

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

Mayor Ezzy Ashcraft convened the meeting at 5:17 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Vice Mayor Daysog arrived at 5:51 p.m. and Councilmember Vella arrived at 5:54 p.m. and was present via teleconference from AC Hotel San Diego Downtown Gaslamp Quarter, 743 Fifth Avenue, San Diego, CA 92101]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(24-104) Conference with Legal Counsel – Existing Litigation Pursuant to Government Code § 54956.9(a); Case Name: Lula Burton, et al. v. Will Tong, et al.; Court: Superior Court of the County of Alameda; Case Number: 22CV014934

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 roll call vote: Vice Mayor Daysog: Aye, Councilmember Herrera Spencer: Aye, Jensen: Aye, Vella: No, and Mayor Ezzy Ashcraft: Aye; Ayes: 4. Noes: 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.

MINUTES OF THE JOINT MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE COMMUNITY IMPROVEMENT COMMISSION (SACIC)
TUESDAY- - MARCH 5, 2024- -6:59 P.M.

Mayor/Chair Ezzy Ashcraft convened the meeting at 7:03 p.m. Vice Mayor/Commissioner Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog, Herrera Spencer, Jensen, and Mayor/Chair Ezzy Ashcraft – 4.
Absent: Councilmember/Commissioner Vella – 1.

CONSENT CALENDAR

Expressed concern about City investments in companies which support the war in Gaza: Laura Thomas, Alameda Friends and Family for a Ceasefire.

Councilmember/Commissioner Herrera Spencer moved approval of the Consent Calendar.

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

(*24-105 CC/24-003 SACIC) Recommendation to Accept the Investment Transactions Report for the Fiscal Year Ending December 31, 2023. Accepted.

ADJOURNMENT

There being no further business, Mayor/Chair Ezzy Ashcraft adjourned the meeting at 7:07 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- - MARCH 5, 2024- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:07 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Vella arrived at 7:25 p.m. and was present via teleconference from AC Hotel San Diego Downtown Gaslamp Quarter, 743 Fifth Avenue, San Diego, CA 92101.]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(24-106) Proclamation Declaring March 2024 at Women in History Month.

Councilmember Jensen read the proclamation.

(24-107) Proclamation Declaring March 2024 as American Red Cross Month.

(24-108) Proclamation Declaring March 3 through March 9, 2024 as Women in Construction Week.

ORAL COMMUNICATIONS, NON-AGENDA

(24-109) Saara Ahmed, Alameda Friend and Families for a Ceasefire (AFF4C), discussed the war in Gaza and information on domestic violence; urged for a ceasefire.

(24-110) Emily Sokolski, Alameda, urged Council support a resolution calling for a ceasefire; discussed the war in Gaza.

(24-111) Abid Yahya, AFF4C, discussed the war in Gaza; stated the situation has gotten worse and Council remains silent; the community must speak up and not wait; urged Council support a permanent ceasefire.

(24-112) Roan Byrne-Sarno, discussed the war in Gaza; urged support for a lasting ceasefire; stated that it is up to Council to listen to constituents.

(24-113) Laura Thomas, AFF4C, stated the sisterhood of women is strong enough to change the world; the Council consisting of four women needs to act and stop the

suffering in Gaza; discussed the disempowering of women.

(24-114) Sarah Hussein, AFF4C, discussed the war in Gaza, and urged Council to call for support of a ceasefire in Gaza and allow for aid.

(24-115) Michael Yoshii, AFF4C, discussed his attendance at the annual Day of Remembrance event; stated the gathering focused on solidarity with Palestinians, a call for ceasefire, and a humanitarian intervention for Gaza; announced an upcoming march on March 23.

(24-116) Cam, AFF4C, stated that Council can change its mind on its previous decision and act now to reduce harm in calling for a ceasefire and divesting; urged Council draft a ceasefire resolution by the next meeting.

CONSENT CALENDAR

Councilmember Herrera Spencer requested that final passage of the ordinance [paragraph no. 24-128] be withdrawn for discussion.

Councilmember Jensen moved approval of the Consent Calendar.

Councilmember Vella seconded the motion.

Under discussion, Vice Mayor Daysog recused himself from the Landscape and Lighting District 84-2 resolution [paragraph no. 24-122].

On the call for the question, the motion carried by the following roll call vote: Ayes: 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.]

(*24-117) Minutes of the Special and Regular City Council Meetings Held on February 6, 2024. Approved.

(*24-118) Ratified bills in the amount of \$6,928,198.79.

(*24-119) 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.

(*24-120) Recommendation to Authorize the Purchase of One Ford F-250 from National Fleet Auto Group in an Amount Not-to-Exceed \$77,295.88. Accepted.

(*24-121) Recommendation to Authorize the Purchase of Four Replacement Police Chevrolet Tahoe's and Associated Aftermarket Equipment Consistent with the Revised

Vehicle Replacement Policy in an Amount Not-to-Exceed \$335,980.51 from Winner Chevrolet. Accepted.

(*24-122) Resolution No. 16138, “Appointing an Engineer-of-Work and an Attorney-of-Record for Island City Landscaping and Lighting District 84-2 (Various Locations Throughout the City).” Adopted.

Since Vice Mayor Daysog recused himself the resolution was adopted by 4 ayes. [Absent: Vice Mayor Daysog – 1.]

(*24-123) Resolution No. 16139, “Appointing an Engineer-of-Work and an Attorney-of-Record for Maintenance Assessment District 01-1 (Marina Cove).” Adopted.

(*24-124) Resolution No. 16140, “Authorizing the City Manager to Submit a Prohousing Designation Program Application to the California Department of Housing and Community Development for the City of Alameda to Become Eligible for State Prohousing Incentive Program Funds and Authorizing the City Manager to Execute All Documents Deemed Necessary or Appropriate.” Adopted.

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(24-125) Public Hearing to Consider Introduction of Ordinance Approving a First Amendment to the Rebuilding the Existing Supportive Housing at Alameda Point (RESHAP) Development Agreement to Ensure Consistency between the RESHAP Disposition and Development Agreement, Amended Development Plan, and Development Agreement. Introduced.

The Planning Services Manager gave a Power Point presentation.

Mayor Ezzy Ashcraft expressed support for the City’s achievement of 40% affordable housing for the development.

Councilmember Herrera Spencer inquired how many parking spaces will be available for the 332 units and whether there has been an increase in parking spaces with the increase in units.

The Planning Services Manager responded that the site plan is currently being worked out in phases; stated the site plan has indications of how different parking lots are associated with different building phases; he does not currently have specific numbers.

Councilmember Herrera Spencer further inquired whether there has been an increase in parking.

The City Manager responded staff has changed the unit count and there has not been a change to parking; stated staff can check while the discussion continues to confirm.

Discussed the agreement including language to increase the number of affordable units to ensure compliance with the Surplus Lands Act; stated the amendment will allow for an increase in units; urged Council approve the amendment; additional parking is not being added and the layout has been reconfigured: Doug Biggs, Alameda Point Collaborative (APC).

Expressed support for the matter; stated the amendment ensures compliance and helps build needed affordable housing: Sarah McIntire, MidPen Housing.

Councilmember Vella stated that she is proud of the City's work in providing housing and the accomplishments at Alameda Point; she understands the concerns over parking however, Alameda Point development has worked hard toward multimodal transit opportunities which has changed the landscape around design to allow access to and from the area; the design continues to be raised with Alameda County (AC) Transit and other partners to ensure multimodal transit design continues; expressed support for the staff recommendations; stated the matter achieves what is needed as a city and is in line with Council priorities.

Councilmember Jensen expressed support for the matter; stated that she appreciates the project moving forward and the partnership with the developer; the project will be advantageous for Alameda Point.

Vice Mayor Daysog stated the project is great with the addition of more affordable housing; he appreciates the work of associated partners and City staff shepherding the project forward.

Councilmember Herrera Spencer stated people living in affordable housing have cars; quite often they are more dependent on cars due to the possibility of previously living in their car.

The City Manager stated there are 215 parking spaces currently contemplated in the development plan with no changes anticipated.

Councilmember Herrera Spencer inquired the total number of units for the project including management, to which the Planning Services Manager responded the revised unit count is 332.

Councilmember Herrera Spencer inquired where people will park their cars.

Doug Biggs, Executive Director, APC, responded car ownership and use among residents is very low, less than 25%; stated APC pays into the Transportation Demand Management (TDM) Association fee as well as additional fees to ensure every

household has bus passes; the bus passes are heavily used; APC is enrolled in a pilot project which allows residents access to AC Transit, Bay Area Rapid Transit (BART), and the ferry; APC's use of public transit is very high and the program is emphasized to help promote self-sufficiency; ample bike parking will be provided for the project along with programs that provide access to bicycles; APC is pushing for a transit-friendly development which meets the income and abilities of residents.

Councilmember Herrera Spencer stated the project is at 332 units; inquired whether anyone is allowed to have one or two cars.

The City Manager responded the ratio allows for less than one car per household; stated the reason is due to the population having very low car ownership; the City has a robust TDM plan which heavily subsidizes modes of transportation; there are public parking areas planned throughout the base and the first area will begin as part of the reuse area infrastructure; the City is helping provide bus passes and alternatives as well as managing parking to ensure those in supportive and market-rate housing move toward alternative transportation.

Councilmember Herrera Spencer inquired whether people would pay extra for an additional parking space.

The City Manager responded in the negative; stated the City would charge additional for market-rate housing; noted some units have unbundled parking.

Councilmember Herrera Spencer inquired what will happen with more demand than the 215 parking spaces provided.

The City Manager responded staff does not think there will be more demand based on existing car use for the project; stated public parking spaces or on-street parking would be used.

Mr. Biggs concurred with the City Manager; stated residents could use public parking spaces or lots; currently, there is limited parking for the area; APC has been in existence for 25 years and has never come close to the full parking capacity and he does not anticipate the quantity being an issue; there are always public parking opportunities available.

Councilmember Herrera Spencer inquired the current quantity of units and parking spaces for APC.

Mr. Biggs responded there are currently 200 units with roughly 45 to 50 parking spaces and available street parking.

Councilmember Herrera Spencer stated there is plentiful street parking available for the area.

Mr. Biggs concurred; stated Alameda Point currently has a lot of available parking which will be going away; only a fraction of the current available parking is used by APC residents.

Councilmember Herrera Spencer stated that she understands the project will provide significantly less street parking.

The City Manager stated on-street parking will be available; there are lots which are vacant that people use due to not being developed; as the lots are developed, there might be a shrinking of public parking spaces.

The PBTD stated the Alameda Point zoning does not have a minimum parking requirement and instead has a maximum; the project is for affordable housing and staff purposely is keeping the parking ration less than 1:1 primarily due to funding criteria for affordable housing being increasingly tied to not providing the higher number of parking spaces and is instead tied to transit availability; the project's market-rate units will be townhomes and will likely have two-car garages which will meet the demand for the units; the parking plan for the entire project makes sense due to the funding requirements and market-rate parking availability.

Mayor Ezzy Ashcraft expressed support for the approval of the prohousing resolution [paragraph no. 23-]; stated that the related work strives to provide carrots not just sticks for cities such as Alameda in compliance with the Housing Element; the planning around housing at Alameda Point is being supported and receiving financial rewards from the state; she is pleased with the development and commends staff and partners on the work being done; she is proud of the City and is gratified by how much work the City has performed over the years to provide for the most vulnerable residents; Alameda could have alternatively paid into a fund to build housing elsewhere but decided not to; noted there is related good news for the project funding.

The City Manager stated the City has received \$2 million for infrastructure for the project which will help offset costs.

Councilmember Jensen 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.

(24-126) Summary Title: Adoption of Resolution and Introduction of Ordinance Authorizing Multiple Real Estate Transactions Related to Sale of Building 607 to the Alameda Food Bank

(24-126 A) Public Hearing to Consider Resolution No. 16141, "Declaring the 1.7 Acres of Land Located on Pan Am Way at Alameda Point to Be Exempt Surplus Land under the Surplus Land Act." Adopted; and

(24-126 B) Introduction of Ordinance Authorizing the City Manager to Execute a Purchase and Sale Agreement for the 1.7 Acres of Surplus Land (Building 607) with the Alameda Food Bank, Execute a 12-Month License with a 6-Month Optional Extension for Temporary Use of Adjacent Property During Project Construction, Execute a Lease for Wings 8 and 9 of Building 2 on West Midway Avenue at Alameda Point with the Alameda Point Collaborative, and Execute Release of the Legally Binding Agreements with the Alameda Point Collaborative and Alameda County. Introduced.

The Community Development Manager and Teale Harden, Alameda Food Bank, gave Power Point presentations.

In response to Councilmember Jensen's inquiry related to other surplus land, the Base Reuse and Economic Development Director stated there are quite a few sites which have been declared surplus exempt; the previous matter had been declared under the traditional surplus exemption definition; there are a number of City properties leased which are declared surplus exempt; the state changed the definition of surplus land during the last legislative session, to allow for 15-year leases and staff may not need to come back for surplus land exempt declarations for some of the future leases.

Councilmember Jensen stated that she appreciates the clarification that the matter is not unusual; inquired whether the Red Cross warehouse will be relocated.

The Community Development Manager responded in the affirmative; stated staff will engage with the Red Cross to potentially find a new location.

Councilmember Jensen inquired whether the Red Cross has been informed and are a part of the discussions, to which the Community Development Manager responded in the affirmative.

Councilmember Jensen expressed support for the report; stated that she is looking forward to future information.

Discussed movement of existing services; stated the movements come up with a solution that works for all; APC has offered to combine its service locations for relocation to Building 2 with a satellite center closer to APC and a shuttle service in order for the Food Bank to take over Building 607 and provide service: Doug Biggs, APC.

Discussed her experience volunteering at the Food Bank: Victoria Kuhns, Alameda Food Bank.

Stated the Food Bank is important and appropriately located near the affordable housing project; discussed a low-income Food Bank patron's experience; urged Council approval: Julie Yim.

Stated the project's California Environmental Quality Act (CEQA) determination has

violated the law; no projects at Alameda Point are exempt from further review; she is not opposed to the Food Bank location; expressed concerns over historic CEQA review: Shelby Sheehan, Alameda.

Expressed support for the Food Bank; stated claims of illegal City activity should be investigated; he supports comments provided by Councilmember Jensen; expressed concern over Council process: Tod Hickman.

Mayor Ezzy Ashcraft discussed a Zoom meeting with the Food Bank staff; stated that she supports the Food Bank and has learned about the plans for the future space including an expansion of the kitchen and classes; expressed support for City staff; stated that she is proud of Alameda for serving residents with the Food Bank; discussed the Food Bank's efforts during the pandemic; stated that she is excited to move the project forward.

Councilmember Herrera Spencer expressed support for the matter; stated that she has met with Food Bank staff members; the plans for the future are a good fit for Alameda Point; expressed support for the Food Bank's efforts in trying to blend the space in while preserving trees where possible; noted the plan for a future shared parking lot; stated the Food Bank is acting as a good neighbor; expressed concern over issues with bus transportation; stated that the Food Bank is working to minimize any walking distance for members of the public; she supports the Food Bank volunteers in the community; Alameda is the only City community with its own food bank in addition to the County.

Vice Mayor Daysog expressed support for the service being provided by the Food Bank; stated the matter is fitting and many people are thankful for the services; urged the services continue for many years.

Councilmember Jensen stated that she appreciates the report as well as the Food Bank; discussed her experience on the County Board for the food bank; stated Boardmembers would look over agencies, and Alameda Food Bank was always most efficient; the Alameda Food Bank has done terrific work over time; food insecurity is close to 20% in Alameda County and the Food Bank is an invaluable resource; expressed support for the proposed Food Bank location and the quick action being taken.

Councilmember Vella expressed support for the Food Bank; stated that she extends gratitude toward the Food Bank and City staff.

Councilmember Vella moved approval of the staff recommendation [including adoption of the resolution and introduction of the ordinance].

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.

(24-127) Introduction of Ordinance Authorizing the City Manager to Execute a Lease for a Portion of Building 22 with Gold Bar Spirits Company Inc., Located at 2505 Monarch Street, at Alameda Point, Alameda, California, for a Term of Six Years with One Extension Option for Five Additional Years. Introduced.

The Base Reuse Manager gave a Power Point presentation.

Elliott Gillespie and Montgomery Paulson, Goldbar Spirits, made brief comments.

Mayor Ezzy Ashcraft inquired whether the lease credit amount totals \$368,000; noted the breakdown provided sounded different than what had been reported in the staff report; questioned whether the contingency credit would amount to \$100,000; stated the staff report indicates a credit of \$150,000; the tenant improvements indicate a physical improvement of approximately \$218,000; requested clarification for the amounts.

The Base Reuse Manager responded a supplemental memo has been included with the matter's staff report to clarify how the contingency and physical improvement credit is allocated; stated the amount is \$268,000 toward the physical improvement credit and \$100,000 toward the contingency.

Mayor Ezzy Ashcraft noted the physical improvement amount increased and the contingency credit decreased and the combined value is the same.

Councilmember Herrera Spencer inquired the number of jobs and pay levels provided by the project.

Mr. Gillespie responded the amount will be similar to current operations, but expanded; stated there will be between 32 and 36 positions in the beginning; the positions will consist of the management team, production, and visitor center team; pay ranges start from \$21 per hour up to the \$90,000 per year range for management.

Councilmember Herrera Spencer inquired whether Gold Bar provides full health insurance benefits, to which Mr. Gillespie responded in the affirmative.

Councilmember Herrera Spencer inquired whether the front fence height will be nine feet high and unable to see through.

The Base Reuse Manager responded the rendering presented provided a visual; stated the fencing will need to go through the use permit process; the height and materials will be reviewed during permit review.

Councilmember Herrera Spencer stated the fencing issue is important; she does not think the City approves nine-foot fencing at Alameda Point aside from [shipping] containers; the containers can be between eight-and-one-half feet high and nine-and-one-half feet high and are rare; the photo indicates the ability to see some of the San Francisco City skyline; the barrel height is nine feet and will completely block the view

for those walking and for businesses across the street; expressed concern over the proposed height of nine feet; inquired whether a lower fence would be considered for the project.

The City Manager responded that staff understands the concern for fencing; stated the rendering is attempting to show the design possibility; staff's intent was to show that what is being contemplated does not block the views and tries to work within the same existing range; the project and property owner would go through a public regulatory process for review and approval; the potential applicants are present, can hear the concerns being raised, and take action through the public process.

Councilmember Herrera Spencer stated that she will be voting on the matter; expressed concern over views being blocked at Alameda Point; stated many people live on the island because they like to see the skyline; expressed support for the views from behind the proposed barrel fence; stated that she will have a difficult time supporting the project with a proposed nine-foot fence which is not see-through.

Mayor Ezzy Ashcraft stated the staff report indicates Gold Bar may apply for a future use permit from the City to utilize the area along the south side of the building to provide a secure fenced-in screen, temporary storage area for materials and containers; the Use Permit review process will help the City to ensure that any outdoor storage of materials or containers is screened from the public view and that significant view corridors identified in the Waterfront Town Center Specific Plan are preserved; from Monarch Street to the habitat, all fences will be subject to review by the City for consistency with design review regulations and standards; the exterior space to the west of the building is currently fenced as is the trash and enclosure along Monarch Street; the staff report does not skirt over the issue; the Planning Board and Planning, Building, and Transportation Department staff will hold tenants to a high standard of design review; she is satisfied with the project.

The City Manager stated the potential tenant needs to use the space for operational purposes; part of the proposed rendering shown provides a functional screen in a way that is consistent with the use on the interior of the property while not blocking the views; staff is trying to remain transparent and show a likely fencing design; staff has proposed the barrels to not block the views as well as achieving the operational needs for the tenant.

Councilmember Herrera Spencer stated the current fencing height is at most six-feet; inquired whether a six-foot high barrel fence would be amenable to the tenant.

The Base Reuse Manager responded staff is unsure at this point; stated the tenant can consider a six-foot fence should Council approve the lease; Gold Bar has held precursory meetings with Planning staff in order to work with the City and create something that is visually appealing and suitable for the area.

Councilmember Herrera Spencer inquired whether the applicant can be available to

respond.

Mayor Ezzy Ashcraft expressed concern over the applicant responding to Council inquiries on-the-spot; stated there is a use permit review process; expressed support for providing the same process to all potential tenants; staff is listening to Council comments and concerns.

Councilmember Herrera Spencer inquired the width of the street between buildings; stated Natel has equipment on the left of the street while viewing the skyline; the barrel fence height of nine-feet will block the view.

The City Manager responded the area between buildings is not a street; stated the area consists of lease premises; the exact square footage is not currently on-hand; there is an intention to have a drive aisle access area between buildings which will need to be maintained.

Councilmember Herrera Spencer inquired whether it is possible to find the width of the drive aisle.

The Base Reuse Manager responded that she can find the information and will need time to gather; stated that she recalls the width being 30-feet at the access easement.

Councilmember Herrera Spencer inquired whether staff recommends allowing nine-foot fencing across Alameda Point.

The City Manager responded there are differing heights within Alameda Point; stated [shipping] containers run eight- to nine-feet high; responded there is a 30-foot easement of separation between the operational area and Natel's fence.

Councilmember Herrera Spencer stated the public has historically not seen nine-foot-high fencing; it appears that staff believes nine-foot fencing is acceptable at Alameda Point; further inquired whether staff recommends approving nine-foot fencing at Alameda Point.

The City Manager responded staff is struggling with manufacturing uses which require outdoor operational uses; staff is juggling the uses with the need for view corridors and other needs; the actions are a balance and to produce jobs, staff needs to be able to provide outdoor space which allows for operational needs; the concern relates to the desire to shield operational uses such as garbage cans and other unsightly materials in a way that is more reflective of the interior use by using barrels as fencing; staff would prefer zero fencing, but the manufacturing uses are present and a primary focus in job production; outdoor operational uses are present, and will either need to be shown without any fencing or screening, or Council can direct staff to not recommend manufacturing uses; creative approaches are necessary in order to shield unsightly operational uses; expressed concern over precluding or tying Gold Bars hands to a fence height and affecting their business operations.

Councilmember Herrera Spencer inquired whether outreach to other businesses has occurred related to views being compromised, to which the City Manager and Base Reuse Manager responded in the affirmative.

Councilmember Herrera Spencer inquired whether the businesses support the proposed barrel fence rendering.

The Base Reuse and Economic Development Director responded staff has reached out to tenants; stated staff has not discussed a nine-foot-tall fence due to the rendering being a conceptual idea and not specific; staff has discussed the need for fencing and screening; there is an understanding that the use desired should be related to Spirits Alley; Gold Bar needs to be able to stage equipment outside the bay door; specific outreach would be performed through the planning review process, which can be addressed once a specific fence proposal is submitted from Gold Bar.

Councilmember Herrera Spencer questioned whether staff has not discussed a nine-foot fence with businesses across Monarch Street, to which the Base Reuse and Economic Development Director responded staff has not been able to get a hold of businesses.

Councilmember Vella inquired whether Council can include direction to staff while approving the lease; stated staff has previously provided direction to staff under certain circumstances to return to Council with a range forward.

Mayor Ezzy Ashcraft inquired what staff would bring back to Council.

Councilmember Vella responded in the event Gold Bar would like to erect a nine-foot concrete fence or barrier, Council can direct a cap forward; stated that she is hearing from staff that decisions have not yet been made however, Council can approve placing a range or parameter forward.

Mayor Ezzy Ashcraft requested clarification for the process to challenge or appeal a Planning Board decision.

The City Attorney stated it takes two Councilmembers to call a matter for review.

The City Manager concurred; stated the same is true for the Zoning Administrator however, she is unsure whether the matter will come before Planning Board or the Zoning Administrator; either approach would hold true for review.

Councilmember Vella stated that she understands the process for approval can be appealed.

Stated the matter is not exempt from CEQA; the hangars are not to block views; expressed concerns about views and the space between buildings being public versus

leased premises; urged Planning Board defer the matter to the Historic Advisory Board; expressed support for temporary fencing: Shelby Sheehan, Alameda.

Stated Spirits Alley is a ghost town and in poor shape; expressed support for Gold Bar; stated staff has not reached out to nearby businesses; expressed concerns over staff, conditions, and views at Alameda Point: Tod Hickman.

Mayor Ezzy Ashcraft stated that she does not support the untrue comments made in relation to staff; discussed the First Amendment and Council conduct.

Vice Mayor Daysog stated the nine-foot fencing is a substantive matter; a solid fence is problematic; there will be two readings for the ordinance; expressed support for an understanding being brought by the second reading; stated that it is not unreasonable for Council to emphasize its priorities to view corridors.

The City Attorney stated second readings are not intended to provide substantive changes to an ordinance; should Councilmembers wish to make substantive changes to the ordinance, the current discussion is the time to do so.

The City Manager stated the lease can restrict the fence height; Council has the ability to approve such change; staff does not recommend the change and will need time to work with planners to figure out Gold Bar's needs; manufacturing uses are complex and need to have outdoor use and storage; the limitation could effectively inhibit the use and operations.

Mayor Ezzy Ashcraft stated that she understands the need for fencing and preserving view corridors; inquired whether the view corridor is being blocked by a business screening uses.

The City Manager responded the renderings indicate that the barrels are not obstructing the view corridor; stated staff is showing both existing conditions not blocking views as well as a proposed barrel fence in the same location, not obstructing views.

Mayor Ezzy Ashcraft stated there is importance in preserving views; the barrel fence is not being proposed to extend across the driveway between Natel and Gold Bar's potential premises; discussed the concerns on both sides to fencing; stated the back of house operations would be visible without a fence, and obscuring the back of house operations with a barrel fence are causes for concern; there is a difference between approaches.

The City Manager stated Gold Bar's intent is to have operational uses outside in the presented corner; the corner does not have view corridors; the view corridor to the left of the corner would be preserved; the corner could be unscreened and operational uses would be visible; manufacturing uses need outdoor space and staff is working to minimize blocking the view corridor in such a way that reflects the use on the interior; staff would prefer Council provide substantive direction on putting the restriction within

the lease or leaving the matter to the regulatory Planning Board which could be appealed and called for review by two Councilmembers.

Mayor Ezzy Ashcraft requested clarification that Vice Mayor Daysog's concerns relate to blocking view corridors.

Vice Mayor Daysog stated certainly view corridors are a concern; the view corridor is present in viewing the rendering; expressed concern over the potential nine-foot-high barrel fence obstructing the experience of San Francisco in the distance; the fence is problematic due to the proposed height and being a solid wall; he understands a lack of fencing would yield manufacturing operations to be visible however, the proposed barrel fence limits the view from a distance; the skyline view is part of the charm of Spirits Alley; expressed support for limiting the height of the barrel fence to six-feet.

The City Manager stated the barrels are not actively used and are decorative; there is an existing fence on-site; there would be visible operational uses if the existing, transparent fence is left without barrels in front; staff was trying to be proactive in presenting a screen for uses which might be unsightly.

Vice Mayor Daysog stated that he understands there might be visible operational uses and equipment; Councilmembers have concerns over approving a nine-foot-high barrel fence; expressed support for limiting the barrels to six-feet-high or use of the existing, transparent fence; stated that he would not like to micromanage the tenant's lease; approving a nine-foot-high barrel fence is problematic.

Mayor Ezzy Ashcraft stated that she does not see the matter as Council providing its seal of approval, but rather allowing Council to trust the process of review through Planning Board or the Zoning Administrator; Council's safety net would be the process of Call for Review; Planning Board will deep dive and review the proposed fence thoroughly and systematically; should the fence turn out to be awful and block the view corridor, she will join Vice Mayor Daysog in appealing the decision; she trusts the Planning Department in that the best of the City is pursued; there is a way to have both options; the renderings are limited and prove difficult to conceptualize; nothing is set in stone yet and Council can appeal a decision made.

The City Manager stated Council can provide direction to staff to indicate a desire for transparency and a limit in height; Council can approve a review.

Councilmember Vella stated Council is debating the abstract of possibilities and is difficult to conduct; people are responding to the rendering which does not reflect the language included in the lease; expressed support for providing staff the usual discretion in providing Council comments for implementation; stated nothing limits Council in calling an item for review; expressed concern over the rendering image quality and the possibility of hindering progress for a potential tenant; staff has clearly heard the direction provided by Council; expressed support for Councilmembers providing language to include in a motion of approval.

Mayor Ezzy Ashcraft stated that she would support general language and direction being included such as “do not block the view corridor and create an aesthetically pleasing design.”

Councilmember Jensen stated that she is excited and happy to know that staff is moving forward to fill the buildings at Alameda Point and Spirits Alley; she is looking forward to working out the details; inquired whether restrictions existed for the previous tenant in the space.

The City Manager responded there are biological restrictions due to the Least Tern.

Councilmember Jensen inquired whether there were height restrictions placed on the previous tenant, to which the City Manager responded in the negative.

Councilmember Jensen inquired whether this would be the first occurrence of restrictions being placed on the site.

The City Manager responded in the affirmative; stated there are strict biological restrictions placed on the lease to ensure structures are not built to block views.

Councilmember Jensen inquired whether the restrictions would be for temporary structures; stated some sites have food trucks which are often higher than nine-feet, to which the City Manager responded in the negative.

Councilmember Jensen expressed support for the matter.

The City Attorney stated Council is acting in its proprietary capacity and can give any direction desired however, Council cannot provide regulatory process direction causing pre-judgement and a risk of recusal request.

Councilmember Herrera Spencer inquired whether the views between the buildings are not subject to being preserved and protected for the public; stated there are views between the buildings that are open access; Natel does not have a solid fence at their premises; she understands the views to be protected but would like a legal opinion of the area between buildings.

The City Attorney responded there are no regulatory limitations in-place beyond CEQA; stated the staff report has provided the CEQA analysis; he is not immediately aware of any other requirements which preclude Council from acting in the way as recommended by staff.

Mayor Ezzy Ashcraft stated the report references significant view corridors identified in the Waterfront Town Center Specific Plan are preserved; inquired the significant view corridors being referenced.

Mayor Ezzy Ashcraft called a recess at 9:21 p.m. and reconvened the meeting at 9:38 p.m.

The City Manager responded there are guidelines for the historic district which indicate: “minimizing visual impacts to character defining views and vistas, consider using techniques such as establishing vegetative screens to hide newly introduced features, and new development should incorporate view corridors and building height limits that will maintain character defining views...” and the Town Center Plan discusses an alternate area of Alameda Point but indicates preserving views through public right of ways; stated the biologic restrictions indicate buildings must be built exactly as currently placed and does not affect temporary storage of uses; should Council desire the transparency and not have screening, existing fencing can be used; existing screening can be limited to six-feet.

Mayor Ezzy Ashcraft inquired whether there is an alternative to the restrictions being set and the matter being heard by the Planning Board or Zoning Administrator.

The City Manager responded a simple limitation on the screening and not the storage to six-feet; stated the storage of items is part of the operations; the screening limit of six-feet could be placed under section 2.2 of the lease; tenants would be restricted from applying for a use permit with anything different from the City Council.

Vice Mayor Daysog expressed support for approving a limit of six-feet to the barrel fence and for the cyclone fencing; stated the cyclone fence allows the full breadth of the skyline in the distance; expressed concern over limiting the fence to six feet plus the addition of a wall; stated that he would prefer to keep existing conditions; he recognizes the lease premises can be used for anything reasonable.

Mayor Ezzy Ashcraft inquired whether the six-foot requirement applies only to cyclone fencing or any type of fencing.

Vice Mayor Daysog responded that he would prefer six-feet and only cyclone however, he will consider six-foot alternatives, should other Councilmembers support.

Mayor Ezzy Ashcraft noted a cyclone fence is relatively transparent and some might want more height for security purposes; inquired whether a taller fence for security would be a deal-breaker.

The City Manager inquired whether the Council would be amenable to approving the existing fence to ensure the proposed tenant would not have to remove and replace the existing fencing; stated that she understands there is support for existing cyclone fence with no screening; inquired whether there are Councilmember that support screening but only to the limited height of six-feet; noted the previous screening for Hangar One had been standard green screening for cyclone fencing; stated staff could limit screening to six-feet tall while keeping the existing fence or allow the potential tenant to

find creative screening limited to six-feet.

Councilmember Herrera Spencer stated that the views have not historically been blocked and blocking with containers and proposed barrel fencing is relatively new; Natel's fencing does not have slats and expressed concern over vandalism; Natel never installed [fencing] slats to protect the views; the idea of blocking views by having six- to nine-foot-high solid fencing is new from her perspective; she believes view corridors are more than 30-feet between buildings; it is important for tenants to be good neighbors; it is critical to receive input from the tenants across the street from the proposed premises; she cannot support a business which has not reached out to the neighbors; outreach should be encouraged from staff; she is supportive of Gold Bar but not losing the view; expressed concern over residents passing a wall of barrels; inquired the width of the barrel wall.

The City Manager responded the rendering was illustrative; stated staff has no attachment to barrels and are not proposing to use barrels as a wall; she is unsure the width of the barrels in the rendering; the decided upon fencing would go through the approval process; should Council desire to keep the fencing transparent, staff can add the requirement to section 2.2 of the lease.

Councilmember Herrera Spencer expressed support for a transparent fence from the ground up; expressed concern over not knowing what the business plans to place at the fencing; noted food trucks are not permanently placed on-site; stated food trucks should not be the metric of measure for the matter; bringing the matter to Council is premature and Gold Bar should have been encouraged to reach out to the nearby businesses and Councilmembers; expressed support for knowing what fencing and equipment would be placed on premises.

Councilmember Vella stated that she supports moving forward with approving the lease and staff recommendation; there are a number of ways for Council to express concern and pull the matter for appeal on fencing; noted the City Manager proposed language to cap the fencing height and remain transparent and she is happy to include the direction to staff in a motion.

Vice Mayor Daysog expressed support for the proposed language.

The City Manager clarified the height restriction would be no higher than the existing fence; expressed concern over having the proposed tenant tear down existing fence to meet a specified height; the fence can remain transparent.

Councilmember Vella approval of introduction of the ordinance with an amendment to the lease Section 2.2.

Vice Mayor Daysog seconded the motion.

Under discussion, Councilmember Herrera Spencer inquired whether the proposed

tenant could put up a wall of equipment which blocks the view.

Vice Mayor Daysog responded should the tenant place equipment past the fence onto the yard proper, the views might be blocked; stated the premises of the lease are a tenants' rights; expressed concern over the fence; stated that he does not want to micromanage the contents of the tenants' yard, but will manage the fence to the extent possible.

On the call for the question, the motion 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.

CONSENT CALENDAR - ITEMS REMOVED FOR DISCUSSION

(24-128) Ordinance No. 3363, "Amending the Alameda Municipal Code by Amending Section 2-22 (Open Government Commission) and Article VIII (Sunshine Ordinance) of Chapter II (Administration) to Establish a Hearing Officer Form of Adjudication of Sunshine Ordinance Complaints, Clarify Enforcement Provisions, and Revise the Duties of the Open Government Commission." Finally passed.

Councilmember Herrera Spencer discussed correspondence received related to clarifying the ordinance; inquired whether the notice could be identical to current process for the Open Government Commission (OGC); noted the ordinance does not indicate other than the use of a Hearing Officer; stated the current conditions allow for the report, attachments, and public participation and viewing by Zoom.

The City Attorney stated the matter is a second reading; substantive changes cannot be made for a second reading; the second reading is staff's rendition of Council's comments and changes during introduction of the ordinance.

Special Counsel responded the correspondence received from organizations are clerical in nature such as the reference to a Hearing Officer's decisions to the recommendation is agreeable to change and incorporate; stated language indicating the information runs to both the Council and Commission should be added and is not a substantive change; other proposed changes to the ordinance prove problematic; should the comments be approved, the details would be included in the regulation and not the ordinance; the language referenced from the ordinance does not lend itself well to the actions performed by the Hearing Officer; the reference to meetings is incorrect; the comments provided by Councilmember Herrera Spencer would be included in the regulation with an advantage of changes being able to be reviewed by the Open Government Commission prior to approval of changes.

Councilmember Herrera Spencer stated current notice of OGC meetings include the complaint as well as any exhibits; inquired whether the requirement is currently included in the ordinance.

Special Counsel responded in the negative; stated staff could include the requirement in the regulation per Council direction; the approach allows interested parties to review the complaint and any accompanying documents.

Councilmember Herrera Spencer stated complaints are currently filed with the City Clerk's Office; inquired whether the requirement could be added to the ordinance, to which the City Clerk responded the requirement has been added to the ordinance.

Councilmember Herrera Spencer inquired whether Zoom participation would be included to allow for public observation.

Special Counsel responded the process would be set so that members of the public could attend remotely and could be included in the regulation should Council so choose.

The City Clerk stated Zoom participation is already included.

Councilmember Herrera Spencer inquired about the time and place for the meetings.

The City Clerk responded that the location has not yet been determined; stated the location would need teleconference capability; the time and location would be provided in the notice at the time of publishing.

In response to Councilmember Herrera Spencer's inquiry related to hearing times, the City Clerk stated the regulation is silent on the matter.

Special Counsel stated typical hearings would be held during the day; the meeting could be held in the evening based on agreement and available from both the Hearing Officer and complainant.

Councilmember Herrera Spencer inquired whether Council could agree on a set time in the evening as opposed to a 10:00 a.m. hearing.

Special Counsel responded that the requirement would be best placed in the regulation; stated staff can include language in the regulation to require the start of hearings be in the late afternoon or early evening.

The City Attorney stated the original impetus for the matter was to create a more expedited hearing process; too many restrictions could prove difficult for the Hearing Officer and complainant to schedule hearings; the requirements could potentially reduce the efficacy of the driving force behind the ordinance; staff has left a number of the matters silent to provide the Hearing Officer discretion in working with complaining parties to schedule a time that works as expeditiously as possible.

Councilmember Herrera Spencer inquired whether the expediency of the hearing is to be the priority versus hearings being available to the public at-large for observation.

Special Counsel responded in the affirmative; stated the Hearing Officer and complainant would determine when the hearing would be held; Council may provide additional direction to be included in the regulation.

Councilmember Herrera Spencer inquired whether language is included for the Hearing Officer to allow members of the public to participate.

Special Counsel responded the language is not expressly included in the ordinance; stated Hearing Officer's typically have great discretion in terms of who may provide testimony and be heard at the hearing; a person having testimony or evidence relative to the complaint, the Hearing Officer would likely allow the person to be heard.

Councilmember Herrera Spencer inquired how the Hearing Officer would know such person exists without calling on the member of the public.

Special Counsel responded there would be an offer of proof; stated a member with their hand up showing the need to speak would provide the Hearing Officer an indication; the Hearing Officer would then determine whether or not the evidence is relevant for consideration.

Expressed support for the concept of a Hearing Officer and concerns over the OGC and appointments; stated the hearing process is a stronger model; discussed concerns about the previous process and system: Tod Hickman.

Mayor Ezzy Ashcraft noted each Councilmember appoints one person to the Open Government Commission.

Stated the OGC process has been unfair; expressed concern over Commissioners lack of legal knowledge; discussed previous OGC meeting discussions; expressed support for a Hearing Officer model; stated the hearings need to be held in public view; expressed concerns over speaking time, staff, and compliance: Shelby Sheehan, Alameda.

Stated the purpose of the OGC had been to enhance transparency and openness in government; expressed support for reestablishing a citizen oversight committee; stated majority of complaints filed were for actions taken; the pool of Hearing Officer candidates should be published on the City's website; the appointment process should be improved: Jay Garfinkle, Alameda.

Councilmember Herrera Spencer inquired whether the list of Hearing Officers will be public information.

Special Counsel responded in the affirmative; stated information is currently being relayed to the list of Hearing Officers that resolve rent disputes; some Officers have responded indicating they are well experienced in the Brown Act and Public Records Act; Officers have read the Sunshine Ordinance; once the list is complete, it will be

made public and available.

The City Attorney stated no Hearing Officers have ever served as employees of the City Attorney's Office.

Councilmember Jensen moved approval of final passage of the ordinance.

Councilmember Vella seconded the 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.

CITY MANAGER COMMUNICATIONS

(24-129) The City Manager announced Restaurant Week, and two community meetings related to animal testing a Police equipment; discussed the City's two congressional earmarks for fiscal year 2024 for infrastructure and community assessment response and engagement (CARE); announced the upcoming home electrification fair; discussed a successful investigation by Alameda Police Department recovering stolen merchandise and vehicles.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(24-130) Consider Directing Staff to Establish Additional Enforcement Tools to Address Participation in and Promotion of Vehicular Sideshow Activity on Public Property in the City of Alameda. (Councilmember Jensen)

Councilmember Jensen gave a brief presentation.

Mayor Ezzy Ashcraft inquired whether staff is planning to bring a related matter to Council in the future.

The City Manager responded staff is working to coordinate and collaborate on the matter to look at prevention and enforcement; staff is reviewing additional enforcement tools such as drones; staff will bring a report to Council on May 7th providing an update on how side shows are being addressed and to seek authorization to purchase drones for critical incidents.

Mayor Ezzy Ashcraft inquired whether Councilmember Jensen is requesting further direction to staff to bring the matter forth.

Councilmember Jensen responded that she will defer until the staff report comes before Council in May.

Expressed support for the matter; expressed concerns over sideshows at Alameda Point; discussed a recent sideshow at Alameda Point and Officer response; stated that he is concerned over the resources for Police: Tod Hickman.

Expressed support for the matter; stated the topic should have been discussed sooner; discussed a recent sideshow; questioned the enforcement tactics; discussed drones and biologic restrictions; urged action be taken before May: Shelby Sheehan, Alameda.

Councilmember Herrera Spencer discussed a Chamber of Commerce meeting from February; stated City staff requested suggestions from participants; noted a Downtown Alameda Business Association (DABA) meeting recently occurred, and staff had been responsive; inquired whether the matter can be brought forth sooner than May.

The City Manager responded staff is actively addressing sideshows and are not waiting to perform until May; stated fencing has been put up and staff are actively using intelligence and investigative skills to gain information on when events are occurring; staff can call in additional resources ahead of time to ticket immediately and prevent events from growing; staff is creating plans to change the physical landscape of Alameda Point and would like to provide a comprehensive update to Council in May; drones will be an enforcement tool for Police; the update cannot be brought before May, but staff is working on both preventative and enforcement measures for sideshows.

Councilmember Herrera Spencer inquired whether the offer from the Chamber of Commerce meeting still stands where members of the public providing suggestions can reach out to the City Manager, to which the City Manager responded in the affirmative.

COUNCIL COMMUNICATIONS

(24-131) Councilmember Vella discussed her attendance at a League of California Cities Board meeting; expressed support for Councilmember Herrera Spencer's attendance in her place at the Lead Abatement meeting.

(24-132) Councilmember Herrera Spencer discussed her attendance at the Lead Abatement meeting; provided significant Police incident reports; discussed her attendance at an estate planning series event hosted at Mastick, an Alameda International Film Series, a DABA mixer, a Toishan Benevolent Association foot patrol event, a film viewing for *It's Basic*, a crab feed at the Navy League, and an art reception for Dierdre Freeman.

(24-133) Vice Mayor Daysog discussed his attendance at a Dumaguete Sister City working meeting, the Toishan Benevolent Association foot patrol event, and a dinner event at the Lion's Club in Oakland.

(24-134) Councilmember Jensen discussed her attendance at the Alameda International Film Festival event, at a State of the City event, and at the State of the Port

event; expressed support for the Women's History proclamation; highlighted two future armed service leaders from Alameda High School: Lily Johnson and Camille Dawson.

(24-135) Mayor Ezzy Ashcraft discussed her attendance at the Change of Command ceremony in Washington DC, at the League of California Cities meeting, the Toishan Benevolent Association banquet, and the viewing and panel moderating for *It's Basic* documentary event; announced the State of the City event and her completion of the community emergency response training (CERT); discussed her attendance at a legislative update. -

(24-136) Mayor's Nomination for Appointment to the Housing Authority Board of Commissioners.

Mayor Ezzy Ashcraft nominated Thelma Decoy to the Housing Authority Board of Commissioners.

ADJOURNMENT

(24-137) There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:53 p.m. in memory of Honora Murphy.

Respectfully submitted,

Lara Weisiger
City Clerk

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