.

Vice Mayor Daysog stated that he understands one of the issues of unpermitted car shows is, not just the car show itself, but the way in which people get there, such as speeding through the City.

The Police Chief responded anytime there is a large gathering, there are other collateral impacts, such as traffic and possible collisions, and having to come up with alternate routes; stated having an aerial view affords the Police Department the ability to quickly assess the situation and look for safe routes to enter or exit, as well as what roadways are most appropriate for public safety to use.

Councilmember Jensen stated the privacy and prohibited uses are comprehensive; inquired whether the definition of “all felony crimes” would include crimes that are not person-to-person crimes or crimes that are not property crimes.

The Police Chief responded crimes are categorized into felonies, misdemeanors, or infractions; stated staff listed felonies to identify more serious crimes; felony crimes are much more serious crimes.

Councilmember Jensen stated all felony crimes do not necessarily need the use of drones to be stopped; she questions “all felony crimes” being used; suggested that be amended to say, “violent felony crimes” or “any crime with the potential to impact public safety.”

The Police Chief responded by providing an example of auto theft; stated it is not a violent felony, but it is a felony; when someone is willing to commit a serious violation. sending a tool to help locate a person hiding in a backyard, for example, reduces risks and sets Police Officers

up to be able to negotiate.

Councilmember Jensen stated that she supports the use of drones for those cases; drones should be used for public safety and life preservation missions, including barricaded suspect hostage situations and high-risk search warrants, amongst others that affect the public safety and that of Police Officers and first responders; a lot of crimes are felonies and do not have any potential for violence; inquired how drones would be used for rescue events or disaster response and recovery; stated living in earthquake zones and on an Island, she would like to understand how drones might be effective tools in those situations.

The Police Chief responded if an earthquake causes a structure to collapse and people are believed to be inside, there may be small areas the drone could access to locate individuals; stated if someone falls into the waterway, it is beneficial to get an aerial view to help locate that person; there are situations and disasters where it is difficult to get humans to and a drone being able to access the places would be beneficial.

Councilmember Jensen inquired if the city has had mutual aid from Oakland Police Department (OPD).

The Police Chief responded there was one instance where OPD was called, however, he does not remember if Oakland or another agency responded; the incident involved a person believed to have fallen into the water; the individual was found and had not fallen, but there was a delay in getting the drone; regarding the types of crimes, staff identified violent misdemeanors; he would like to have the technology where he does not have to put an Officer or the individual within arm's reach and possibly have a confrontation; if approved, this is a tool the Department will be thoughtful about using, specifically for de-escalation.

Councilmember Jensen suggested being more specific and defining it as felonies or misdemeanor crimes that pose a risk to public or Officer safety.

Mayor Ezzy Ashcraft stated if changes are going to be made to the wording, it must be by Council majority and the text must be in front of Council.

The City Manager stated regarding comments made earlier about unpermitted car shows versus sideshows, some of the adverse impacts are related to reckless driving; if there is a way to craft that language to be clear there is a presence of certain illegal activity relating to large gatherings with reckless driving where there is a risk to pedestrians and others.

Councilmember Herrera Spencer inquired if the use of drones can be expected when cars are speeding through the City, to which the Police Chief responded in the negative; stated drones will not be used for traffic enforcement; stated this is geared towards multiple vehicles involved in reckless driving.

Councilmember Herrera Spencer stated that she would be more comfortable defining it specifically; every first Sunday of the month at the antique fair, there are large groups of cars; inquired whether a group of cars at the antique fair does not warrant using drones, but a group at an unpermitted car show does.

The Police Chief responded the intent is to address reckless driving; language can be crafted to be specific towards sideshow activity; stated the antique fair is a bit different because of the way

cars are being driven on the roadway; they are not spinning donuts or blocking intersections; if they do, Police Officers are present to enforce traffic violations; if the fair turned into a sideshow, a drone would be used.

Councilmember Herrera Spencer stated that she would like the language modified to reflect more violent or criminal activity, as opposed to just a group of people with cars; she attends unpermitted car shows, like many, as it is a family gathering; expressed concern about drones flying overhead when her friends and family are admiring cars; stated if there were to be a car show with people who are mostly not people of color, which happens in Alameda, they would not be subjected to the same; the language can be tweaked to be more protective so it is less likely to be used against people of color honoring the rules at unpermitted car shows.

The Police Chief responded the Vehicle Code has a definition for sideshows; stated perhaps the language can say: "vehicles engaged in sideshow activity."

Councilmember Herrera Spencer inquired whether it is a felony.

The Police Chief responded it depends on the behavior; stated vehicles engaged in sideshow activity include reckless driving, speed contests, and other things of that sort.

Councilmember Herrera Spencer stated that she would be supportive of defining sideshow activity and ensuring it does not include people gathering with their families and looking at cars.

Vice Mayor Daysog clarified when he referenced unpermitted car shows, it is his understanding notice gets out through social media; in an effort to get to the location, many cars simultaneously drive quickly down the street; stated the problem is not the use of drones to monitor the rushing cars, but the fact that the unpermitted car shows, as they are evolving at Alameda Point, have been encouraging that kind of reckless driving; for that reason, he believes they must contemplate the use of drones, even for unpermitted car shows.

Councilmember Vella stated Axon is not a company she would prefer to do business with, based on the history; suggested they contemplate going out to bid with the considerations of certain things that have continued to come up with the company and other policies Council is considering in mind; expressed concern about fatalities connected with sideshows; stated thankfully, there have not been any in Alameda, but she fears it is a matter of time; expressed concern about response and transport times, as often times it may be too late; stated not all tools should be deployed all the time; tools must have reasonable limitations; she agrees more clarification is needed around the language for deployment; she would like to understand when drones are being deployed, not only when something is captured or recorded, but also when there is a request for deployment and when it is approved; concerns around privacies and civil liberties are well warranted; there should be guardrails in the policy around use of the equipment so abuse does not occur; tracking should be not only when it is helpful, but when requests are denied as well; expressed support for the City acquiring the technology, but she would like to ensure staff is set up for successful utilization of the technology, which she deems as safely intervening before there is harm to individuals, whether they are participants, bystanders, or otherwise; she does not make the decision lightly; there have been a number of well-documented instances in which bystanders and others have been harmed by these events; Alameda has Vision Zero and is very concerned about the use of vehicles; vehicles can be weaponized, especially when deployed in ways that are unsafe.

Mayor Ezzy Ashcraft stated a previous speaker raised a question about the military equipment annual report including personnel costs and when rifles are deployed; inquired if personnel costs are included, where it can be found.

The Police Chief responded the breakdown can be found in the staff report; stated tabulating costs can be difficult because people may get promoted or are assigned certain duties that might use equipment much more.

Mayor Ezzy Ashcraft requested the breakdown be shown.

Councilmember Herrera Spencer called a point of order about the time not lapsing while looking; inquired whether other Councilmember clocks would be frozen when finding a document, to which the City Clerk responded in the affirmative.

The Police Chief stated the table being referenced can be found in the PowerPoint presentation.

The Police Captain stated the breakdown is per employee for training and using the equipment; the total cost was approximately \$227,447.

Mayor Ezzy Ashcraft stated there was reference to the deployment of the emergency response vehicle in Oakland; inquired how many times it happened in the last reporting period and the reason for the use.

The Police Chief responded half of the time the vehicle was deployed into Oakland was for Alameda cases; stated the other times was when a request was made; sometimes other agencies' equipment is not available; in those instances, the other agency will call and ask if Alameda can provide support since Alameda has the equipment for a high-risk search warrant or arrest.

Mayor Ezzy Ashcraft stated there was reference made to APD receiving a speeding report and being able to quickly dispatch a drone to locate a fleeing thief or felon; inquired if APD could quickly dispatch a drone and how that works.

The Police Chief responded sometimes Officers may have to set a perimeter, however, sometimes there are openings in the perimeter positions; stated if a person decided to flee on foot, Officers could use the drone to track the person; as far as pursuing a vehicle, there is some ability to give Officers an aerial view, however, the drones are not fast enough to chase a vehicle.

Mayor Ezzy Ashcraft inquired whether a drone would be deployed for a speeding vehicle, to which the Police Chief responded in the negative; stated a drone would not be used for speeding; it would be used for the instances listed in the policy.

Mayor Ezzy Ashcraft stated that she is willing to support the purchase, but wants to note a couple of things; the City has come a long way since 2021, as far as making changes to the Department; there is now a Police Auditor, a new Chief, and every class of new Officers that has come to Alameda reflects a remarkable diversity; any policy has to outlast a Chief and Council, therefore, it is important to ensure it is well-written and will stand the test of time; if there is the majority vote to do so, she would like to approve the acquisition, but not allow the deployment of the equipment until the policy comes back for revision; there is a lot of sensitivity

when it comes to the issue of public gatherings; many have seen the response to students and others protesting what is happening in Gaza and the harsh response on college campuses or by municipal governments; she does not want to see Alameda having anything to do with that sort of a reaction and response; she does not love what she heard about Axon, but is hearing currently there are not other better choices; inquired about the timeline.

The City Attorney stated Council may direct staff not to purchase the equipment until the policy is amended.

Mayor Ezzy Ashcraft inquired whether Council could approve purchase, but not deploy the drones until the policy comes back for revision, to which the City Attorney responded Council should approve the policy and direct staff to return with the amendments; the policy must be approved before purchases are made per State law.

The City Manager stated staff would need direction from a majority of Council; she heard two suggestions, but whether a majority of Council is in support is not clear; one suggestion was changing the language to “all violent felony crimes” and the other was to define “sideshow activity” as defined in Vehicle Code 23109; Council would have to approve the policy as part of the introduction of the ordinance.

Mayor Ezzy Ashcraft inquired whether the document could be put on screen for public viewing.

The City Manager responded that she will do so once she receives direction; inquired whether Council supports the two changes; stated on page 2 of 8 in revised Exhibit 5 under Use of UAS, B would be changed to “all violent felony crimes,” for drones not to be used for robberies, auto thefts, and similar; under E, the language would be “sideshow activity” and change “unpermitted car shows and/or” to “sideshow activity as defined in Vehicle Code 23109.”

The City Attorney clarified robberies are violent crimes.

The Police Chief stated if a person is wanted for a burglary, auto theft, or a burglary within a vehicle, it does not qualify as a violent felony.

Mayor Ezzy Ashcraft inquired whether burglary from a vehicle refers to someone breaking into a vehicle.

The Police Chief responded even if someone broke into a residence, it is not considered a violent felony.

The City Manager stated the changes are the only two suggested by individual Councilmembers; although staff does not recommend doing so, the changes can be made if a majority of Council would like to move forward.

Mayor Ezzy Ashcraft inquired whether a home burglary is considered a violent crime.

The Police Chief responded a home invasion robbery is where violence is used; stated auto theft is not a violent felony and is the driver of the crime numbers in Alameda; a burglary is not a violent crime.

The City Attorney stated a burglary occurs when there is no one home and therefore is not a

violent crime.

Mayor Ezzy Ashcraft stated Council wants drones used only when absolutely necessary and when there is a significant danger or harm; there are other tools for auto theft.

Councilmember Jensen stated that she would be uncomfortable using drones for a burglary or an auto theft in the middle of the night or to surveil to determine if vehicles are being stolen; she does not believe theft of catalytic converters are felonies, but perhaps could be under changes being proposed in the legislature; when she said “violent,” she meant to include “a risk to public safety;” she prefers drone technology be primarily used when there is an emergency to support first responders and Officers, when there is a risk to a person in the event of a rescue operation or a risk to the safety of the public.

The Police Chief responded in an auto theft incident, for example, when someone abandons a stolen vehicle and flees into a yard, his recommendation is to use the technology to locate the person so Officers are not sent into a situation where they may be unable to see the person who may be hiding; stated that he prefers Officers be able to negotiate from the street; there is no need to use it for a shoplift, for example; drones would not be used to do patrols, but rather as a reaction to a crime that has already occurred; if the circumstances risk the safety of Officers and the wanted individual, the tool offers the ability to locate the person and negotiate or surrender.

Councilmember Jensen stated that she agrees with the Police Chief’s response; her concern was geared to the breadth of “all felony crimes” being used as a potential use of the technology.

Vice Mayor Daysog inquired if a burglary where someone enters a home and nobody is home is a felony, but a non-violent felony, to which the Police Chief responded in the affirmative; stated in said instance, if a neighbor calls to report the crime, for example, and the individual flees and Officers are unsure where they are but know they are in one of the neighboring backyards, the tool can be used to locate the person.

Vice Mayor Daysog discussed an incident in which his girlfriends’ house was burgled; stated prior to him walking in, that was a non-violent felony and fortunately nothing happened; he is satisfied with the language as is in regards to all felonies, but recognizes majority of Council may not be; expressed concern about prescribing all the scenarios precisely; dispatch will have to checklist details; stated that he is unsure whether it will work.

The City Manager shared the changes suggested to circumstances B and E listed under Use of UAS.

Mayor Ezzy Ashcraft inquired whether Council believes everything has been captured.

Councilmember Jensen responded the changes address her concerns.

Councilmember Herrera Spencer inquired whether the scenarios given by the Police Chief would be covered by the changes, to which the Police Chief responded in the affirmative; stated that he does not want Officers entering immediately due to risks; if Officers are unsure whether or not the person is in the residence, they can send the equipment inside; he is comfortable with the way circumstance E is written as well.

Mayor Ezzy Ashcraft stated that she is interested in minimizing the contact between Police and an armed suspect for the safety of Officers, and to minimize the chance of a suspect being shot; the language probably covers that, which is important to her.

Councilmember Vella stated that she would like to get more information in terms of what the process is going to be relative to the acquisition of the technology, as well as what the review will be; right now what is being said is that there are very limited providers of the technology; inquired how often staff will be going out to bid and what staff would be looking for, keeping in mind other policies Council is contemplating.

Mayor Ezzy Ashcraft inquired if she has any objections to moving forward.

Councilmember Vella responded that she is fine with the language changes, however there is still an unresolved conversation around the acquisition process; stated there are several other policies Council is considering, such as the City's invest policy and previously considered policies around video technology, amongst others; she understands there are currently limited vendors; inquired how often staff will going out to bid; inquired whether the acquisitions will come into conflict with the City policy and what would happen in that case; stated it is not just buying the technology, but the vendors also providing continuous support relative to the technology to serve as contractors in addition to the purchase.

Mayor Ezzy Ashcraft stated it sounds like there is a possibility that if Council majority approves going forward now, but later approves a policy about divestment or what can be purchased from whom, perhaps the City would have to divest from some equipment; it is hard to project too much; inquired whether this was what Councilmember Vella was referring to, to which Councilmember Vella responded in the affirmative.

Vice Mayor Daysog stated while he prefers the phrase "unpermitted car shows" to remain in the language, the majority of Council does not mind seeing it removed and he understands the necessity of compromise.

Vice Mayor Daysog moved approval of the policy and introduction of the ordinance as amended and authorized the City Manager, and to purchase the two drones from Axon Enterprises Inc.

Councilmember Herrera Spencer stated that she would be happy to second, however, she previously mentioned having signage posted mentioning the usage of drones by APD; she is unsure whether other Councilmembers are interested in said issue.

Mayor Ezzy Ashcraft responded that she is not interested in doing so.

Councilmember Jensen stated as the policy is being evaluated, signs may be looked into; when the drones are purchased, the matter should come back to Council for review in six months to a year, regarding points made by Councilmember Vella.

The City Manager stated every year, staff returns with the military equipment report; the same night, staff can bring a separate item addressing deployment.

Councilmember Jensen stated the purchase of drones is anticipated to be before the next report; inquired when that procurement would take place, whether it would be brought back to Council or if it would be part of the Police Auditor's report or public information.

The City Manager responded staff cannot purchase drones until the ordinance becomes effective after second reading and 30-days; July 19th would be the earliest purchase date, which is staff's intent.

The City Attorney stated that he is sure the Police Auditor would review some of the activities; all the reports are public and are likely to be seen well before the one-year mark.

Councilmember Herrera Spencer stated painting the drones so the public is aware they are APD property was previously mentioned; inquired whether staff is still planning on doing so.

The Police Chief responded if it does not void any warranties, APD has no problem marking the drones.

Mayor Ezzy Ashcraft stated the marking should be done if the Council majority wishes to do so; stated that she does not see the need to do so.

Councilmember Herrera Spencer stated that she would like to make friendly amendments to the motion based on the conversation.

Vice Mayor Daysog stated the substance of the conversation has been captured; called the question.

Councilmember Jensen seconded the motion.

Under discussion, Vice Mayor Daysog stated the amendments adopted were due to Councilmember Herrera Spencer's previously raised concerns.

Councilmember Herrera Spencer stated that she does not believe her concerns were addressed; it is important to let people know it is an APD drone; she is hopeful the issue can be brought back.

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

The City Attorney stated Council must make a separate motion to accept the annual military equipment report since the motion was for drones only.

Councilmember Jensen moved approval of accepting the military equipment report.

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

Mayor Ezzy Ashcraft called a recess at 9:41 p.m. and reconvened the meeting at 9:58 p.m.

(24-354) Mayor Ezzy Ashcraft suggested the Council consider moving the Other-Post Employment Benefit presentation [paragraph 24-360], the Alameda Point Branch Library update [paragraph 24-361], and the hearing amending AMC Section 13-10.3 [paragraph 24-362] to the Continued Agenda Items section on June 18, 2024.

Councilmember Jensen moved approval.

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

(24-355) Adoption of Reauthorizing Resolution No. 16104, which Amended the Rules of Order Governing City Council Meetings Concerning the Consent Calendar, Speaking Times for the Public and Reviewing, Changing or Rescinding Prior Council Actions. Continued to June 18, 2024.

REGULAR AGENDA ITEMS

(24-356) Public Hearing to Consider a Call for Review of the Planning Board's Approval of PLN24-0059 Use Permit to Allow Outdoor Research and Development, and Outdoor Storage, and Design Review for an Approximately Twenty-Five Foot Tall, 5,500 Square Foot Hydraulic Test Facility on the North Side of Building 23 at 2401 Monarch Street; and

(24-356 A) Resolution No. 16171, "Approving a Use Permit to Allow Outdoor Research and Development, and Outdoor Storage, and Design Review for an Approximately Twenty-Five Foot Tall, 5,500 Square Foot Hydraulic Test Facility on the North Side of Building 23 at 2401 Monarch Street." Adopted.

The Planner II gave a Power Point presentation.

Gia Schneider, Natel Energy, gave a Power Point presentation.

Vice Mayor Daysog inquired whether the open area on the south side of the building is open because of the lease term, to which the Planner II responded in the affirmative; stated everything to the west of the hangar and on the south side between Natel and the former Rockwall site is in Zone 1; in that area, no new structures over 4 feet in height are allowed; the views on the south side are well protected.

In response to Vice Mayor Daysog's inquiry about the previous legal non-conforming use and whether it was approved by the Planning Board, the Planner II stated before the Alameda Point Zoning was adopted, the previous tenant used the outdoor space for storage of containers until vacating in 2016; Natel moved in February 2016 and within a couple of months, there was a small facility, as well as storage containers and other outdoor uses; the existing outdoor use being in continuation was discussed, even though it did not have the benefit of the Use Permit (UP).

Councilmember Jensen inquired whether a lease document provides businesses in the area with the potential to have a view corridor in the yard of the two buildings.

The Planner II responded many Alameda Point leases contain specific language stating the

lease of the premise does not afford any rights to views or lighter air over other properties, whether owned by the City or another entity.

Councilmember Jensen inquired if Natel planned to include the installation of an outdoor test facility when the building was purchased, to which Ms. Schneider responded in the affirmative.

Councilmember Jensen inquired if there is another way testing to develop new turbines could be accomplished without the outdoor facility, to which Ms. Schneider responded in the negative.

Councilmember Herrera Spencer stated staff mentioned giving notice; she received an email from the City Planner and the Planner II with the addresses where the notices were mailed, however, it did not include the three businesses directly across the street from Natel; inquired whether staff could explain why staff is stating notice was given after admitting to not mailing notice to the three businesses.

The Planner II responded notices are required to go out to anyone within 300 feet of the project site; staff added the ability to notice tenants of properties within the same radius in recent years; addresses are pulled from a database, however, the addresses of the tenants across the street were not in the database at the time but have since been added; the tenants did not receive the notice, but legal requirements for the public notice were met; additionally, email courtesy notices were sent to ensure staff reached as many people as possible.

In response to Councilmember Herrera Spencer's further inquiry, the Planner II stated email notices went out on the Thursday prior to the Monday Planning Board meeting.

Councilmember Herrera Spencer inquired when notices were mailed.

The Planner II responded the notices were placed in the mail a week prior and would have arrived approximately five days prior.

Councilmember Herrera Spencer inquired whether the City is aware of its own tenants across the street.

The Planner II responded staff has a standard process; stated addresses were pulled and notices were mailed based on the normal procedure; staff vetted list, which is when potential gaps in the list were supplemented with emails.

Councilmember Herrera Spencer inquired whether the City is aware of the three tenants: Pacific Fine Foods, Building 43, and the prep station directly across the street from Natel, to which the Planner II responded in the affirmative.

Councilmember Herrera Spencer requested clarification on whether the notices were not mailed to them and were not emailed until the Thursday or Friday before the Monday with less time, to which the Planner II responded in the affirmative.

Councilmember Herrera Spencer stated it is important to make clear what notification is being given.

Shared a quote by the President of the National Hydropower Association, which states Natel is successfully pushing the needle on sustainable practices across the industry and the expansion

is a crucial step towards advancing innovative technology; stated the same has been heard from the industry, as well as the conservation community; Natel is working to create a bridge that can make hydropower better for the planet, while also delivering needed climate solutions: Kate Stirr, Natel Energy.

Expressed support for Natel and its work in decarbonization and biodiversity; stated that he sees this type of work all over the world and Natel is unique; to convert the hydroelectric industry into a biodiversity safe place is critical for the future of the planet and its people; island nations and municipalities will be hit the hardest by climate change and have an opportunity and obligation to lead and support this critical work: Jonathan DeLong, Reef Climate Center, et al.

Expressed support for the UP; stated the Bay Area is becoming more and more known for its innovative green hardware companies, such as Natel; there are not many places in the Bay where companies can build large scale projects, such as this one; Alameda Point is good for the economy in Alameda: Kenny Jensen, Navier.

Stated Natel is built up of individuals committed to preserving the planet in their work as well as in their lives; the direction Natel must go to have the most impact relies on the UP; the current test loop does not allow accurate data on turbine performance; the UP is vital to allow Natel to continue the work it does and help move the hydro industry in the right direction: Owen Hale, Natel Energy.

Stated the project and concept are great, however, the location is not; Natel has been a terrible neighbor to Building 43 and Spirits Alley; urged Council to stop the illegal project, as it will further destroy the views and diminish the value of his business and lease; stated the view is the main reason he entered into the lease; upon signing the lease, there was never any talk of industrial or manufacturing uses on Spirits Alley; the City has a duty to operate in good faith and performance, precluding it from agreeing to anything that would diminish the value of Building 43's lease and business investment in Alameda; the item is not exempt from the California Environmental Quality Act (CEQA): Tod Hickman.

Stated it is not just Natel that has illegal outdoor operations and fences, but is widespread throughout the hangars; she supports Natel's business, however, she opposes any UP that is prohibited by law; the project has not undergone the required certificate of approval process by the Historical Advisory Board; Natel is currently in violation of the Alameda Municipal Code; Natel should move operations inside during off-work hours or in a building as close as across the street; the item is not exempt from CEQA: Shelby Sheehan.

Stated healthy waters benefit all Californians; California Trout is currently implementing a project on Alameda Creek and is thrilled to call Natel core partners in the work; Natel is tackling two key crises: climate change and biodiversity laws; expressed support for the expansion of Natel's testing facilities: Redgie Collins, California Trout.

Expressed support for the UP; urged Council to uphold the Planning Board's approval; expressed concern limiting short-term outdoor storage of deliveries which interferes with Natel's ability to conduct normal operations; stated as Alameda continues to attract new businesses to the Point, the City should be mindful of imposing arbitrary and unnecessary restrictions on the businesses: Madlen Saddik, Chamber of Commerce.

Stated Community Action for a Sustainable Alameda (CASA) is thrilled that Alameda Point has

been the destination for many green tech companies, including Natel; expressed support of the test facility; stated Alameda is uniquely vulnerable to the impacts of climate change and needs to invest in solutions; providing long-term support to Natel is part of that solution; zoning requirements and lease agreement of neighbors are being met; expressed support for the tourism and quality of life provided by the tenants at Spirits Alley, however, the interests must be balanced with an investment in the future; encouraged Council to support the Planning Board's approval of the test facility: Ruth Abbe, CASA.

Shared a letter from Rain; stated the groundbreaking work being done by Natel aligns well with Alameda's vision of Alameda Point enriched by one of a kind parks, commerce, and technology; Natel has impressively developed its own turbine hydraulic test laboratory in Alameda; once expanded, it will be the only U.S. owned laboratory compliant with international testing standards; expressed support for the Planning Board and continuing to encourage growth; urged Council to approve the request to expand the outdoor testing facility: Andrea Dunlap, Rain.

Mayor Ezzy Ashcraft stated everyone should be pleased Natel calls Alameda home; as previously mentioned, once expanded, Natel will be the only U.S. owned laboratory compliant with international testing standards, which is impressive; discussed an article published by the San Francisco Business Times: "Alameda Embraces Role as Hub for Biotech, Cleantech, and Other Advances Industries;" stated the Base closing in the 1990s was devastating; the economy, as well as real estate prices, tanked and people were moving out; the City decided a master developer was not needed, since it knew where everything should be placed, such as housing, industries, and restaurants, amongst others; the City should welcome businesses with open arms; Alameda is fortunate to have this company; she visited Natel several weeks ago; one can see the passion Natel employees bring to their work; expressed support for moving forward.

(24-357) Mayor Ezzy Ashcraft stated a motion is needed to consider the landlord consent for the Hornet [paragraph 24-358] and the referral [paragraph 24-363] after 11:00 p.m.

Councilmember Vella moved approval of hearing the items, but not going past midnight.

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

Mayor Ezzy Ashcraft stated the call for review alleges that views are a significant part of the value of leases; the staff report states the view in question is not part of any City adopted view corridors, nor is it a character defining feature of the Naval Air Station (NAS) Alameda Historic District; it is important to remember this is private property; when Natel negotiated the purchase of the property from the City, there was no negotiation over the views and not blocking them; she would like to see paragraph 5 on page 5 of the resolution removed; if the provision is not required or in any leases, the City should not be imposing it on the applicant.

The City Manager stated language was added clarifying staff's interpretation of the condition imposed by the Planning Board since the condition was unclear; staff wanted to clarify how it would be interpreted, however, if Council direction is to remove it, staff is fine with doing so.

Mayor Ezzy Ashcraft stated that she is happy to hear from her colleagues, but she does not believe it belongs there at all; the company is doing important work which the City should not impede; in regard to the view corridors, one is able to see between the two buildings.

Councilmember Vella expressed concern about renegotiating limitations that were not considered at the time of the property transfer; stated a question was raised regarding the notices; inquired what the process was when the building was sold.

Mayor Ezzy Ashcraft stated that she confirmed with the applicant's representative that there were no negotiations of views during the lease or purchase.

The Planner II stated that he does not have anything to add to the purchase process.

The City Manager concurred.

Mayor Ezzy Ashcraft stated if that is the case, she does not understand why the condition to maximize views from Monarch Street would be included, as it seems arbitrary.

Councilmember Vella stated there are different processes laid out when leases and sales of buildings are reviewed; the processes are public; expressed concern about placing additional conditions after a sale has already been negotiated; the property is private, not public; she will side with the decision made by the Planning Board, but would like to remove the additional conditions that were not contemplated or negotiated at the time of sale; other structures have been erected without going through various reviews by the City; provided an example of a previous tenant on Spirits Alley erecting a structure without City approval; stated the proposed structure is not a building and one can see around it; there is also chain link fencing.

Vice Mayor Daysog stated the last phrase in Item 5 was added by the Planning Board; it is important to note while it is true there were no specific discussions regarding the view corridor at the time, there was an understanding Natel would follow the process and the Municipal Code; one of the Municipal Code processes is to follow the conditions and Planning Board process; the addition of the final phrase is not a legal thing, but rather part of the normal process; a major issue for him has always been to attempt to maintain the view corridors; Councilmembers have to guard against maintaining everything as a view corridors because not everything has to be; one must balance the desire of experiencing the beauty of San Francisco in the distance with the activities contemplated in the project; it is unfortunate the initial equipment was completed without a UP, but it does not make sense to rip it out; expressed concern about removing the final sentence in Item 5 because it is not a concrete requirement and leaves discretion on the part of the owner of the property; thanked Natel for investing in Alameda and bringing jobs; the view is preserved and beautiful on the south side of the project; in this case, the staff report addressed a lot of his issues.

Mayor Ezzy Ashcraft stated that she mentioned removing the entirety of Condition 5, as opposed to just the last sentence; suggested Natel provide interpretive signs and illustrations for the public, as an educational opportunity.

Councilmember Herrera Spencer stated that she called for the matter call for review, not because she does not appreciate the work of Natel, but because she agrees with a previous speaker that this is not what Building 43 signed on for when they became a tenant of the City;

Building 43 entered a 10-year lease with two 5-year options in October 2014; at the time, the former City Manager spoke a lot about Spirits Alley and brought in Rockwall, Hangar 1, Dash Cellars, Urban Legends, and Faction Brewing, which is a completely different model than what is occurring now; Natel is a significantly larger company than Building 43, which is a very small business; pictures shared earlier show there were unobstructed views when Building 43 opened; the City has an obligation to support tenants; the City had an obligation to let Natel know as well; the seven days limit was proposed by staff; staff's clarification allows Natel to store items for up to 7 days, remove it for one day, put it back for seven days, remove it for a day, and continue the cycle; knocking out the small business across the street and diminishing their value is a serious problem; in regard to noticing, the City is aware the owners of Building 43 have come to multiple meetings complaining about bringing in tenants that will block the view; email notices were not sent until, at most, the Thursday before the Monday hearing, which gives less time to prepare; the City must do better and support existing tenants; the City is transforming away from Spirits Alley; she hopes Council will limit the storage in front of the business.

Mayor Ezzy Ashcraft stated the City cannot require something of Natel that is not supported in the Municipal Code; the hearing is an opportunity to look at the matter anew.

Vice Mayor Daysog stated the Municipal Code allows the Planning Board and Council to make planning decisions that are conditional in nature; when someone purchases a property, they must understand they have to follow the local code; Condition 5 seems reasonable; the last sentence is not demanding; Natel accepted the Planning Board; his hope would be Council would uphold the Planning Board decision.

Vice Mayor Daysog moved approval of upholding the decision made by the Planning Board.

Mayor Ezzy Ashcraft inquired about the Municipal Code and whether it mandates view corridors.

The Planner II responded in terms of view corridors, there are certain documents that may or may not apply in certain situations; in this case, there is not an adopted view corridor nor is it a character defining feature of the Historic District; Council has the ability to put conditions on an outdoor use, as the Planning Board exercised.

The City Manager stated there is a clarification in the PowerPoint about how the provision would be enforced.

Councilmember Vella stated it is worded as a request, not a requirement; inquired how it would be enforced; inquired how a restriction can be added that was not negotiated at the time of sale.

Special Counsel responded once the sale is done, the City cannot impose additional conditions in its proprietary role; the City, however, also retains its regulatory role to issue conditions and permits for new construction or rehabilitation of buildings, which is the City's role at this moment; the Planning Board felt in order to make the findings, the particular condition was needed; Council could agree or make a different finding if desired.

Councilmember Vella expressed concern about the wording being a bit vague as to future findings.

Special Counsel responded staff proposed additional language to make Condition 5 clearer; stated Council may want to entertain the language if there are concerns about some of the implementing language being vague.

The City Manager expressed concern about enforcing the provision; stated it would most likely be on a complaint basis; the provision would be difficult to enforce; staff provided language to clarify the intent and how the language would be enforced.

Mayor Ezzy Ashcraft requested the rationale of what is trying to be accomplished be explained.

The Planner II the condition in the Planning Board resolution, directs staff to add a specific time period on the temporary staging materials; stated it was left up to staff to come up with a reasonable standard; staff came up with the 7 day period; what is presented is an attempt to clarify the condition for anyone reading or enforcing it; Council has options, including adopting it, removing the entire condition, or striking the sentences that refers to time-limited storage.

Mayor Ezzy Ashcraft expressed concern about impeding Natel's work; stated Natel is attempting to comply with timelines in order to get contracts and complete testing.

Councilmember Vella made a substitute motion to uphold the Planning Board findings but strike the language [Condition 5] as it will be difficult to enforce, even with the suggestions made by staff.

Vice Mayor Daysog requested clarification about the language being stricken; inquired whether striking the language means all the language.

Councilmember Vella responded that she is suggesting striking Condition 5; stated that she does not see how it can feasibly be enforced; she understands the desire behind it, however, Council may still call things for review if they are applying for additional uses in the future; the language as drafted is going to become either unenforceable or something that generates a myriad of actionable complaints; expressed concern about attempting to scaffold around the language.

Vice Mayor Daysog stated that he believes Condition 5 is something Natel can live with; if Natel has problems with it, Council would have heard; if Condition 5 is going to be removed, his hope would be Council makes two motions; the first would be to remove Condition 5; the second would be to vote on the item as a whole.

Councilmember Vella stated that she is fine with bifurcating the motion.

Ms. Schneider stated in the Planning Board process, Natel was willing to agree to the condition; Natel wants to be good neighbors and do not intend to erect structures; Natel understand the Planning Board's intents and is in the spirit of compliance with it; it is difficult for the company to be able to plan ahead.

Mayor Ezzy Ashcraft seconded the bifurcated motion, which carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Jensen: Aye; Vella: Aye and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Vice Mayor Daysog moved approval to uphold the Planning Board decision, as well as the

motion made to remove Condition 5 [including adoption of the resolution].

Councilmember Vella requested clarification of the motion.

The City Clerk stated the motion is to uphold the Planning Board decision and striking Condition 5.

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

(24-358) Recommendation to Consider Granting Landlord Consent for Small-Scale Atmospheric Sea Salt Process Studies on the U.S.S. Hornet.

The Base Reuse Manager gave a Power Point presentation.

Sarah Doherty, University of Washington, and Kelly Wasner, SilverLining, gave a Power Point presentation.

Vice Mayor Daysog stated the documents making claims about health impacts are authored by persons not specifically in the medical or public health field; proposed pausing the matter to send the memo dated May 31st for review by an independent medical public health expert; inquired what Council thinks about doing so.

Andrew Romolo, Terraphase, responded when the issue was brought to his attention, he referred it to his colleague, a board certified toxicologist; stated a toxicologist can look at the saltwater solution and understand the chemistry of the solution and the toxicology of the concentrations; engineers and scientists providing opinions are coming up with studies about what kind of particle size is being generated and how it interacts with the human receptor; when the toxicologist is looking at the data, the concentrations are not present; for there to be a risk, a person must have concentration and duration of exposure, which is not the case for the proposed operation.

Vice Mayor Daysog stated when the Planning Board reviews engineering drawings, they are often stamped by the engineer or the architect certifying everything has been reviewed; Exhibit 6 has no reference.

Mr. Romolo responded it has the credentials of a board-certified toxicologist; he and the toxicologist prepared the memo.

Vice Mayor Daysog stated there is no reference to the toxicologist on the public version.

Mr. Romolo responded that he is quite sure the last memo he wrote included the toxicologist, however, he can add it to the public record.

Vice Mayor Daysog suggested taking a pause to have public health medical experts review the documents, especially the Terraphase memo.

Ms. Doherty stated Professor Pierce's analysis added to the analysis conducted by a public health expert and a toxicologist at Terraphase; stated it can be paused and re-analyzed,

however, it will be re-doing what has already been done.

Councilmember Vella inquired who paid for the study.

The City Manager responded the City paid for the study; stated staff uses Terraphase as its consultant on health and safety issues regarding clean-up at the Navy Base; the City retains the company directly and works with the company on a regular basis; the City paid for it, as well as the work done by H. T. Harvey on the biological impacts; the professor from Colorado State did the analysis for free.

Councilmember Vella stated this is dealing with emissions and is along the Bay; inquired if staff has engaged with or if it has been reviewed by the Bay Conservation and Development Commission (BCDC) or the Bay Area Air Quality Management District (BAAQMD).

The Base Reuse Manager responded the University of Washington, SilverLining engaged with Farallon Strategies to conduct an assessment on the types of permits that may be needed; stated it was determined a BAAQMD permit was not needed.

Mayor Ezzy Ashcraft inquired who is Farallon Strategies.

Ms. Wasner responded Farallon Strategies are expert consultants on environmental matters; the company previously worked with Bay Area agencies; stated Farallon conducts environmental permitting reviews and helped SilverLining understand the permitting landscape and how the project might fit; it generally falls below the thresholds for air quality permits; at the beginning of the project, they were in touch with the BAAQMD and BCDC, who did not request a permit; during talks with the team, there was an agreement they would comply with all relevant laws and regulations as needed; currently, the team is not aware of any permitting requirements.

Councilmember Vella inquired when Farallon was engaged and if Farallon did not advise the City would need to complete a review.

Ms. Wasner responded they were looking at it through the lens of the consultation with the Hornet; Farallon's review included what the Hornet understood about its permitting permissions; there were aspects of that the Hornet got wrong; on a going-forward basis, the team does not wish to get anything wrong.

Mayor Ezzy Ashcraft stated it was mentioned that BCDC and BAAQMD came to the Hornet and indicated no permits were needed; inquired whether anything was in writing, to which Ms. Wasner responded in the negative; stated there were no formal interactions.

Mayor Ezzy Ashcraft inquired what kind of interactions were had; inquired how long BCDC and BAAQMD were at the Hornet.

Ms. Wasner responded BCDC and BAAQMD were invited to come to the Hornet; stated the first day of the studies, local regulators and officials were invited for a demonstration and walk-through about various elements of operation, as well as a demonstration of the spray system; it took about an hour and a half.

Councilmember Vella inquired whether City staff contacted BCDC or BAAQMD since this issue

was flagged, to which the Base Reuse Manager responded in the negative.

The City Manager stated Option C in the conditions and considerations portion of the presentation, is a confirmation from BAAQMD and the Regional Water Quality Board that additional controls are not required; the project team is expected to provide confirmation prior to proceeding as one of staff's suggested conditions; it may also be found in the staff report.

The Base Reuse Manager stated staff included several conditions for Council to consider, including Option A regarding deployment of PurpleAir monitors, which has been discussed with the University of Washington.

Councilmember Vella stated there is not a condition for notifying members of the public or others that the project is ongoing or when it is going to be used; inquired whether notification or signage has been considered, since the area is open to the public.

The Base Reuse Manager responded it has not been contemplated; stated public notice was given about this meeting and discussion, as well as many news articles; she is unsure how it would be facilitated; if it is determined there is no health and safety aspect, or an impact on the wildlife, she would be concerned large scale public noticing would create more fear.

The City Manager stated a condition states experimenting with the saltwater component would not be done during public hours when the museum is open to the public.

Mayor Ezzy Ashcraft inquired whether doing so was a request of the project, to which the City Manager responded in the affirmative.

In response to Mayor Ezzy Ashcraft's inquiry about what time the museum opens, the Base Reuse Manager stated it opens at 10 a.m.

(24-359) Mayor Ezzy Ashcraft stated a motion is needed to consider whether this matter will be completed tonight and end the meeting afterwards; inquired what can be done regarding Council Referrals.

The City Clerk responded Council could make a motion at the next meeting to move Council Referrals to the beginning of the meeting.

Councilmember Jensen stated there is no time sensitivity; the referral may be heard at the next meeting.

The City Clerk stated it may not be heard at the next meeting, as there are many continued items.

Councilmember Vella moved approval to finishing the current item and ending the meeting afterwards.

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

Stated although she appreciates the good intention of the research, urged Council not to facilitate salting the clouds; the concept is missing critical factors, such as messing with the water cycle and salination of rainwater is not a good idea; encouraged Council to delay approval: Patty St. Louis, Alameda.

Discussed his experience in environmental climate and energy policy development in California; stated an effective response to the climate crisis is only going to be achieved through an interdisciplinary approach that values inclusiveness and democratic access decision-making; controversies and irregular review process surrounding the project should be a red flag for Council; urged Council to rely on the precautionary principle and restore assemblance of fair governance to the process and withhold allowing the project: Gary Graham Hughes, Biofuelwatch/Home Alliance.

Stated cloud brightening is a deplorable crime against the planet, air, marine and land animals, and humanity; studies have shown doing so may weaken the stratospheric ozone layer, alter precipitation patterns, and negatively affect agricultural ecosystems, amongst others; there is a strong opposition to large scale deployment of solar aerial injection; discussed several incidents surrounding geo-engineering, as well as oppositions from around the world; urged Council to re-think the decision: Tina Muriel.

Stated seven of the chemicals being sprayed are toxicological hazards and information has been provided to staff; he has asked for the researchers to provide measured test data for six weeks in order to compare to Occupational Safety and Health Administration (OSHA) standards, which they have been unwilling to share; they have also refused to provide blood level concentrations expected to inhalation: Griff Neal, Alameda.

Expressed concerns about health effects; stated the project has had a complete lack of transparency; reports submitted do not have any data and are not useful for the permitting process; all projects are always subject to the permit process from any applicable agency until, and unless, the regulatory agency makes an affirmative written determination that it was not; nanoparticles are risky due to their small size as they can enter deep into the lungs; project staff should contact applicable agencies and receive feedback and next steps; until then, the City should not approve the recommendation: Shelby Sheehan.

Stated this is an issue people are very passionate about; climate change and the science are complex; the study is about understanding implications; the research is not about deployment, but about understanding whether it should be done: Arianna Rehak.

Stated greenlighting the project would make Alameda the first city in the nation to open the door to planetary tinkering with far reaching consequences for California and the world; it could affect everyone on earth; the effects can neither be tested at scale nor undone once unleashed; the risks are why restrictions prevent opening this pandora's box; geo-engineering could interfere with the enjoyment of human rights for millions, including indigenous peoples, peasants, fisher folks, and others living in rural areas; urged Council to exercise the utmost precaution in matters affecting human rights and the shared global environment: Nikki Reish, Climate and Energy Program at the Center for International Environmental Law.

Discussed marine cloud brightening experiments being proposed in 2019 and 2020 during his time as Acting Chief Scientist at the Great Barrier Reef Marine Park Authority; discussed

experiments that have taken place since then; stated large scale marine cloud brightening would not reel back climate change, but rather introduce a new climate full of environmental, ecological, and human health risks; urged Council not to support the recommendation: James Kerry.

Expressed concern about the growth of geo-engineering experiments, such as the one being considered today; stated that he does not support the development of technology designed for solar radiation manipulation; the risks are enormous, including changing weather patterns; geo-engineering technologies cannot be tested at smaller scales to know whether they will work or what the consequences will be; urged Council not to approve the recommendation: Benjamin Day, Friends of the Earth U.S.

Stated data is the backbone of all major innovation and progress in every sector of our economy; the climate crisis is a political emergency; citizens must understand all options, but more data is needed; getting more data requires research, which is what the project is about; this is a chance for Alameda to make an important contribution to climate science: Larry Baird.

Expressed support for providing more scientific backing to potential opportunities that could reduce warming; stated the technologies could be studied and understood to potentially provide a well-being to communities; urged Council to consider the better implications this has for countries such as Honduras; urged Council to envision the scope: Ricardo Pineda, Sustenta Honduras.

Urged Council not to approve the recommendation; inquired why the experiment is being done in one of the most densely populated areas in the country; stated a large-scale experiment of this kind will affect people in the Bay Area, as well as wildlife; inquired whether surrounding municipalities and the Marine Mammal Center have been alerted about the experiment; stated it can impact those with respiratory illnesses and has the potential to cause more harm; urged Council to reconsider this harmful program and inform and consult with colleagues in surrounding cities about the experiment: Caller.

Discussed devastating floods in Pakistan and exploring the issue in more detail Irfan Ullah, Sustainability Week Pakistan.

Stated to his understanding, there is not much public health risk related to this work; people probably inhale a lot of salt-sea spray regularly from wind blowing from the ocean; the experiment is small and has no real chance of impacting the environment; it will provide an understanding of how the technology works and whether it is worth pursuing in the future: Chris Baehr, Alameda.

Stated that she is unsure how the conversation shifted to effects to the sun and wildlife; it seems like staff has done a good job at coming up with things that must be done; she does not see any objection to the project: Li Volin.

Councilmember Herrera Spencer inquired what sprays have already taken place; inquired about the dates and times of the sprays.

Ms. Doherty responded she is unsure of the dates off the top of her head; project staff has sprayed for a total of less than 30 minutes over all the days; stated each time, it was less than 3 minutes; project staff stopped spraying as of April 4, as soon as became aware about

community concerns.

Councilmember Herrera Spencer stated that she would like to know the exact dates and times of the sprays; the community has the right to know.

Ms. Doherty responded project staff has been keeping a log; inquired whether she would like for her to get the information now.

Councilmember Herrera Spencer stated someone from her team may follow up; inquired whether salt water from the Bay is being sprayed, to which Ms. Doherty responded in the negative; stated project staff is taking tap water and combining it with a sea salt standard, designed to exactly match the salt in the ocean.

Councilmember Herrera Spencer inquired what all the chemicals are in the spray; stated something has happened that was not shared publicly, which is unfortunate; project staff should be able to tell the public exactly when they sprayed and what was sprayed so everyone knows what they were exposed to.

Ms. Doherty responded the composition has been provided; stated, as with sea salt, the composition is 98.49% sodium chloride, 26.46% magnesium chloride, 9.75% sodium sulfate, 2.765% calcium chloride, 1.645% potassium chloride, 0.477% sodium bicarbonate, 0.238% potassium bromide, 0.071% boric acid, 0.095% strontium chloride, and 0.007% sodium fluoride.

Councilmember Herrera Spencer inquired what happens to people who inhale that particle size.

Ms. Doherty responded the safe threshold set by the OSHA standards are between 2 and 10 milligrams per cubic meter, except for boric acid and strontium chloride; for most, an 8 hour a day exposure for a 40 hour work week is considered the level at which it can be safely inhaled; according to the analysis by Professor Pierce, all, except for the total salt, standing 20 meters from the spray system fall below thresholds.

Councilmember Herrera Spencer inquired why project staff did not think they needed to notify the City about the sprays.

Ms. Doherty responded their understanding from the Farallon report was that the permits that may be required had been reviewed and fell underneath the permit of the Hornet; stated project staff now knows this to be incorrect; they believed the proper thing was to work through the Hornet and its permitting process; project staff now knows that was an error and deeply apologized, as it has placed a significant burden on Council and the City; they have tried to be as cooperative as possible in following up; project staff spoke to Councilmember Herrera Spencer and Mr. Neal the City decided to have a consultant assess safety; at that point, project staff did not want to circumnavigate the City process, or seem to influence the process; they provided any requested information to Terraphase and did not feel comfortable providing information outside of said process.

Councilmember Herrera Spencer inquired whether any project staff knew the dates sprays were conducted, to which Ms. Doherty responded in the affirmative; stated that she has the information on her computer, which she can pull up if so desired.

Councilmember Herrera Spencer stated at some point tonight, she would like to know the dates

of the sprays; inquired whether this is the first time in the country, or anywhere, where sprays have taken place in an urban environment, to which Ms. Doherty responded in the affirmative; stated this is the first time for sea salt; things have been sprayed for other environmental studies, but this is the first time using sea salt.

Councilmember Herrera Spencer stated that she initially believed the sprays were going towards the Bay, however, it was towards a residential area, a soccer field, and a high school; inquired whether to project staff's understanding, this type of experiment has not been conducted in a similar environment before.

Ms. Doherty responded that is her understanding.

Councilmember Herrera Spencer inquired whether project staff thought to notify students and families in advance.

Ms. Doherty responded in advance of the studies, project staff conducted a few analysis to ensure the safety of the team, as well as the public, and looked at the concentrations based on individual nozzles; stated project staff conducted modeling studies and found concentrations are extremely low by the time it leaves the Hornet flight deck; they spoke to people in the Department of Environmental Occupational Health and Safety at the University of Washington, who concurred; in retrospect, project staff should have formalized the process; they have gone through the process and have now left it to the Terraphase toxicologist to assess safety.

Councilmember Herrera Spencer stated the project staff's request is to allow spray four days a week in the morning before 11 a.m.; inquired what are the four days of the week.

Ms. Doherty responded the spray goes from west to east because that is the prevailing wind direction; stated they cannot make it go the other way; to make the measurements, project staff needs the winds to be out of the west; best case scenario, they believe the winds will cooperate four days a week.

Councilmember Herrera Spencer inquired what specific days of the week they are proposing; inquired if it could be any day of the week.

Ms. Doherty responded, ideally, it be Monday through Friday.

Councilmember Herrera Spencer inquired whether project staff could ask to spray any Monday through Friday before 11 a.m. for how many weeks.

Ms. Doherty responded it would be through the summer.

Councilmember Herrera Spencer inquired if approved, what would be the last day.

The Base Reuse Manager responded what was communicated to City staff was project staff needed about 20 weeks to gather data; stated project staff is hoping to continue through 2025.

Ms. Doherty stated one of the asks is for PurpleAir sensors, which are air monitors; project staff is happy to do so and have come up with a plan for where to place the monitors, which includes sensitive areas, such as the soccer field; they could work with the City on placement; real time data will be available online; the sensors are around the City already; project staff does not

expect the studies to be detectable.

Councilmember Herrera Spencer stated if she is the mother of a child playing in the soccer field and she does not wish for her child to be exposed, what she is hearing is a child would not be able to play soccer at the park Monday through Friday before 11 a.m. for 20 weeks or more.

The Base Reuse Manager responded City staff set the time parameters; outreach was conducted with the Recreation and Parks Department; City staff does not believe the fields are utilized for soccer activities before 11 a.m.; City staff also reached out to look at the timeframe the Hornet Field, which is the closest to the aircraft carrier and soccer does not start before 11 a.m.

Councilmember Herrera Spencer inquired if she means Encinal High when referring to the Hornet Field, to which Ms. Doherty responded in the negative.

Councilmember Herrera Spencer stated Encinal High is open Monday through Friday and zero period begins at 7 a.m.; inquired whether under this plan, if she had a child who attends Encinal High and does not want her child exposed, she would have to keep them home for 20 weeks.

The Base Reuse responded if that was her choice as a parent, yes; stated City staff reached out to Alameda Unified School District and spoke to Susan Davis about the proposal; Ms. Davis told City staff, if the project moves ahead, she would like to have one of the PurpleAir monitors at Encinal High.

Councilmember Jensen inquired whether the project leaders have conducted any other cloud brightening experiments and if so, where, to which Ms. Doherty responded in the negative; stated this is not a cloud brightening experiment, nor are they changing the weather or the climate; they are not producing enough particles to do so.

Councilmember Jensen inquired whether project staff has conducted any other experiments spraying particles in any other areas in the past, to which Ms. Doherty responded in the negative; stated not outdoors.

Councilmember Jensen inquired why project staff chose to conduct the experiment in Alameda, as opposed to an unpopulated area.

Ms. Doherty responded project staff felt it is important to do it in a context where the public can see the research and what it looks like, as well as engage with the research and interact with project staff; stated having this as part of a museum exhibit was a high priority for project staff; they needed the right atmospheric conditions, which means a coastal environment with the right atmospheric conditions, which this area satisfied; they also needed significant infrastructure to be able to power and move the equipment, as well as store it in a safe place, and the Hornet met those needs; a partner conducting the engineering portion and running a lot of the instruments is local.

Councilmember Jensen stated OSHA standards were mentioned earlier; inquired if the standards for the types of salts include standards for children or vulnerable persons with compromised immune systems.

Mr. Romolo responded the standards for OSHA are for occupational health and therefore, would

not involve a child; stated OSHA's mission is to limit exposures to a worker.

Councilmember Jensen inquired whether the Terraphase review includes data from studies of emulsion of aerosolized seawater, to which Mr. Romolo responded in the negative; stated he relied on studies based off the exposures; Terraphase reviewed data on monitors placed across or near coastal areas.

Councilmember Jensen inquired whether the Terraphase report mentions the levels of salts would not be expected to be at a toxic or unhealthy level.

Mr. Romolo responded when looking at the concentrations of the sea salt being created, the chemicals are not expected to be at concentrations that would result in adverse health; stated you would have to have concentration and exposure, and neither are being seen in this scenario.

Councilmember Jensen inquired whether the size of the salt particles was addressed.

Mr. Romolo responded it is difficult to compare this study to another study; stated the nozzle will produce more of a liquid based aerosol; as it goes through its transformative process, it will likely evaporate and there will be a crystal, which can be quite small, in the micron range; there are small and fine particles; studies have been published in peer reviewed journals, as well as provided by the Environmental Protection Agency; the small particles being created here are so light and often times get deep into airway but stay suspended; studies are finding because it stays suspended, you exhale it out; therefore, the deposition rate becomes lower; exposures are not there to warrant a health risk.

Councilmember Jensen stated to her understanding, the studies are continuing research; there is no conclusion regarding the suspension or the particle size.

Mr. Romolo responded the more one researches, the more information you get; stated studies are saying it is aerosol dependent and that, as a result, makes it a bit more difficult to look at the exposure in terms of deposition within the lungs.

Councilmember Jensen inquired how many people visit the USS Hornet each year.

The Base Reuse Manager responded the Hornet indicated about 80,000 people visit each year and about 13,000 of those are students on school field trips.

Councilmember Jensen stated that she was under the impression the number was higher; inquired whether any other youth activities or sport facilities are nearby.

The Base Reuse Manager responded City staff looked for the next closest childcare facility, which is Small Size Big Mind, in Building 35 at Alameda Point, which is a little over a mile away.

Councilmember Jensen inquired about the Alameda Sailing Club.

The Base Reuse Manager responded that she did not calculate said distance, however, she believes they are closer than the Hornet Field, which was a bit over 2,250 feet; stated perhaps it is less than or equal to half a mile.

Vice Mayor Daysog stated it is probably about half a mile.

Councilmember Jensen stated young people sail in Seaplane Lagoon next to the Hornet every day during the summer; the PurpleAir monitor has been used for many years due to forest fire smoke; inquired whether the monitors have ever been routinely used for air salts.

The Base Reuse Manager responded that she believes it monitors the particles in the air.

Councilmember Jensen inquired whether particles of all sizes are monitored or if particles must be a certain size.

Ms. Doherty responded it monitors the total mass of particles below 10 micron size and the total mass of particles below 2.5 micron size; stated the experiment particles would be included.

Councilmember Vella expressed concern with the process by which this came to the attention of Council and the lack of general notice to the public; stated that she understands the proposed parameters City staff put forward, however, she believes they are insufficient; notification should have gone to BCDC and BAAQMD; Alameda is not being a good neighbor to surrounding Bay Area communities; if this was happening somewhere else, Alameda would hope it would go through various regional boards; she has a problem with the premise that there was an assumption that it was covered under the Hornet's lease; she would question if this was happening on private property; she would like a disclosure about what was actually released, when, and for how long; she is glad to hear there are good intentions aligned with climate priorities, however, not only is the City responsible to the Bay Area community, but they are also global citizens; the lack of transparency and input by experts is problematic; is unfortunate situation is unfortunate; she does not place the blame on City staff; thanked City staff for putting a stop to spraying once it was flagged; she does not have enough information or expertise in the matter to make a determination to allow this to move forward tonight; recommended this be referred to authorities and request documentation of what was released, when and in what amounts; if cleared, an application could be brought to the City once it has gone through other official channels; expressed concern about overall liability, as people ride bikes and walk at or near the Hornet; stated there are ways to notify to people things are being released, however, the ambiguities of what is being released and when are a concern.

Mayor Ezzy Ashcraft stated the project staff did not start out on the right foot; she was not thrilled to have first read about the experiment through a media outlet, which begs the question whether this was intentional or an oversight and, if so, what other points may have been missed; Council needs to take into account many competing considerations; she does not feel as though the project staff has made their case; if she is going to vote to move forward on something, she has to feel there is clear and convincing evidence about what is being done; expressed air quality concerns; stated the duration of the experiment keeps changing; this is not the right time, as more information and transparency is needed.

Vice Mayor Daysog stated all Councilmembers are keenly interested in dealing with climate change; Alameda especially understands the effects of climate change as an Island; a lot of the information has been far too thin; earlier he asked about the necessity of having more medical and/or public health experts opine; he appreciates that the City's consultant involved a toxicologist, however, their name is not on the posted data; the report is two pages, only one of which is devoted to health; regarding the Pierce study, he would like to see a set of studies as opposed to just the one; he needs that level of a seal of approval from experts; many peoples'

loved ones live near the site; there needs to be an understanding the health impacts and making sure the proper experts in the medical or public health field review the studies to ensure its safety; discussed size of particles.

Councilmember Herrera Spencer inquired whether the dates the sprays occurred was obtained.

Ms. Doherty responded on March 26th, the system was turned on for one minute; stated on the 27th, it was turned on for two minutes; on the 28th it was turned on for two minutes, and once more later for one minute; on April 2nd, it was turned on three times for less than three minutes each time; on April 3rd and 5th, it was turned on for less than three minutes.

Councilmember Herrera Spencer stated a base operated for 60 years and has been closed for almost 30 years, which the federal government is still cleaning up; the City is already exposed to contamination other cities have not had to bear; the City also has an international airport nearby and has received many complaints regarding soot in peoples' backyards; she does not feel comfortable saying her children, or others, should be exposed to this; she wanted to know the dates of the sprays because there have been people who believe their asthma may have gotten worse; to her understanding, these dates have never been shared with the public and she appreciates project staff disclosing them now; it is critical to share what people were exposed to; she believes there are perhaps people who did not want Council to know in advance; in the future, if project staff thinks about going to another community, she suggests they be completely transparent; it should be up to each person whether or not they want to subject themselves or their children to spraying.

Mayor Ezzy Ashcraft stated that she feels it is appropriate for folks who caused the City to commission the studies reimburse the City and hopes her colleagues agree.

Councilmember Herrera Spencer moved approval of denying the request by the Hornet to allow any sprays to continue.

Councilmember Vella seconded the motion.

Under discussion, Councilmember Vella stated in the future, she would like to include reimbursement in the event the City has to commission this sort of study; in this case, she would rather deny it and stop any more expenditure of staff time.

Mayor Ezzy Ashcraft inquired if Councilmember Vella would not like to pursue reimbursement, to which Councilmember Vella responded in the affirmative.

Councilmember Jensen stated this experiment may be ground-breaking and could ultimately improve ability to address global warming; she appreciates the SilverLining objective to foster scientific collaboration and public engagement, however, given the lack of data of potential health risks, the imprecise methods of measuring exposure, and the initial obfuscating by the researchers, she cannot support continuation of the coastal atmospheric aerosol research and engagement project.

Vice Mayor Daysog stated that he is open to getting further analysis of the public health medical community, particularly reputable sources, including Stanford and University of California, San Francisco, however, he does not believe it will pass.

Mayor Ezzy Ashcraft stated that she concurs, however, she would also want a deeper understanding of the unintended consequences, not just of the small-scale experiment, but of where the technology is leading.

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

(24-360) Recommendation to Receive an Informational Report on Other Post-Employment Benefits. Continued to June 18, 2024.

(24-361) Recommendation to Receive an Update and Provide Direction on a Branch Library at Alameda Point. Continued to June 18, 2024.

(24-362) Public Hearing to Consider Introduction of Ordinance Repealing Alameda Municipal Code Section 13-10.3, which Bans the Use of Natural Gas in New Construction and Major Remodels and Additions, In Order to Comply with California Restaurant Association v. City of Berkeley. Continued to June 18, 2024.

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(24-363) Consider Directing Staff to Prepare a Charter Amendment Measure for the November 5, 2024 Ballot to Amend Section 3-10 Pertaining to Sale of Property and Leases. (Councilmember Jensen) Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 1:15 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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