

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -APRIL 16, 2024- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:05 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Jensen arrived at 5:11 p.m. and Councilmember Vella arrived at 5:42 p.m.]

Absent: None.

Consent Calendar

Vice Mayor Daysog moved approval of the Consent Calendar.

Councilmember Jensen seconded the motion, which carried by the following voice vote:
Ayes: Councilmembers Daysog, Herrera Spencer, and Mayor Ezzy Ashcraft – 3. [Items so enacted or adopted are indicating by an asterisk preceding the paragraph number.]

(24-206) Recommendation to Approve Jennifer Ott, City Manager, Abigail Thorne-Lyman, Base Reuse and Economic Development Director, Alesia Strauch, Base Reuse Manager, Len Aslanian, Assistant City Attorney, and John McManus, Cushman & Wakefield as Real Property Negotiators for 650 West Tower Avenue, Building 41 at Alameda Point (DOER Marine Operations, a California Corporation). . Accepted.

Public Comment on Closed Session Items

Liz Taylor, DOER, thanked Council for visiting DOER; stated work is in progress in Building 41 that will take about 18 to 24 months to complete; asked for an extension on the existing license.

Laef Barnes, DOER, expressed support for Liz Taylor and DOER; stated that he hopes the license is renewed to support Ms. Taylor's efforts, realize the greater goal of creating a blue-green incubator and bring like-minded people to work on environmental challenges.

The meeting was adjourned to Closed Session to consider:

(24-207) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 650 West Tower Avenue, Building 41 at Alameda Point; City Negotiators: Jennifer Ott, City Manager, Abigail Thorne-Lyman, Base Reuse and Economic Development Director, Alesia Strauch, Base Reuse Manager, Len Aslanian, Assistant City Attorney, and John McManus, Cushman & Wakefield; Negotiating Parties: DOER Marine Operations, a California Corporation. Under Negotiation: Price and Terms of License.

(24-208) Conference with Labor Negotiators (Government Code Section 54957.6); City Negotiators: Jennifer Ott, City Manager, Jessica Romeo, Human Resources Director, and Doug McManaway, Deputy City Attorney; Employee Organizations: International Brotherhood of Electrical Workers (IBEW) and Management & Confidential Employee Association (MCEA); Under Negotiation: Salaries, Employee Benefits and Terms of Employment.

(24-209) 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.

Following the Closed Session, the meeting was reconvened, and the City Clerk announced that regarding Real Property, staff provided information and Council provided direction by unanimous voice vote – 5; regarding Labor, staff provided information and Council provided direction by unanimous voice vote – 4 [Absent: Councilmember Vella – 1]; and regarding Litigation, staff provided information and Council provided direction by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4; Noes: Councilmember Herrera Spencer – 1.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:49 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE JOINT MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- - APRIL 16, 2024- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:02 p.m. Vice Mayor/Commissioner Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Herrera Spencer, Jensen, Vella and Mayor/Chair Ezzy Ashcraft – 5.

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Jensen moved approval of the Consent Calendar.

Councilmember/Commissioner Vella seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*24-004 SACIC) Minutes of the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting Held on February 20, 2024, and March 5, 2024. Approved.

(*24-210 CC/24-005 SACIC) Recommendation to Accept the First and Second Quarter Revenue and Expenditure Report for Fiscal Year 2023-24. Accepted.

AGENDA ITEM

(24-211 CC/24-006 SACIC) Recommendation to Accept the Fiscal Year 2022-23 Audited Financial Statements and Compliance Reports. Not heard.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, SACIC

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - APRIL 16, 2024- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:04 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella,
and Mayor Ezzy Ashcraft – 5.

Absent: None.

AGENDA CHANGES

(24-212) The City Clerk announced the annual military equipment report [paragraph no. 24-223] would not be heard.

The City Manager stated an item will be brought to Council on May 7th that will provide an update about sideshows and seek Council direction on the use of drones to help with enforcement; if the direction is to move forward with drones, staff will come back on May 21st with a first reading amending the military equipment ordinance.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(24-213) Proclamation Declaring April 22, 2024 as Earth Day.

Councilmember Herrera Spencer read the proclamation and made brief comments.

Stated the United States military is one of the largest fossil fuel polluters in history, emitting more carbon dioxide than most countries; spoke about drinking water shortages, sanitation infrastructures, and air pollution in Gaza; urged Council to honor Earth month by calling for a ceasefire in Gaza: Hilda Poulson, Alameda Friends and Families for a Ceasefire (AFF4C).

Expressed appreciation for Councilmember Herrera Spencer speaking; discussed Latinx/Hispanic Heritage month: Tod Hickman.

(24-214) Mayor Ezzy Ashcraft made brief comments regarding the treatment of women.

ORAL COMMUNICATIONS, NON-AGENDA

(24-215) Hilda Poulson, AFF4C, stated AFF4C remains committed to centering Gaza and Palestine, as well as supporting candidates in upcoming elections who are supporters of ceasefire and allies of Palestinian liberation.

(24-216) Laura Thomas, AFF4C, urged Council to call for a ceasefire in Gaza; spoke about the housing crisis in other parts of the world.

(24-217) Michael Yoshii, AFF4C, thanked Mayor Ezzy Ashcraft for the proclamation at the last meeting; stated it is not too late to continue to move forward with a ceasefire resolution in Alameda.

(24-218) Shelby Sheehan, stated that she served everyone on the dais, except for

Councilmember Herrera Spencer, with a summons and will be holding them responsible for punitive damages for her illegal eviction.

(24-219) Roan Byrne-Sarno, AFF4C, urged Council to pass a ceasefire resolution and divest from companies that support war, violence, and genocide.

(24-220) Evan Gomez-Shwartz, Alameda, proposed a City operated self-sustaining fulfillment center at Alameda Point, which would support local shops by handling shipping, returns, and managing inventory.

CONSENT CALENDAR

Councilmember Herrera Spencer moved approval of the Consent Calendar.

Councilmember Jensen seconded the motion.

Under discussion, Vice Mayor Daysog recused himself from the Webster Street Business Improvement Area [paragraph no. 24-228].

On the call for the question, the motion carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*24-221) Minutes of the Special City Council Meeting and the Regular City Council Meeting Held on March 19, 2024. Approved.

(*24-222) Ratified bills in the amount of \$6,927,167.80.

(*24-223) 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. Not heard.

(*24-224) Recommendation to Authorize the City Manager to Execute an Agreement with Columbia Electric, Inc. for Highway Safety Improvement Program Upgrades to Improve Pedestrian Safety Project, No. P.W. 01-24-04, in an Amount Not-to-Exceed \$496,295, Including Contingency. Accepted.

(*24-225) Recommendation to Authorize the City Manager to Accept the Work of Bjork Construction, Inc. for the Littlejohn Park Recreation Building Restoration Project, No. P.W. 11-21-39. Accepted.

(*24-226) Recommendation to Authorize the City Manager to Execute an Agreement with Blue Flame Crew West, LLC in an Amount Not-to-Exceed \$779,900 for the Doolittle Landfill Flare and Piping Replacement Project. Accepted; and

(*24-226A) Resolution No. 16146, "Amending Fiscal Year 2021-23 Capital Budget to Appropriate an Additional \$279,900 from the City Solid Waste Surcharge Fund (260)." Adopted.

(*24-227) Recommendation to Approve the Park Street Business Improvement Area Annual Assessment Report. Accepted; and

(*24-227A) Resolution No. 16147, “Intention to Levy an Annual Assessment on the Park Street Business Improvement Area for Fiscal Year 2024-25, and Set a Public Hearing for May 7, 2024, to Levy an Annual Assessment on the Park Street Business Improvement Area.” Adopted.

(24-228) Recommendation to Approve the Webster Street Business Improvement Area Annual Assessment Report. Accepted; and

(24-228A) Resolution No. 16148, “Intention to Levy an Annual Assessment on the Webster Street Business Improvement Area for Fiscal Year 2024-25; and Set a Public Hearing for May 7, 2024 to Levy an Annual Assessment on the Webster Street Business Improvement Area.” Adopted.

Since Vice Mayor Daysog recused himself, the item carried by the following vote: Ayes: Councilmembers Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 4. [Absent: Vice Mayor Daysog – 1.]

(*24-229) Resolution No. 16149, “Authorizing the Mayor to Sign a Memorandum of Agreement Regarding the Exchange and Cooperation Between Alameda, California, United States of America and Varazze, Italy.” Adopted.

(*24-230) Resolution No.16150, “Approving an Amendment to the Power Purchase Agreement with Ameresco Half Moon Bay, LLC and Alameda Municipal Power, for a 20-Year Extension and Expansion of the Renewable Landfill Generation Plant and Authorize the Alameda Municipal Power General Manager to Execute the Amendment with Minor Modifications.” Adopted.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(24-231) Public Hearing to Consider Introduction of Ordinance Amending Alameda Municipal Code Chapter XXX (Development Regulations) to Revise Section 30-73 et seq. (Real Estate Subdivision Regulations) to Implement the City of Alameda General Plan and Housing Element and Make Other Technical Amendments, as Recommended by the Planning Board. Introduced.

The Planning Services Manager gave a Power Point presentation.

Councilmember Jensen inquired whether the Planning Board reviewed the ordinance and approved it for forwarding, to which the Planning Services Manager responded in the affirmative.

Councilmember Jensen inquired when it was first before the Board and how long was the discussion.

The Planning Services Manager responded it was taken to the Planning Board in October and December; stated staff circulated an early draft to the development community.

Councilmember Vella moved introduction of the ordinance.

Councilmember Jensen seconded the motion.

Under discussion, Vice Mayor Daysog stated that he did not support the Housing Element (HE) that was adopted, as well as the General Plan revisions; to be consistent, he will vote no on this item.

Councilmember Herrera Spencer stated that she opposed the HE but will be supporting this item.

Councilmember Jensen inquired whether the ordinance is only necessary because of the change in the HE.

The Planning Services Manager responded the change is not because of the HE; stated the ordinance has been in the works for a while; the existing ordinance is very outdated.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 4. Noes: Vice Mayor Daysog – 1.

(24-232) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 7-9.9 (Animal Testing Ban) to Article 7-9 (General Provisions) of Chapter VII (Animal Control) to Prohibit Animal Testing and Experimentation on Property Owned or Controlled by the City of Alameda in its Proprietary Capacity. Introduced.

The Assistant City Attorney made brief comments and the Base Reuse Manager gave a Power Point presentation.

Councilmember Herrera Spencer inquired why it was so difficult to find out whether or not the 35 life science businesses conduct animal testing.

The Base Reuse Manager responded the City does not currently track the activity.

Councilmember Herrera Spencer inquired why the City could not send communications to businesses.

The City Manager responded doing so was not a part of staff's research; stated staff knows companies have vivariums and conduct animal testing, however, tracking would be difficult; companies are hesitant to talk to staff, provide feedback, and did not want names shared due to fear of being targeted by animal rights groups.

Councilmember Herrera Spencer inquired whether staff visited a vivarium in Alameda, to which the City Manager responded in the affirmative; stated that she visited Science Corp at Marina Village when it was under development.

Councilmember Herrera Spencer inquired whether she saw animals, to which the City Manager responded in the negative.

Councilmember Herrera Spencer inquired whether staff is unsure how many businesses currently have animals being tested in Alameda, to which the Base Reuse Manager responded

in the affirmative.

Stated that she is an animal rights activist; urged Council to select Option A, as there is no excuse for animal abuse and there should be no animal testing in Alameda: Maria Ducey, Alameda.

Stated the NorCal Carpenters Union is proud to have an integral part in the building of the life science industry in Alameda; the union is opposed to Option A; urged Council to adopt Option B: Joel Toscano, NorCal Carpenters Union.

Stated this item deserves careful consideration; potential consequences, such as a ban on critical innovation, must be recognized: Joseph Maraschini, NorCal Carpenters Union.

Stated without animal testing, no one would have products that save people from tragic diseases; animal testing is highly regulated and must be performed in the most humane way possible; if Council passes the ordinance, it will significantly deter other life science companies from locating in Alameda: Adam Elsesser, Penumbra.

Stated progress has been made on alternative testing methods to reduce testing on animals; hopefully one day animal testing will be eliminated and replaced with alternative models, but that is not the case yet; restricting animal testing on City owned and controlled property will send the message that the biotech community is not welcome: Brian Warren, Biotechnology Innovation Organization.

Stated PETA is thankful Council is considering a ban on animal testing and experimentation; expressed support for Option A: Amanda Schemkes, People for the Ethical Treatment of Animals (PETA).

Stated the Coalition is supportive of a nuanced approach to the proposed animal testing prohibition; expressed support for Option B: Alex Khan, California Chronic Care Coalition.

Stated in disease research, the use of animals is failing to develop suitable treatments for human patients; allowing animal experiments on public property would endorse a poorly regulated and antiquated system; expressed support for Option A: Zoe Novic, Greener by Default.

Stated the health industry supports replacing animals used in experiments as long as other alternatives are available; while working to reduce the need for animal testing, some amount will always be required by federal agencies: Amanda Hagan, Animal Health Institute (AHI).

Expressed support for Option A; spoke about past negative experiences as a former primate lab worker: Maddie Krasno.

Stated Alameda can take a step forward and ban animal abuse on City property; there is a lot of suffering in animal research; expressed support for Option A: Geralyn Gilseth, Alameda.

Submitted a letter; stated there are potential public health issues surrounding animal testing; expressed support for Option A: Reyla Graber, Alameda.

Urged Council to ban animal research on City owned property; expressed support for Option A:

Janet Davis, Alameda.

Stated the citizens of Alameda have made it clear they want Option A; he does not agree with those who are in favor of animal testing; expressed support for Option A: Tod Hickman.

Stated constituents working in labs are not working on cosmetics, but rather lifesaving therapies that millions of patients rely on; provided examples of vaccines and medicines that have been created to help and save people; stated although new technologies have emerged, it does not work in every instance: Aracely Campa Ramirez, California Life Sciences Association.

Urged Council to support Option A; stated more effective drugs and treatments are needed for patients; animal experiments are failing; provided examples when animal testing has failed vastly during human trials: Elaine Carlitz, Walnut Creek.

Stated researchers take the role of animals in medical research very seriously and are actively searching for means to reduce or replace animals; Urged Council to support Option B: Amanda Banks, California Biomedical Research Association.

Expressed concern about the ordinance impacting life science business's ability to operate in Alameda: Madlen Saddik, Chamber of Commerce.

Expressed support for Option A: Diana Navon, Better Science Campaign.

Stated the people of Alameda do not want animal testing on City property; animal testing does not work; urged Council to vote for Option A: Shelby Sheehan.

Stated Alameda should be led by its morals, not by its economy; urged Council to vote for Option A; stated people have a moral duty to treat all living things as best as we can: Richard Schwartz.

Councilmember Herrera Spencer stated a speaker mentioned those against the ban are related to the industry and are profiting from animal testing; she is proud to have brought the referral along Councilmember Vella because she was unaware animal experimentation was happening in Alameda until Science Corp came to Council; her request is to ban animal testing on City property; businesses and the upcoming performing arts center at Alameda Point more than likely would not want adjacent lab conducting animal experimentation; if work has to be done, it has to be attached to a public university, as that is where the California Public Records Act applies so people can have transparency; if companies are proud, work should be prideful and shared with the public; expressed support for Option A.

Councilmember Vella stated the referral specifically looked at City owned property at Alameda Point; she submitted an alternative; there are many conversations around the morality of animal testing, but there is a federal requirement; in order to bring products, both medical and in the life sciences field specifically, the Food and Drug Administration (FDA) requires a certain amount of testing; Councilmembers can individually take action and lobby the FDA; expressed support for Option B.

Vice Mayor Daysog stated Alamedans understand that adopting Option A does not end animal testing on the Island, but rather ends it on City owned properties, mainly on Alameda Point; residents understand Option A is a modest compromise to limit, but not end, animal testing in

Alameda; expressed support for Option A.

Councilmember Vella stated that she previously asked to have a meeting at the Enterprise District so Council can have a tour and address what should be in the space; moving forward, in the event there is a focus on a strategic plan around bringing life sciences to the area, similar to what was done for cannabis, she would like to consider flagging or setting aside a portion to go towards Friends of the Alameda Animal Shelter (FAAS) contracts or similar things; there is an overarching policy and the City needs to pay for infrastructure at Alameda Point.

Councilmember Jensen stated in 2018, Council approved an Economic Development Strategic Plan, which intended to serve as a roadmap for business attraction retention and workforce development activities; Council at the time determined the life science business sector was the number one most critical business sector for the future; inquired if Councilmember Herrera Spencer, the Mayor at the time, was aware of animal experimentation and if it would have influenced her decision; questioned whether the proposed ordinance is a reaction against a specific company led by an individual who received a lot of bad publicity; stated in previous jobs, she found the federal government, universities, and the research community to be relatively responsible in terms of drug developing and testing; she does not think either option will impact animal testing, but instead will impact whether life science companies conduct research in Alameda.

Councilmember Herrera Spencer clarified she is not asking for a Citywide, but rather on City owned property.

Councilmember Herrera Spencer moved approval of Option A.

Vice Mayor Daysog seconded the motion.

Under discussion, Councilmember Vella stated that she is not looking at a Citywide ban; she is not trying to discourage life science companies from coming to Alameda; encouraged people to engage with life sciences and talk with the FDA about the requirements that are in place and going beyond that, if desired; expressed support for Option B.

On the call for the question, the motion failed by the following voice vote: Ayes: Councilmembers Daysog and Herrera Spencer – 2. Noes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft – 3.

Councilmember Vella moved approval of Option B.

Mayor Ezzy Ashcraft stated on January 16th, the City Manager asked Council to give direction on the animal testing policy; at the time, Councilmember Vella raised a concern based on past experiences where she felt that staff did not follow direction; direction could have been given that every lease or sale made at Alameda Point include the Option B language; when Council gives direction to staff, there must be a way to document it in order to be able to look back; proposed the motion to adopt Option B direct that language be included in all leases or any documentation related to property transaction for property owned or controlled by the City.

Councilmember Vella provided examples when Council provided direction to staff relative to contracts; language was not included in the contract and issues later occurred ; it is much clearer to codify things so everyone is aware, nothing is missed and staff would not have to look

to add language contract by contract; staff changes over time and sometimes directives can be lost; moving forward, it is important to have language included in a statute.

Mayor Ezzy Ashcraft inquired whether Councilmember Vella is looking for clarity of the direction and if that would be best captured in an ordinance, to which Councilmember Vella responded in the affirmative; stated an ordinance is enforceable and staff will not have to remember language for every contract.

Councilmember Jensen stated the initial referral proposed prohibiting animal testing and experimentation on property owned and controlled by the City, however, Option B allows for animal testing on the sites; inquired what is the benefit of Option B.

Councilmember Vella responded Option B specifically defines what sort of testing would be permissible and must be in alignment with approval for FDA.

Councilmember Jensen inquired whether there is any potential for animal testing that would not be regulated by the FDA; inquired whether research projects under the auspices or approved through a federal government grant are the only ones allowed.

The Assistant City Attorney responded in the affirmative; stated that he envisioned a permitting process or other federal oversight process requiring the FDA to give a stamp of approval.

In response to Councilmember Jensen inquiry's about Penumbra, the Assistant City Attorney stated he presumes Penumbra would fall under the umbrella because the medical research and therapies require a certain amount of federal approval, which would fall under the exception in Option B.

Councilmember Jensen stated, for the most part, all medical devices and medications being developed by Penumbra or other companies are intended to be used medically and are approved by the FDA; she would expect any company in Alameda conducting any kind of animal research and testing anticipate a U.S. Department of Agriculture (USDA), FDA, and Environmental Protection Agency (EPA) regulatory filings or if not, companies would be shut down by regulators; she will not be supporting either option.

Councilmember Vella stated cosmetic testing and others, for example, are not necessarily subject to regulation; Option B is a more nuanced approach; she is unsure why one would not want to set the standard in Option B, which still allows life sciences to operate within the guidelines of federal regulatory standards.

Councilmember Jensen stated that she would support Option B with amendment to the second part of the first sentence and getting rid of the enterprise language.

Mayor Ezzy Ashcraft inquired whether there is a desire to extend beyond the enterprise zone.

The City Manager responded staff is taking direction from Council; if taken out, the ordinance would not restrict the area for life science companies; stated animal testing would be allowed in all our properties as long as the comply complies with the provision.

Mayor Ezzy Ashcraft inquired if Councilmember Jensen would second the motion if it were amended to remove restriction of the enterprise district, to which Councilmember Jensen

responded in the affirmative.

Councilmember Vella amended the motion to remove the restriction to the enterprise district.

Councilmember Jensen seconded the motion.

Under discussion, Vice Mayor Daysog inquired whether staff knew how Alameda would regulate animal testing or experimentation done as part of this USDA, EPA, and other agencies approval regulatory filings.

Mayor Ezzy Ashcraft called a recess at 9:12 p.m. and reconvened the meeting at 9:20 p.m.

Vice Mayor Daysog inquired if adopted, would Science Corp be allowed to conduct research at Alameda Point; stated the issue was brought to Council because of Science Corp in the first place.

The Assistant City Attorney responded in the affirmative; stated the phrase is very broad and includes the language related to: “anticipated or actual animal testing or experimentation;” theoretically, any type of scientific research use would ultimately require some sort of federal approval and therefore would be authorized by the Option B language.

Vice Mayor Daysog inquired whether four votes would be required for a City owned property to be leased or sold, even if the ordinance were adopted, to which the Assistant City Attorney responded in the affirmative.

Councilmember Vella clarified Council asked and Science Corp refused to add the limiting language to the lease.

Mayor Ezzy Ashcraft inquired whether the language would be added to leases as further direction.

The City Attorney responded it is not included in the current motion, but Council could direct staff to add the language to future leases if it so desires.

The City Manager stated there is no problem adding the language to leases, however there is a provision stating any tenant must comply with all federal, state, and local laws; if the ordinance is a local law, tenants would be required to comply.

Councilmember Herrera Spencer proposed an amendment to the motion to limit any animal testing to only mice and rats.

Councilmember Vella inquired whether that is the extent of what is required under the federal standards; stated that she does not believe it is; the FDA is currently considering something and people can certainly advocate with the FDA.

(24-233) Councilmember Herrera Spencer moved approval of adding an additional two minutes to everyone’s time.

Councilmember Jensen seconded the motion.

On the call for the question, the motion carried by unanimous voice vote - 5.

Councilmember Jensen stated that she does not accept the amendment; having the ordinance in place will provide a platform for any future extension or expansion of provisions, but there should be a starting point right now.

Councilmember Herrera Spencer proposed an amendment to the motion to exclude non-human primates, meaning pigs, dogs, and cats.

Mayor Ezzy Ashcraft stated she that will not support amendments.

Councilmember Vella stated that she is fine with the language as is; encouraged everyone to advocate with the regulatory agency.

Mayor Ezzy Ashcraft stated the Option B language comes from the leaner legislation, which went through a lot of vetting and research backing; she is willing to adopt Option B.

The City Attorney stated the phrase: “with exception” should not be struck; the exception is that animal testing or experimentation may be performed.

Mayor Ezzy Ashcraft stated the staff report makes the point that the life sciences industry is trying to move toward the 3 Rs; inquired what are the 3 Rs, to which the Base Reuse Manager stated the 3 Rs stand for reduce, refine, and replace the role of animal testing and research.

Mayor Ezzy Ashcraft inquired if there is a way to incorporate moving towards those principles.

The City Manager responded Council could direct staff to update the legislative agenda to include advocating for the principles.

Councilmember Herrera Spencer made a friendly amendment to the motion to exclude Spirits Alley.

Councilmember Vella stated that she would not accept the amendment to the motion.

Vice Mayor Daysog stated Science Corp, or a similar business, would now be allowed under the language that is being adopted; he feels as though the City is right back where it started; to reflect resident concerns about animal testing, he believes Option A to be the superior choice; residents who are concerned about animal testing understand Option A is a modest compromise to limit, but not end, animal testing in Alameda.

Mayor Ezzy Ashcraft stated Council will continue to vote on all leases on City owned properties; there is a built-in safeguard.

Councilmember Herrera Spencer stated the life science industry supports campaigns, which is an issue.

Mayor Ezzy Ashcraft stated the industry also supports lifesaving and life changing medications and therapeutics, which are used by many to prolong lives; she is in awe of the advances science has made to improve quality of life for humans and animals alike; there are many nuances to the issue; she is supportive of Option B with the adjustments.

The City Clerk clarified the motion is to amend Option B and remove the restrictions of the enterprise districts, as well as give direction to staff to update the legislative agenda to add: reducing, refining, and replacing animal tests and experimentation.

Councilmember Jensen stated that she conducted an analysis and put together all the comments and letters Council has received regarding this issue; presented a slide with statistics showing the issue is not a huge concern of Alameda residents.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft – 3. Noes: Councilmembers Daysog and Herrera Spencer – 2.

CITY MANAGER COMMUNICATIONS

(24-234) The City Manager announced the Portola Music Festival is returning to San Francisco in September; staff met with event operators and entertainment commission staff to advocate for making changes and ending earlier; changes were made to the stage orientation and the event is ending 15 minutes earlier; the commission voted to proceed with the permits; more information can be found on the City's website; staff continues to make progress on transportation projects on Clement Avenue and Webster Street; a large segment of the waterfront trail from the Bay Farm Ferry Terminal to Credence Circle will close from April 19 to May 10; a development at 1777 Clement Ave currently has moderate-income units and market-rate rentals available; more information can be found online; the City Attorney's Office is hosting a fair housing workshop on April 18; the Spring Shindig is on April 20 at the Alameda Point Gym and Multipurpose Field; a Bike Festival would be April 27 at Love Elementary; information on all the events can be found on the City's website.

ORAL COMMUNICATIONS, NON-AGENDA

(24-235) Tod Hickman stated that does not agree with the speaking time given to the Mayor, as he believes she is given more time than others; expressed disappointment with how Council operates; stated that he believes the public should be able to call out staff.

Mayor Ezzy Ashcraft called a recess at 9:44 p.m. and reconvened the meeting at 9:45 p.m.

Mayor Ezzy Ashcraft stated public comment is not directed, nor is it a dialogue.

Councilmember Herrera Spencer inquired whether or not public speakers have broad range in regard to what they are speaking to and what they are and are not allowed to speak on; stated speakers have a first amendment right to speak.

The City Attorney responded the public generally has wide latitude, however, the public comment cannot operate in a way that interferes with the operations of the meeting.

Councilmember Herrera Spencer stated the speaker has the right to criticize anybody under his first amendment rights.

Mayor Ezzy Ashcraft called a recess at 9:45 p.m. and reconvened the meeting at 9:52 p.m.

The City Attorney stated public commenters generally have wide latitude, however, comments cannot amount to an actual disruption of the meeting; when there is an actual disruption, the presiding officer can regain control of the meeting and admonish public speakers to restore order.

Tod Hickman stated that he continues to be cut off; he disagrees with current and previous business dealings; the public has a wide latitude in free speech.

COUNCIL REFERRALS

(24-236) Consider Providing Direction to Add a Charter Amendment Measure to the November 2024 Ballot to Amend Section 3-10 Pertaining to Leases. (Councilmember Jensen)

Councilmember Jensen gave a brief presentation.

Mayor Ezzy Ashcraft inquired whether the request if for staff to look into the proposal and bring the matter back to Council, to which Councilmember Jensen responded in the affirmative; stated a Charter amendment would be required to be placed on the ballot.

Vice Mayor Daysog stated that he supports Councilmembers right to exercise and bring forward items for public comment; mentioned former Mayor Godfrey became a Councilmember and later Mayor because of a controversy; he is unsure whether the four vote change was part of that but he believes it might have been; the four vote requirement on leasing city-owned property or selling City owned property has safeguarded Alameda.

Councilmember Herrera Spencer stated she that will not be supporting the referral; the policy regarding how many votes are needed to buy or lease property has served the City well.

Councilmember Jensen moved approval of the referral.

Councilmember Vella seconded the motion.

Under discussion, the City Attorney requested clarification of the motion; inquired whether the motion is for staff to bring back the Charter language to send to the voters to change from super majority to simple majority.

Councilmember Jensen responded that she would like to receive history and institutional knowledge about the super majority requirement and later discuss and determine whether a Charter amendment would be effective and appropriate.

Mayor Ezzy Ashcraft stated placing something on the November ballot would take time; inquired if it would be staff preference to bring draft language for Council to consider.

The City Clerk stated the second meeting in July is the last time Council can vote to put any measure on the November ballot; there is not much time to bring back the matter twice.

The City Manager stated information, options and language could be brought back to give Council maximum flexibility; if Council decides it is not ready, the matter may be continued to that second July meeting.

Vice Mayor Daysog clarified Mayor Godfrey became a Councilmember on the reform ticket and was there to solve the problem.

Councilmember Jensen stated that she appreciates institutional knowledge and would like to learn more.

Mayor Ezzy Ashcraft stated staff will have to put together draft language for a ballot measure.

The City Attorney stated the City Clerk and Attorney staff can put together the ballot language; if Council is asking for City Manager staff to provide additional policy information, it would be a slightly different staff report; he would like to understand what kind of information is being sought.

Mayor Ezzy Ashcraft stated knowing Alameda is the only city in the Bay Area with the requirement is informative; complications come out of needing four votes; the voters can decide.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Jensen, Vella and Mayor Ezzy Ashcraft – 4. Noes: Councilmember Herrera Spencer – 1.

(24-237) Consider Providing Direction to Review the Investment Policy, including Ensuring Socially Responsible Investments. (Councilmember Jensen)

Councilmember Jensen gave a brief presentation.

Mayor Ezzy Ashcraft inquired if examples could be provided of what would and would not be socially responsible investments.

Councilmember Jensen responded the current policy has an investment policy that states based on the City's needs or support from Alameda residents, the City will not make investments in companies that receive over 51% of their profits from the manufacturing or production of alcohol, guns, and tobacco.

Mayor Ezzy Ashcraft inquired how Councilmember Jensen would like to expand the policy.

Councilmember Jensen responded that she does not wish to amend or end it, but rather she wants to ensure it is being complied with; stated that she does not believe the section on alcohol is being complied with; the City is investing in alcohol so it should perhaps be removed from the investment policy; she has heard from constituents that they are not supportive of the City investing in weapons being used to fight wars in other countries; the policy could include companies involved with weapons being used to fight wars in other countries, and drugs causing medical and health issues and being abused throughout the country, amongst others.

Councilmember Vella inquired how it relates to investments in portfolios, such as Standard & Poors (S&P) or mutual funds; stated typically, there is a report from the Treasurer and Finance Director; inquired whether the direction is to have present the report.

Councilmember Jensen responded that she is primarily looking at Section 3E which establishes that the City will not invest in companies that manufacture or produce alcohol; stated companies at Alameda Point are involved in manufacturing alcohol; companies currently being invested in may be benefitting and profiting from weapons of war; the City and tax-paying residents should determine whether the complaint should be part of the investment portfolio; she does not want to change mutual funds.

Mayor Ezzy Ashcraft stated that she would like to ensure the distinction is being made between investment policies and tenants at Alameda Point; when the investment policy is reviewed, Council chooses investments.

Expressed concern regarding the investment policy and the alcohol clause; discussed Spirits Alley: Tod Hickman.

Stated the City should have a socially responsible policy and the public should be review: Shelby Sheehan.

Councilmember Herrera Spencer stated a good next step would be to ask the Treasurer and Finance Director to make a presentation about the current policy, how investments work and take Council and public questions to then decide whether the policy should be revisited.

Councilmember Herrera Spencer moved approval of inviting the Treasurer and Finance Director to make a presentation about the current policy and investments so Council may decide whether the policy should be brought back.

The City Manager inquired whether the item is urgent; stated if not, her request would be for the item to be brought back in September since staff currently has a heavy workload.

(24-238) Councilmember Herrera Spencer moved approval of giving Councilmember Jensen an additional 30 seconds.

Councilmember Vella seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Jensen stated that she would like to learn about how the policy was established and whether it is being complied with; she is meeting with the Treasurer soon; regarding the urgency, she has heard from the community, especially AFF4C, that they are interested in moving this forward more quickly.

Councilmember Vella stated presentations are annual; inquired when the meeting for the status of the investments occurs; stated one option would be to include what occurs regularly and ask for additional information and a presentation ahead of it; perhaps it will be a separate item at the same meeting that immediately precedes the annual item; an executive summary of some of the investments could be provided; expressed concern with the language as she does want to make

a bold statement by passing a policy that cannot then be executed for many reasons; stated as a second option, there is enough time to have information provided about investment policies sometime in the fall.

Mayor Ezzy Ashcraft inquired if Council could be provided with a list of investments, which may be helpful information.

The City Manager responded in the affirmative.

Councilmember Herrera Spencer stated that she would support what was proposed by Councilmember Vella; inquired when the report would come to Council.

The City Manager responded typically, it is conducted annually; stated it could be made into a separate item or they can also have two items in one staff report.

The City Clerk stated it was presented in September of last year.

Councilmember Herrera Spencer amended her motion to have the Treasurer and Finance Director present information on the investment policy and provide an executive summary in September.

The City Manager stated staff can share information on the portfolio as quickly as possible, as that is all public information.

Councilmember Vella seconded the motion.

Under discussion, Vice Mayor Daysog stated he supports all Council Referral requests and will support this item; if the heart of the matter is the subject of whether to continue investing, directly or indirectly, in the State of Israel, he has concerns, but will refrain until the item is brought back.

On the call for the question, the motion carried by unanimous voice vote - 5.

COUNCIL COMMUNICATIONS

(24-239) Councilmember Herrera Spencer stated she attended a meeting held by the Chamber of Commerce; the West Alameda Business Association honored Linda Asbury who recently retired from the Director position; she attended the Women of Public Safety event; the encouraged everyone look into concerns about spraying on the USS Hornet; stated sprays are being halted at this time; future sprays should be stopped until there is more research; spraying exceeds the license and should come to Council to determine how to proceed.

(24-240) Mayor Ezzy Ashcraft stated that she visited a second-grade class in St. Philip Neri and attended an event on a Seaplane Lagoon ferry for the green transition to zero emission ferries.

(24-241) Councilmember Jensen stated, in a recent trip to Spain, she was very impressed with the universal compliance with traffic laws and traffic signals; she looks forward to seeing some of the ideas in Alameda with the pending development of bicycle boulevards and roundabouts.

(24-242) Mayor's Nominations for the Mayor's Economic Development Advisory Panel.

Mayor Ezzy Ashcraft nominated Mark Cuyler, Matt Kreutz, Becca Perata, Sharine Thenard and Joe Ernst.

Councilmember Herrera Spencer inquired if Matt Kreutz is with Firebrand, to which Mayor Ezzy Ashcraft responded in the affirmative.

Councilmember Herrera Spencer inquired about litigation regarding paying employees, to which Mayor Ezzy Ashcraft responded she and staff met with Mr. Kreutz before the Mayor's Conference in February.

Expressed support for nominees Becca Perata and Sharine Thenard; stated that does not support the rest of the nominees; he does not support Firebrand and Sairdron: Tod Hickman.

Stated that she does not support nominee, Joe Ernst; a public benefit company is not the same as a non-profit: Shelby Sheehan.

ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:41 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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