

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MARCH 7, 2023- -6:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 6:02 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, and Mayor Ezzy Ashcraft – 4.

Absent: Councilmember Vella – 1.

Consent Calendar

Vice Mayor Daysog moved approval of the Consent Calendar.

Councilmember Jensen seconded the motion, which carried by unanimous vote – 4. [Absent: Councilmember Vella – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*23-109) Recommendation to Approve Jennifer Ott, City Manager, Lisa Maxwell, Community Development Director, and Len Aslanian, Assistant City Attorney, as Real Property Negotiators for Building 41, Located at 650 West Tower Avenue Alameda, CA. Accepted.

The meeting was adjourned to Closed Session to consider:

(23-110) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: 650 West Tower Avenue (Building 41) Alameda Point, Alameda, CA; City Negotiators: City Manager Jennifer Ott, Community Development Director Lisa Maxwell, and Assistant City Attorney Len Aslanian; Negotiating Parties: City of Alameda, REVO (formerly Wrightspeed) and DOER; Under Negotiation: Price and Terms of Lease

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding Building 41, staff provided information and Council provided direction by unanimous voice vote – 4. [Absent: Councilmember Vella – 1.]

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:37 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
March 7, 2023

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - MARCH 7, 2023- -7:00 P.M.

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

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

Absent: None.

AGENDA CHANGES

(23-111) The City Clerk noted the agenda indicated the Clement Avenue/Tilden Way contract [paragraph no. 23-128] was withdrawn and would not be heard.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(23-112) Proclamation Declaring March 2023 as American Red Cross Month.

(23-113) Proclamation Declaring March 2023 as COVID 19 Memorial Month.

Mayor Ezzy Ashcraft read the proclamation.

ORAL COMMUNICATIONS, NON-AGENDA

(23-114) Michael Robles-Wong, Costa Brava Homeowners Association, discussed a letter sent as a result of a recent pedestrian fatality on Bay Farm.

(23-115) Beth Kenny, Alameda, discussed low-income housing tax credits, accessible low income housing units and Disabilities Rights Activist Judy Heumann.

(23-116) Emma Martin, Center for Independent Living, discussed low-income housing tax credit units; outlined requests in a letter she submitted.

(23-117) Shawna Reeves, Senior and Disability Action (SDA), discussed accessibility units.

(23-118) Tod Hickman discussed the Council priority setting meeting held last night and public input.

(23-119) Carter Lavin, Alameda, discussed those who become disabled navigating around their homes and accessible units.

(23-120) Bryan Colbertson, SDA, expressed support for SDA and requiring low-income tax credits units to be fully accessible.

(23-121) Jessica Lehman, SDA, discussed SDA and accessible housing; expressed support for at least half of low-income housing tax credit units being accessible.

CONSENT CALENDAR

Stated the Consent Calendar looks very appropriate; he is glad the Clement/Tilden project [paragraph no. 23-128] was withdrawn: Tod Hickman

Councilmember Herrera Spencer moved approval of the Consent Calendar.

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

(*23-122) Minutes of the Regular City Council Meetings Held on February 7, 2023. Approved.

(*23-123) Ratified bills in the amount of \$8,165,309.83.

(*23-124) Recommendation to Authorize the City Manager to Accept the Improvements Completed by Banner Alameda Storage, LLC, for Curb, Gutter, Sidewalk, and Road Improvements at 2390 Mariner Square Drive. Accepted.

(*23-125) Recommendation to Accept the Work of Ranger Pipelines, Inc. for Cyclic Sewer Replacement Project, Phase 18, No. PW 09-21-34. Accepted.

(*23-126) Recommendation to Authorize the Purchase of Five Police Vehicles from Future Chevrolet in an Amount Not-to-Exceed \$290,783.44. Accepted.

(*23-127) Recommendation to Authorize Updates to the Existing Alameda Police Department Policy Manual to Conform to Best Practices and to Ratify Policies that Have Been Updated Pursuant to Legal Updates, Significant Liability Issues, and Imminent Safety. Accepted.

(*23-128) Recommendation to Authorize the City Manager to Execute a Third Amendment to the Agreement with Kittelson & Associates to Increase Compensation by \$1,130,000, Including Contingencies, for a Total Aggregate Compensation Not to Exceed \$1,475,876, to Provide Additional Technical Services Related to the Clement Avenue/Tilden Way Redesign Project. Not heard.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(23-129) Recommendation to Hold a Work Session and Provide Feedback on a Proposed Disposition Strategy for the Leasing and Sale of Buildings within the Reuse Area at Alameda Point.

(23-130) Mayor Ezzy Ashcraft noted staff is requesting the 10 minute presentation time be waived.

Councilmember Jensen moved approval of waiving the 10-minute time limit.

Vice Mayor Daysog seconded the motion, which carried by unanimous voice vote - 5.

The City Manager, Public Works Director and David Doezeema, Keyser Marston Associates, gave a Power Point presentation.

Councilmember Herrera Spencer stated there have been some issues protecting view corridors and controlling what is visible in the street; inquired how the issue would be addressed if buildings are going to be sold; stated tightening up zoning regulations has been suggested; inquired whether there is a plan to do so before buildings are sold; stated the best way could be through covenants being recorded on the property at the time of transfer; covenants give the City two ways to enforce and regulate standards; inquired whether the City has anything to do with a building's use after it is sold; stated rather than having zoning for specific land uses, the City is also the landowner and is allowed to determine maintenance standards; stated Council should protect the Spirits Alley area.

The City Manager responded Council could provide direction; staff is interested in maintaining flexibility; she is not sure staff would recommend moving forward with covenants to protect spirit uses because it really restricts the property value; staff is actively marketing the Rock Wall property for a spirit use; staff is working with Spirits Alley tenants on a marketing campaign; \$75,000 has been allocated to work with tenants on marketing and trying to proactively attract visitors; if the direction tonight is to pursue covenants to restrict the use of the hangers on the Western edge, staff would consider the matter and bring it back as a separate item.

Councilmember Herrera Spencer inquired how much the City currently spends managing properties, to which the City Manager responded about \$10 to 12 million.

Mayor Ezzy Ashcraft outlined input from tenants, who find being a tenant cumbersome and complicated and also expressed concern about safety; requested staff to address the comments.

The City Manager stated quarterly tenant meetings have been discussed; staff is talking internally about trying to be more proactive with economic development and the leasing team reaching out to tenants well in advance of lease expiration to ask if they are interested in staying; businesses at Alameda Point should be thought of as part of the City's economic development program; conversations have been held; staff is working on having more proactive tenant relationships; Alameda Point has private security; staff will continue to talk to the Police Chief about safety; new street lights will also help.

In response to Councilmember Jensen inquiry about lease/purchase options, the City Manager stated smaller developers may be interested in some of the buildings and might not be able to finance an upfront purchase of a really large building; having a lease/purchase option allows businesses to operate and finance the purchase after a certain number of years.

Councilmember Jensen inquired what areas would have a lease/purchase option.

Mr. Doezeema responded the lease/purchase option should only be for buildings the City wants to sell.

In response to Councilmember Jensen's further inquiry, the City Manager stated a business might need a purchase option to finance investment in the building; the lease can be structured so the price will be the market value at the time of the sale, which would take new infrastructure

into consideration; some businesses are not interested in property ownership.

Councilmember Herrera Spencer inquired how market value would be determined.

The City Manager responded market value is ultimately how much someone is willing to pay; Requests for Proposals (RFPs) can be done; the City would look to experts to review comparable values and existing lease rates; there are ways to establish estimates.

Mr. Doezeema stated the City has done so before; a building with a purchase option exercised the option years later and an appraisal was done at that time; the building sold for the appraised value.

Councilmember Herrera Spencer inquired whether a sale can be the highest amount a business bids, to which Mr. Doezeema responded in the affirmative.

The City Manager stated the City can do by issuing an RFP or accepting offers; as a public landowner, the City can factor in criteria, including job generation or catalyst projects; offers would be presented to Council to decide whether the highest value or public benefits are more important.

Councilmember Herrera Spencer inquired whether a new owner could turn around and sell a building to someone else for the highest price.

The City Manager responded the City can include restrictions; the City would want to be careful; operating covenants can be done; provided an example.

In response to Councilmember Herrera Spencer's inquiry, the City Manager stated that she has seen 10 year covenants; market has an impact.

The City Attorney stated the range is wide; he has seen covenants for up to 55 years, but not in perpetuity.

Discussed Housing Element (HE) policies; stated the strategy seems to fit the HE goals; expressed support for remaining flexible: Laura Thomas, Renewed Hope.

Expressed support for Option 4; suggested two districts be created with separate developers: Karen Bey, Alameda.

Discussed Spirits Alley, representation, uses and safety: Tod Hickman.

Discussed the Surplus Lands Act (SLA), the need for affordable housing and Site A: Matt Reid, Alameda.

Discussed previous leases not including a purchase option: Jim Strehlow, Alameda.

Noted the timer cannot be seen: Estela Villagrana.

Vice Mayor Daysog expressed support for the mixed use strategy for the area from Main Street towards the large hangars; stated the strategy being contemplated allows the City to be opportunistic, nimble and retain assets generating value; the City cannot be afraid to let go as

assets are sold; there is nothing wrong with property being resold; it is important for the City to put covenants in place when the building first sells; the covenants have to hold over to subsequent property owners; provided examples of covenants; stated covenants tailored for Alameda Point and the zoning are sufficient guardrails; City leaders now and in the future will be able to put guardrails in place to allow building owners to flourish, while still maintaining the character of the Reuse Area; the City should embrace a mixture of market rate and affordable housing; in order for affordable housing to pencil out, market rate housing is needed; there should be a mix to make the Historic District a vibrant area; he interest in discussing assets in the Enterprise District, which has a wide swath of empty areas; the City is moving in the right direction.

Councilmember Jensen discussed infrastructure; stated managing a huge amount of real estate is not typical for City employees and is a huge job; she is supportive of the phasing strategy and the mixed portfolio; expressed appreciation for information about leases with a purchase option; concurred with Vice Mayor Daysog's point that buildings being resold can benefit the City; stated a building being sold again would have a higher price and improve the City's revenue through reassessment and transfer taxes; infrastructure is expensive; the proposed approach to funding is the best way to move forward.

Councilmember Spencer expressed support for selling buildings at market rate and finding out who wants to pay the most; stated that she has been concerned about the City picking and choosing who to do business with in the past; there could be a lot of reasons why a tenants is chosen and it is not necessarily because the tenant is paying as much as someone else offered; she is interested in covenants and restrictions to protect the historic architecture; she is also interested in trying to protect view corridors and tighten up what can be left on the street or outside buildings; Park and Webster Streets do a really good job with areas being clean and welcoming, but there are some issues out at the Base; the City needs to figure out how to rein in businesses and treat the area similar to other business districts; she would like to have a discussion about covenants and restrictions return to Council; expressed support for offering purchase options to long standing businesses and figuring out affordable housing; discussed the SLA; stated some buildings might be a good choice for affordable housing; the City could see if anyone is interested before offering the building for a business use.

In response to Mayor Ezzy Ashcraft's inquiry, the City Manager discussed the SLA.

Councilmember Vella stated the proposal gives the City the ability to shift and respond to the market and City needs; she worries about the City locking itself into certain positions; the City can support affordable housing, but setting up restrictive systems or covenants can increase cost and make it difficult to build; historic building have value, but people might not want to live in an old building; building materials were used out of necessity or to meet certain needs, but needs have evolved; a lot of the buildings are highly inaccessible and not compliant with the Americans with Disabilities Act (ADA); expressed concern about being too restrictive since the City needs the ability to meet dynamic and changing needs; stated analysis can be completed as different situations arise to ensure the City stays cost neutral; keeping the revenue stream is important; the City would not want somebody to land bank land causing the area to sit vacant; the report will be helpful and provide guide posts as Council makes decisions moving forward.

The City Attorney briefly commented on the SLA.

Mayor Ezzy Ashcraft discussed the HE; stated the City agreed to affirmatively further fair

housing, which means constructing housing across the City and having affordable, low-cost housing available in every neighborhood; putting all of the affordable housing at Alameda Point is not affirmatively furthering fair housing; expressed support for the mixed portfolio phasing strategy, which is the approach she has been requesting for some time; looking at properties piecemeal is difficult; context is needed; not all properties are equal; some are close to new infrastructure; the framework makes a lot of sense; she likes that the approach allows flexibility; innovative, great new things could come along; discussed a prior Alameda Point tour and suggested another tour be scheduled; discussed housing projects; stated some covenants are needed to ensure uses are productive and have social value; amenities are also needed; expressed support for the staff recommendation and asked the matter return as more is known.

Councilmember Herrera Spencer inquired whether someone could purchase and demolish a historic building to construct a high rise.

The City Manager responded buildings can be demolished; stated there is a process.

The Planning, Building and Transportation Director stated a high rise would not be allowed in the Historic District under the current zoning and General Plan; discussed height limits; stated demolition requires a certificate of approval from the Historical Advisory Board (HAB); there are very strict regulations about the demolition of a building, particularly in the Historic District that is on the National Register; the process is extensive; the matter can be appealed to Council, which ultimately has the final decision.

In response to Councilmember Herrera Spencer's further inquiry the Planning, Building and Transportation Director stated staff could provide an overview of the Historic District.

The City Manager noted a map shows the status of the different buildings.

Mayor Ezzy Ashcraft stated the matter could be addressed during a tour.

The Planning, Building and Transportation Director stated historic status should be included in the information when Council considers selling a building.

Councilmember Herrera Spencer stated the City should ensure preparation is done on the front end, so there are no surprises after a building has been sold; the matter should be addressed when staff comes back to Council.

The City Manager stated staff received direction and will not bring anything back for approval; specific transactions will be presented to Council in the context of whether or not it complies with the strategy; the strategy will be used as a guide on how to move forward.

(23-131) Mayor Ezzy Ashcraft called a recess at 9:02 p.m. and reconvened the meeting at 9:15 p.m.

(23-132) Introduction of Ordinance Amending Alameda Municipal Code Section 6-62 (Third-Party Food Delivery Services) of Article XVIII (Fair Housing and Tenant Protections) of Chapter VI (Businesses, Occupations and Industries) to Continue Placing Limits on Charges Imposed by Third-Party Food Delivery Services; Define Core Product Offering as a Service; and Other

Amendments. Introduced.

The Development Manager and Assistant City Attorney gave a Power Point presentation.

Councilmember Herrera Spencer inquired how many cities and counties still have ordinances, to which the Development Manager responded some cities have temporary ordinances, which are still in effect.

Councilmember Herrera Spencer inquired which cities, to which the Development Manager responded that he could provide the information; noted San Francisco's ordinance was made permanent and is the only permanent ordinance in California.

Councilmember Herrera Spencer inquired why the City is not proposing an ordinance similar to San Francisco and what are the differences from the proposed ordinance.

The Development Manager responded staff wanted to extend the City's ordinance for two years in order to study and better understand impacts; shared a slide comparing San Francisco and Alameda's ordinances.

The City Attorney outlined the table and discussed the duration of the proposed ordinance.

In response to Councilmember Herrera Spencer's inquiry regarding litigation, the City Attorney stated based on case law, Alameda has very reasonable arguments about why the City can exercise its police powers to protect restaurants, consumers and residents.

Councilmember Herrera Spencer inquired whether the 15% cap San Francisco has will be available to Alameda in two years, to which the City Attorney responded the Council would make that decision in two years.

Vice Mayor Daysog inquired the argument for allowing the Consumer Price Index (CPI) increases on the consumer side when the administrative hearing process allows an adjustment; further inquired whether there could be a CPI adjustment and an administrative hearing could then allow an increase above CPI.

The City Attorney stated the built in CPI adjustment mirrors the rent control ordinances and reduces the need for administrative hearings; staff would follow Council direction on the matter.

In response to Vice Mayor Daysog's inquiry, the Development Manager discussed feedback from restaurants.

Vice Mayor Daysog inquired about the delivery drivers, to which the Development Manager responded that he does not have any data, but can do research; stated restaurants indicated the quality of service did not necessarily reduce after the ordinance was passed.

Councilmember Jensen inquired whether there was evidence of abusive fees imposed by third party delivery providers.

The Development Manager responded in the affirmative; stated fee levels imposed on customers led up to the passage of the temporary ordinance in 2020; fees were as high as 31%; most of the fees were in the 20 to 30% range; on the consumer side, fees were anywhere from

12 to 30% on every order; the fees were significant.

In response to Councilmember Jensen's inquiry, the Development Manager confirmed the ordinance was adopted when people could not dine in restaurants; stated there was a lot of uncertainty; the ability for restaurants to scale up delivery operations was an absolute necessity; the fees being passed on to both consumers and restaurants was unsustainable.

Councilmember Jensen inquired whether there have not been complaints about fees since the ordinance was put into place, to which the Development Manager responded in the affirmative.

Councilmember Jensen stated the ordinance is being proposed to protect vulnerable residents, but applies to everyone; vulnerable residents are probably a small portion of the residents who will receive the benefit; anyone can go pick up or dine in at restaurants; inquired whether the ordinance applies to grocery delivery.

The Development Manager responded the definition is retail food establishments; stated restaurants are the primary beneficiary of the ordinance; the ordinance was not for grocery delivery.

Councilmember Jensen stated consumers are not protected from gouging on grocery delivery.

The City Attorney responded the ordinance applies to restaurants, bakeries, coffee shops or other eat in or carry out services that process or prepare food or beverages; the original ordinance did not include grocery stores.

Councilmember Jensen inquired whether any other ordinances are in place to restrict or limit fees for services, such as private parking, ride sharing or grocery deliveries.

The City Attorney stated the closest analogy would be the rent ordinance.

Councilmember Herrera Spencer inquired whether DoorDash now offers new tiers.

The Development Manager responded in the affirmative; stated since the onset of the pandemic, many of the delivery company's service models have evolved to a tiered pricing structure.

Councilmember Vella inquired what would happen if the ordinance was not adopted and businesses changed back from the scaled pricing model.

The Development Manager responded the industry evolves quickly; stated it could evolve again and a 15% rate might no longer be offered; extending the ordinance would be protecting restaurants and providing predictability going forward.

Councilmember Vella inquired how long would it take for the City to put something in place if the ordinance is not adopted and fees increase again; inquired what would be the process, to which the City Attorney responded it would take probably several months for staff to bring an ordinance to Council.

Vice Mayor Daysog inquired whether there is a requirement to legally link to the pandemic and whether the City could argue for the ordinance because it is a benefit to the consumers

regardless of the pandemic.

The City Attorney responded Vice Mayor Daysog is absolutely right; stated staff believes Council's police power in this area is broad and does not depend on the pandemic, which is why the ordinance is being proposed tonight.

Stated DoorDash opposes the ordinance; price controls on third party delivery are unnecessary; discussed fees limits being imposed, delivery fee options and litigation; stated the ordinance would be the most restrictive in the country and poses an unprecedented level of control over a single industry; expressed concern about capping both ends of the revenue stream; discussed costs; urged the item be continued to allow further discussion or to remove restrictions on consumer pricing and criminal liability: Laura Curtis, Door Dash.

Urged Council to consider policies that further the goal of reopening; cautioned against policies being implemented for an emergency situation that no longer exists; discussed the establishment of fees and the state of emergency; stated Uber opposes the ordinance; discussed provisions of concern; suggested the City consider the San Francisco model: Seth Smith, Uber.

Expressed opposition to the ordinance; urged the fee cap be allowed to sunset; discussed third party delivery companies and concerns raised in the letter she submitted: Kristen Brown, Silicon Valley Leadership Group.

Discussed support offered to restaurants; urged Council to continue the 15% cap: Kathy Weber, Downtown Alameda Business Association.

Expressed concern about price regulations being passed onto the consumer, reduced services and litigation costs: Francisco Sprouse, Alameda.

Expressed concern about the business model being predatory: Alex Spehr.

Expressed concern about the lack of parking causing businesses to miss opportunities: Carmen Reid, Alameda.

In response to Mayor Ezzy Ashcraft's inquiry about criminal penalties, the City Attorney outlined enforcement provisions.

Mayor Ezzy Ashcraft discussed a meeting with the Chamber of Commerce; stated the Chamber is interested in the City continuing the ordinance; discussed correspondence from local businesses; stated COVID exposures are a reason people have not rushed back to restaurants; restaurants are also struggling with inflation and a labor shortage; discussed the City's array of restaurants and closures; stated that she is not afraid to be the first City to impose consumer protections; discussed picking up takeout from restaurants and third party delivery services; stated the ordinance is very reasonable; discussed the Feed Alameda program; stated restaurants are operating on very thin margins; expressed support.

Councilmember Jensen discussed correspondence; stated it is appropriate for the City to provide economic support to businesses; third party delivery services benefit restaurants by eliminating the need to pay a delivery driver; she did not see letters from residents; she can support delivery caps for restaurants, but does not support the restriction on consumer fees;

there are other ways to assist vulnerable residents; the City should not subsidize residents.

Councilmember Vella stated that she supports the ordinance as drafted; part of the reason is the behavior prior to enacting the current ordinance; she worries about price gouging; customer price gouging and hidden fees impacted restaurants; discussed threats from delivery companies; stated that she appreciates an agreement was reached in San Francisco, but she represents the residents of Alameda; the ordinance can be amended if it becomes problematic; if costs impact the ability to pay drivers, she would be amenable to amending the ordinance; expressed support.

Councilmember Herrera Spencer stated that she is not supportive of the ordinance; expressed concern about capping both the merchant and consumer side, which has not been clearly communicated to businesses; discussed correspondence, supporting only the 15% cap, drivers being paid and the San Francisco settlement; expressed support for a 15% cap protecting merchants indefinitely, as opposed to two years; stated that she expects there will be litigation; San Francisco tried to negotiate the best long term settlement with delivery companies; the delivery companies have offered the same deal to City of Alameda merchants; most other cities have allowed temporary ordinances to terminate; discussed tiers; expressed support for the San Francisco model; stated people are happy to pay more so drivers can be paid a fair wage.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney discussed the San Francisco litigation; noted the City provides a fair return petition process, which differs from the San Francisco ordinance; outlined the litigation slides.

Mayor Ezzy Ashcraft addressed Councilmember Jensen's comment about the City not hearing from consumers; stated that she would be wary of reading too much into who the City did not hear from; restaurants belong to business associations; average resident are busy with their daily lives; she is concerned if prices increase too much, consumers might decide they cannot afford to place orders and will stop supporting restaurants; restaurants are operating on a thin margin; if restaurants start to close, she fears the City will have helped it occur; the provision will sunset or return to Council in two years; staff will collect data to help Council decide whether continuing is reasonable; expressed support for continuing for two more years.

Vice Mayor Daysog discussed the ordinance scaring delivery companies; stated the City should be proud of protecting consumers and merchants; the companies discussed risk posed to the delivery drivers, but did not provide evidence; the ordinance has been in place for two years and evidence has not been provided showing there was a reduction in drivers or an increases in delivery times; the ordinance is working; the companies can sue Alameda; if the City loses, the ordinance has a severability clause; if concern is only over the consumer portion, the severability clause will be triggered and that part of the ordinance will no longer be effective; adding inflation adjustment on top of the existing administrative hearing lessens consumer protections, but he defers to the City Attorney about whether it shows the ordinance is reasonable and addresses concerns; he is very proud of the ordinance and hopes it continues; Alameda having an electric company is a police power the City exercises; police power being exercised on behalf of consumers significantly affected by the cost of food is what is done in Alameda; expressed support for protecting consumers and for the ordinance as written.

Councilmember Herrera Spencer stated if the Court strikes the consumer portion, the ordinance would just be two years as opposed to adopting the San Francisco model.

Councilmember Vella inquired whether the matter could be reevaluated and return in two years without a lapse in protection, to which the City Attorney responded in the affirmative.

Vice Mayor Daysog moved approval of the staff recommendation [introduction of the ordinance].

Councilmember Vella seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, Vella and Mayor Ezzy Ashcraft – 3. Noes: Councilmembers Herrera Spencer and Jensen – 2.

CITY MANAGER COMMUNICATIONS

(23-133) The City Manager announced a second strategic priority meeting would be held on April 24, Dignity Village would open on May 3 and a portion of the Cross Alameda Trail would be closed for a sewer project; discussed upcoming storms, the application process for Alameda Landing Bay 37 units, Restaurant Week and an upcoming Rhythmix event.

ORAL COMMUNICATIONS, NON-AGENDA

(23-134) Jennifer Rakowski, Alameda, expressed for building accessible affordable housing.

COUNCIL REFERRALS

(23-135) Consider Directing Staff to Initiate the Process of Amending Alameda Municipal Code (AMC) Section 30-12.4, Location of Liquor Stores, Similar to Council's Amendment of AMC Section 30-12.2, Location of Bars in March, 2021. (Councilmember Herrera Spencer)

Councilmember Herrera Spencer gave a brief presentation.

Vice Mayor Daysog recused himself and left the dais.

In response to Councilmember Jensen's inquiry, the City Manager outlined Alameda Municipal Code Section 30-12.

Councilmember Jensen inquired whether the ordinance for bars is consistent throughout Alameda and inconsistent for liquor stores, to which the City Manager responded in the affirmative.

Mayor Ezzy Ashcraft discussed the matter being addressed during her time on the Planning Board.

Councilmember Jensen inquired whether anyone knows if the West Alameda Business District is supportive.

Mayor Ezzy Ashcraft discussed the business owner being offered a work around.

The City Manager stated the business owner is pursuing the grocery store option.

Mayor Ezzy Ashcraft discussed other businesses in the area; inquired whether staff is working with the business owner, to which the City Manager responded in the affirmative.

Mayor Ezzy Ashcraft stated her inclination is maybe the matter is not ripe for Council action.

The City Attorney stated under the current Planning Code, if the Council chose to take action, the matter would be referred to the Planning Board; outlined the ways for Code amendments to occur.

In response to Councilmember Vella's inquiry, the City Attorney stated Council is being asked to take action pursuant to Municipal Code Section 3-22.2.b, which is to refer the matter to the Planning Board for action.

The City Manager stated making liquor stores the same as bars would prohibit more than three stores within 1,000 feet of each other Citywide; the current provision only applies to Webster Street.

In response to Councilmember Vella's further inquiry, the City Attorney stated Council can only take action to direct the Planning staff to review the regulation with respect to liquor stores; the Planning Board would come up with a recommendation and an action would come back to Council for final approval.

Councilmember Herrera Spencer outlined the attachment to the Referral and options available to the business owner.

(23-136) Mayor Ezzy Ashcraft noted a motion is needed to hear new items after 11:00 p.m.

Councilmember Herrera Spencer requested Vice Mayor Daysog return.

The Council briefly discussed the matter and Vice Mayor Daysog returned

Councilmember Herrera Spencer moved approval of hearing the next Council referral on License Plate Readers [paragraph no. 23-137].

Vice Mayor Daysog seconded the motion, which failed by the following voice vote: Ayes: Councilmembers Daysog and Herrera Spencer – 2. Noes: Councilmembers Jensen, Vella and Mayor Ezzy Ashcraft - 3.

Councilmember Vella stated the wording of what is being contemplated is confusing; Council voting to send the matter to the Planning Board should be compliant with the Sunshine Ordinance; what is being contemplated should be easily understood; she wants to understand whether the Planning Board would be addressing bars throughout the City or specifically looking at Webster Street.

Councilmember Jensen stated that she would like the Planning Board to address making the requirements for liquor stores uniform throughout Alameda; issues the prior ordinance was attempting to address might not be the case anymore; expressed support for the matter going to the Planning Board.

Mayor Ezzy Ashcraft stated the City is working with the business owner.

The City Manager stated the last she heard was Santos submitted an application and was moving forward with a grocery store permit; inquired whether Council is attempting to solve the Santos issue or a larger issue.

Councilmember Herrera Spencer stated that she supports what Councilmember Jensen was saying about sending the matter to the Planning Board; WABA initiated the matter; having

uniform policies throughout the City is important; her understanding is the owner of Santos would prefer a liquor store and is doing the grocery store to stay in business.

The City Manager stated that she just received an update; a permit was approved today and is subject to an appeal period.

In response to Mayor Ezzy Ashcraft's inquiry, the City Manager stated the permit is to operate a grocery store.

Councilmember Vella stated that she would prefer to continue the referral to the next Council meeting, rather than voting tonight; she would like to hear from the business owner; sending the matter to the Planning Board will take time; the business owner may prefer to move forward with the grocery store permit.

The City Manager stated the amendment process would take roughly 4 to 6 months.

Councilmember Vella stated that she would not want to change something that is no longer an issue; she would be fine hearing it under the Continued Items section at the next meeting.

Councilmember Herrera Spencer stated that she wants to address the issue beyond the one business; discussed the amendment done for bars; stated the issue is clean up and should have been dealt with before; a business should not have to change their business model or pay \$6,000 to continue; the matter should be addressed for current and future businesses.

The City Manager outlined what would be involved with the options.

Mayor Ezzy Ashcraft suggested that the matter return with staff input rather than continuing it; inquired whether doing so would be possible.

The City Manager responded in the affirmative' stated options could be presented.

Councilmember Herrera Spencer stated that she would prefer to have the matter go through the Planning Board public process.

Councilmember Vella stated that she is not interested in doing so; she remembers when Webster Street was all drinking establishments, which was not fun.

Councilmember Herrera Spencer stated there is not support to send the matter to the Planning Board directly; moved approval of having the matter return under Continued Items at the next Council meeting.

Mayor Ezzy Ashcraft outlined her suggestion.

Councilmember Vella inquired whether public comment could be re-opened at the next meeting, to which the City Attorney responded in the affirmative.

Councilmember Herrera Spencer stated that she would be fine with that.

In response to Mayor Ezzy Ashcraft's inquiry, Councilmember Herrera Spencer stated the motion is to have the matter return under Continued Items at which time staff and the public could provide input.

The City Manager stated the business associations could be encouraged to provide input.

Councilmember Jensen seconded the motion, which carried by the following roll call vote: Ayes: Councilmembers Herrera Spencer, Jensen and Vella – 3. Noes: Mayor Ezzy Ashcraft – 1.

(23-137) Consider Directing Staff to Proceed with the Purchase of License Plate Readers for Vehicles, Concurrently with the Implementation of Fixed License Plate Readers. (Councilmember Herrera Spencer) Not heard.

COUNCIL COMMUNICATIONS

(23-138) Councilmember Jensen made an announcement about attending the Alameda County Waste Management Authority and StopWaste meetings, the Port of Oakland Annual Luncheon, an Oakland Public Safety Committee meeting, which gave Oakland Police Marine Patrol authority to remove illegally anchored vessels in the Estuary, and a celebration of life for former Supervisor Richard Valle.

(23-139) Vice Mayor Daysog discussed attending the Toishan Benevolent Community Association Annual Dinner.

(23-140) Councilmember Herrera Spencer discussed the Toishan Dinner and efforts stop crimes; announced that she attended a Chamber of Commerce event, a Rhythmix art show grand opening and Rain's open house.

(23-141) Councilmember Vella discussed a League of California Cities (LCC) meeting, Richard Valle passing away being a huge loss for the County and the upcoming opening of the Little League season.

(23-142) Councilmember Herrera Spencer announced that she attended the Bay East Realtors Summit Annual Summit.

(23-143) Mayor Ezzy Ashcraft discussed the LCC meeting and a Port of Oakland tour; made an announcement about a sandbag station and an upcoming Rhythmix event.

ADJOURNMENT

(23-144) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:21 p.m. in memory of Judy Heumann.

Respectfully submitted,

Lara Weisiger
City Clerk

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