

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 27, 2018- -5:00 P.M.

Mayor Spencer convened the meeting at 5:04 p.m.

Roll Call – Present: Councilmembers Ezzy Ashcraft, Matarrese, Oddie, Vella and Mayor Spencer – 5.

Absent: None.

Public Comment

John Knox White, Alameda, expressed concern over the City Manager hiring process not being publically discussed or announced; stated some of the process should be reconsidered due to the recent election; two City Attorney applicants expressed interest in applying after the change in leadership; suggested reopening the City Manager application period through the end of the year without impacting the timeline, including newly elected officials in discussion and providing a public announcement about the process tonight.

Ken Peterson, Alameda, discussed prior City Managers and urged Council to hire someone suited for the job.

Tony Daysog, Alameda, expressed support for involving the public in the City Manager hiring process, which should be extended to identify additional candidates.

The meeting was adjourned to Closed Session to consider:

(18-623) Conference with Legal Counsel - Existing Litigation; Pursuant Government Code section 54956.9(a); Case Name: Campbell, Joseph v. City of Alameda, et al.; Court: Superior Court of the State of California, County of Alameda; Case Number: RG18912595

(18-624) Conference with Legal Counsel - Existing Litigation; Pursuant Government Code section 54956.9(a); Case Name: Clyde Grossman et al v. City of Alameda, et al.; Court; Superior Court of the State of California, County of Alameda; Case Number: RG15777784

(18-625) Public Employee Appointment/Hiring; Pursuant to Government Code § 54957; Title/description of positions to be filled: City Manager

(18-626) Public Employee Appointment/Hiring; Pursuant to Government Code § 54957; Title/description of positions to be filled: Acting/Interim City Attorney and City Attorney

(18-627) Conference with Labor Negotiators (Government Code section 54957.6); CITY Negotiators: David L. Rudat, Interim City Manager, Elizabeth D. Warmerdam, Assistant

City Manager and Nancy Bronstein, Human Resources Director; Employee Organizations: International Brotherhood of Electrical Workers, Local 1245 (IBEW), Electric Utility Professional Association of Alameda (EUPA), Alameda City Employees Association (ACEA), Alameda Police Officers Association Non-Sworn Unit (PANS), and Alameda Management and Confidential Employees Association (MCEA); Under Negotiation: Salaries and Terms of Employment

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Campbell litigation, direction was given to staff by unanimous vote; regarding Grossman litigation, direction was given to staff by unanimous vote; regarding the City Manager hiring, direction was given to staff by two unanimous votes; regarding the City Attorney hiring, direction was given to staff by unanimous vote; and regarding Labor, direction was given to staff.

Adjournment

There being no further business, Mayor Spencer adjourned the meeting at 7:03 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 27, 2018- -7:00 P.M.

Mayor Spencer convened the meeting at 7:14 p.m. and led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Ezzy Ashcraft, Matarrese, Oddie, Vella, and Mayor Spencer – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(18-628) Proclamation Declaring November 27, 2018 as Janet C. Kern Day.

Mayor Spencer read and presented the proclamation.

Ms. Kern made brief comments.

Vice Mayor Vella, Councilmembers Oddie, Matarrese Ezzy Ashcraft and Mayor Spencer made brief comments.

(18-629) Proclamation Declaring November 2018 as National Native American Heritage Month.

Mayor Spencer read the proclamation and presented it to Nanette Deetz and Cathy Dana, Alameda Island Poets, Frank Bette Center for the Arts and Artists Embassy International Arts Ambassadors.

Ms. Deetz made brief comments and read a poem.

(18-630) The City Attorney introduced the new Assistant City Attorney.

The Assistant City Attorney made brief comments.

ORAL COMMUNICATIONS, NON-AGENDA

(18-631) Ken Peterson, Alameda, discussed the recent fire and a study proposing mitigations; expressed concern over roads being narrowed.

CONSENT CALENDAR

Mayor Spencer announced that the tobacco ordinance [paragraph no. 18-641] was

removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

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

(*18-632) Minutes of the Special and Regular City Council Meetings Held on October 16, 2018. Approved. [610-10]

(*18-633) Ratified bills in the amount of \$4,781,580.86.

(*18-634) Recommendation to Approve Revisions to an Interfund Loan for the Financing of Fire Station #3 and to Transfer Remaining Balance of the Loan to the General Fund. Accepted.

(*18-635) Recommendation to Accept the 2013 Local Library Bond Measure Annual Report. Accepted.

(*18-636) Recommendation to Accept the Police and Fire Construction Impact Fee Annual Report. Accepted.

(*18-637) Recommendation to Accept the Development Impact Fee and Fleet Industrial Supply Center (FISC)/Catellus Traffic Fee Report. Accepted.

(*18-638) SUMMARY: Recommendation to Accept and File Various Community Facilities Districts (CFD) Reports for Fiscal Year Ending June 30, 2018

Recommendation to Accept and File CFD No. 03-1 (Bayport Municipal Services District) Report for the Fiscal Year (FY) Ending June 30, 2018; CFD No. 13-1 (Alameda Landing Public Improvements) Report for FY Ending June 30, 2018; CFD No. 13-2 (Alameda Landing Municipal Services District) Report for FY Ending June 30, 2018; CFD District No. 14-1 (Marina Cove II) Report for FY Ending June 30, 2018; and CFD No. 17-1 (Alameda Point Public Services District) Report for FY Ending June 30, 2018. Accepted.

(*18-639) Resolution No. 15455, “Amending the Part-Time Classifications Salary Schedule Effective December 23, 2018, to Reflect Changes to the California State Minimum Wage and to Maintain Adequate Differentials Between Part-Time Job Categories.” Adopted.

(*18-640) Ordinance No. 3229, “Approving a Lease Amendment with a Maximum Three-Year Extension of the Lease with CSI Mini-Storage, LLC, a California Limited Liability Company, for Buildings 338, 608, and 608A-C Located at 50 and 51 West Hornet Avenue at Alameda Point.” Finally passed.

(*18-641) Ordinance No.3230, “Amending the Alameda Municipal Code by Adding Article XVII (Tobacco Retailers) to Chapter VI (Businesses, Occupations and Industries) to Require Licensure of Tobacco Retailers and Prohibit the Sale of Flavored Tobacco Products.” Finally passed.

Mayor Spencer stated there are 37 speakers for the item; those not in favor expressed concern over the shortened time for public comment; inquired how Council would like to proceed and whether Council is agreeable to inquiring how many speakers are in favor versus not in favor.

Vice Mayor Vella stated the regulations and rules do not specify between support or oppose; this is the second reading of the item; she is inclined to follow what the rules stipulate and shorten the time.

Mayor Spencer stated that a previous rent item was handled differently; inquired if Council would be okay with a one minute speaking time.

Councilmember Ezzy Ashcraft inquired if it is possible to let the tobacco store proponents speak first.

Councilmember Matarrese moved approval of lowering the time to one minute.

Vice Mayor Vella seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Matarrese, Oddie and Vella – 4. Noes: Mayor Spencer – 1.

Expressed concern over losing businesses; suggested capping the number of retailers and the measurement distance be door to door: Jaime Rojas, Alameda.

Suggested a 55 tobacco license cap and 300 feet door to door; stated 18 business will lose their life savings: Linda Asbury, West Alameda Business Association (WABA).

Expressed concern over zoning and taking away licenses: Samir Saleh, Alameda.

Stated the proposal will not make a difference since youth make purchases online; suggested State regulations rather than regulating businesses locally: Alex Korade Foster, Alameda.

Showed a maps of businesses; suggested changes: Paul Sekhon, Alameda.

Urged Council to put health before profits: Kimberly McGowan, Lincoln Parent Teachers Association.

Expressed concern over high schoolers vaping, provided statistics related to youth vaping: Randy Uang, Breathe California Golden Gate Public Health Partnership.

Urged the Council to keep the ordinance language as-is: Denise Zachariah, Alameda.

Stated the ordinance will reduce the chances of children vaping: Malia Zachariah, Alameda Girl Scout.

Expressed concern over vaping on campus; stated school bathrooms doors are being locked open to monitor vaping use: Seamus McGuinnis, Encinal High School.

Expressed concern over tobacco companies targeting her friends: Karen Nguyen, Encinal High School.

Stated her friends are getting hooked on vaping products: Charlie Kleinman, Encinal High School.

Expressed concern over tobacco companies targeting and marketing to youth: Sydney Williams, Encinal High School.

Stated retailers work hard to keep products away from youth; expressed concern over punishing businesses: Matt Hussain, Alameda.

Expressed concern over the ordinance's deep flaws, which will lower 50 businesses to 32: Debbie George, Alameda.

Stated that he does not sell to youth; expressed concern over street dealers selling to youth: Antonio Neumann, Alameda.

Expressed concern over losing his business without a cigarette license: Surinder Singh, Alameda.

Expressed concern over not being able to sell his business; stated people should not be able to buy products online: Inderjit Sidhu, Alameda.

Expressed concern over the ordinance threatening small business owners: Timothy Lankford, Alameda Business Consultant.

Expressed support for the business community's concerns: Narinder Matharu, Alameda.

Stated taking away tobacco licenses does not keep the product out of kids' hands: Paul Dhindsa, Alameda.

Expressed concern over banning menthol and losing small businesses: Ali Quashasha, Alameda.

Outlined the 49 existing stores; stated only 30 stores could be sold; distance should be 300 feet door to door: Bob Sekhon, Alameda.

Mayor Spencer called a recess at 8:14 p.m. and reconvened the meeting at 8:21 p.m.

Stated taking away a tobacco licenses is killing businesses; stated his father's ability to pays for his college will be impacted: Didar Bhullar, Alameda.

Expressed support for the buffer zones; urged support of health over profit: Shea Overstreet, Alameda.

Expressed support for the flavored tobacco ban and concern for small businesses; suggested starting January 1, 2020: Michael McDonough, Chamber of Commerce.

Stated the issue comes down to money; expressed support: John F. Sykes, Alameda.

Stated taking away tobacco licenses will not solve the problem; suggested businesses be given time to sell: Anil Pandey, Alameda.

Stated no one will lose their license; stated new owners purchasing businesses will be aware: Lizzy Velton, American Heart Association.

Outlined cities that have adopted similar measures; stated local measures are needed: Philip Gardner, Alameda.

Stated city governments have reduced tobacco use; expressed sympathy for merchants: Serena Chen, Alameda.

Stated tobacco companies cannot advertise, so marketing occurs in stores: Holly Schneider, Alameda County Public Health Department (ACPHD).

Expressed support for changing the guidelines to door to door, exempting certain stores and meeting with businesses: Raed Abdulah, Alameda.

Expressed concern for businesses: Robert Todd, Alameda.

Discussed marketing tactics of tobacco companies: Irene Nikka, American Cancer Society Cancer Action Network.

Stated the ordinance has a big flaw; people selling stores will be impacted: Ann Sekhon, Alameda.

Discussed his business: Shapoor Zazai, Alameda.

Stated small businesses will be impacted; urged reconsideration; suggested the effective date change to 2020: Theresa James, Alameda.

Stated tobacco continues to be the leading cause of preventable death in the United States: Paul Cummings, ACPHD.

Councilmember Ezzy Ashcraft expressed sympathy for the immigrant-owned small businesses; stated the reason tobacco sales are decreasing is due to effective education causing people to stop smoking; inquired if other inventory can be procured by vendors instead of tobacco; stated public health will take precedence every time.

In response to Mayor Spencer's inquiry regarding data on City retailers selling to youth, the Assistant City Attorney stated based off of 2013 data provided by the Alameda Police Department, 2 out of 47 stores had violations of selling to minors; in 2012, 9 out of 45 stores had violations of selling to minors.

Mayor Spencer inquired whether there is more recent data, to which the Interim City Manager responded in the negative.

Mayor Spencer inquired whether online sales are permitted to Alameda residents, to which the Assistant City Attorney responded in the affirmative

Councilmember Matarrese moved final passage of the ordinance; stated the leading cause of preventable death in the United States is tobacco; the Food and Drug Administration (FDA) has increased warning labels on tobacco related industries targeting children; that there is no control over online sales, but there is control over sales Citywide.

Vice Mayor Vella seconded the motion.

Under discussion, Vice Mayor Vella stated allowing the same number of tobacco licenses to continue defeats the purpose of the ordinance; there is a difference in quantity between cannabis dispensaries and tobacco retail licenses; tobacco is addictive and kills; the solution is not to pass the burden of selling to the next small business owner; part of flourishing as a small business or convenience store is to sell alternate products and having a solid business and marketing plan; expressed concern about retailers with tobacco licenses being near schools.

Councilmember Oddie discussed a study by "The Truth Initiative" group; noted 74% youth indicated they obtained Juuls from a physical retail location, 52% from a social source, and 6% on the internet; stated many people who smoke might not be able to enjoy their retirements due to a tobacco related illness.

Mayor Spencer stated the data she reviewed indicated 75% of youth obtained smoking devices from other social sources, not physical retailers; 95% of City retailers have not sold tobacco products to youths; the State recently increased the legal purchasing age of tobacco from 18 to 21, causing a difference in survey response ages; she strongly opposes smoking, but supports adults being capable of making their own decisions; expressed concern over what might be banned next.

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

Mayor Spencer called a recess at 9:00 p.m. and reconvened the meeting at 9:10 p.m.

REGULAR AGENDA ITEMS

(18-642) Resolution No.15456, “Appointing Joyce McConeghey as a Member of the Library Board.” Adopted;

(18-643A) Resolution No.15457, “Appointing Simon Chiu as a Member of the Rent Review Advisory Committee.” Adopted; and

(18-643B) Resolution No.15458, “Appointing Carolyn Johnson as a Member of the Rent Review Advisory Committee.” Adopted.

Councilmember Ezzy Ashcraft moved adoption of the resolutions.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 5.

(18-644) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-5.15 of Chapter XXX (Zoning Ordinance) to Adopt New Bird-Safe Building Standards and Update Outdoor Lighting Regulations Consistent with Dark Skies Standards. [The proposed amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3), 15305, 15307, and 15183.] Introduced.

The Planning, Building and Transportation Director gave a brief presentation.

In response to Councilmember Ezzy Ashcraft’s inquiry, the Planning, Building and Transportation Director stated the Audubon Society proposes new buildings over 35 feet in height with over 50% of the façade glass would be subject to new standards; the amendment requires replacement of existing windows over 12 feet to be subject to the ordinance .

Mayor Spencer inquired if the issue was presented at the Planning Board, to which the Planning, Building and Transportation Director responded in the affirmative; stated the Planning Board’s goal was not to impede homes from being rehabilitated.

Mayor Spencer inquired if multiple windows exist on one wall of a residence and one window must be changed due to damage, can the one window be replaced without meeting the bird safe regulations, to which the Planning, Building and Transportation

Director responded in the affirmative; stated the Planning Board did not have the specific language, but still had a detailed discussion on the issue.

Councilmember Oddie inquired if the amendment applies to residential and commercial or commercial only; requested confirmation introducing the ordinance would not be a violation of the Sunshine Ordinance.

The Planning, Building and Transportation Director responded the amendment did not specify residential or commercial; stated there would not be any Sunshine Ordinance violation; read the amendment language.

Vice Mayor Vella inquired what the significance and reasoning behind including 12 square feet of glass is, to which the Planning, Building and Transportation Director responded the measurement is a standard size for bird safe visibility.

Councilmember Ezzy Ashcraft inquired what could be done to address the increased cost for affordable housing being built.

The Planning, Building and Transportation Director responded in a previous related ordinances, staff identified specific exemptions for projects; stated the current ordinance exempts existing historic buildings; each instance is reviewed on a case-by-case basis; most residential projects designed meet all bird-safe criteria set by Environmental Impact Reports (EIR); including an exemption would be a relief for affordable housing developers not having to perform the additional analysis.

Stated Alameda's location plays a critical role in bird migration; urged adoption of the amendments: Dawn Lemoine, Golden Gate Audubon Society.

Discussed his bird survey work, provided statistics, bird counts and mentioned a documentary: Rudy Wallen, Alameda.

Outlined other jurisdictions with bird safe guidelines: Heidi Trudell, Michigan.

Read excerpts from the Golden Gate Audubon Society letter: Karen Kenny, Golden Gate Audubon Society.

Submitted information; discussed Congressional legislation: Leora Feeney, Friends of Alameda Wildlife Reserve.

Discussed the impacts of LED lighting: Caprice Carter, Alameda.

Urged approval of the ordinance to protect birds: Gaylon Parsons, Golden Gate Audubon Society.

Councilmember Oddie stated two referrals were submitted by himself and Vice Mayor Vella; there is a need as outlined by public comment.

Councilmember Oddie moved introduction of the ordinance.

Vice Mayor Vella seconded the motion.

Under discussion, Vice Mayor Vella stated the Golden Gate Audubon Society has done great work in educating both Council and the community on the regulation's impacts; discussed impacts to affordable housing costs, and potential window treatments.

Councilmember Ezzy Ashcraft expressed concern over the added cost to affordable housing projects; inquired how enforcement would be done to ensure alternative window coverings are closed in the evening and the estimated added cost to affordable housing projects.

The Planning, Building and Transportation Director responded he does not have an estimated added cost; stated the ordinance has two exceptions as written: historic structures and glazing on commercial storefronts; Council may add a third exemption for affordable housing projects, if desired.

Mayor Spencer stated that she has not heard a request from the affordable housing community to be included as an exemption.

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

(18-645) Introduction of an Ordinance Amending the Alameda Municipal Code by Amending Various Provisions of Article XVI (Cannabis Businesses) of Chapter VI (Businesses, Occupations and Industry), Including but not Limited to (a) Modify the Definition of "Youth Centers" as a Sensitive Use, Including Specifically Excluding Certain Uses (Martial Arts/Combat Sports, Cultural or Similar Education, and Physical Fitness); (b) Modify the Definition of "Cannabis Business Owner" to Conform with State Law; and (c) Make Any Other Conforming Amendments. Introduced.

Councilmember Matarrese moved approval of keeping two minutes for speakers.

Mayor Spencer seconded the motion, which failed by the following voice vote: Ayes: Councilmember Matarrese and Mayor Spencer – 2.

Councilmember Oddie moved approval of changing the time to one minute.

Councilmember Ezzy Ashcraft seconded the motion, which failed, due to requiring four affirmative votes, by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Oddie and Vella – 3. Noes: Councilmember Matarrese and Mayor Spencer – 2.

Mayor Spencer moved approval of 90 seconds.

Vice Mayor Vella seconded the motion, which carried by unanimous voice vote – 5.

The Base Reuse and Economic Development Manager gave a Power Point presentation.

In response to Mayor Spencer inquiry regarding the change in the buffer zones displayed, the Economic Development Manager outlined the buffer zone.

Councilmember Oddie inquired how many square feet are left on the main island.

The Economic Development Manager responded she does not know; stated locating any dispensaries in the main districts would be virtually impossible.

Councilmember Oddie requested confirmation that keeping the buffer zones the same is a de facto prohibition, to which the Economic Development Manager responded a few small opportunities may be available, but the opportunity diminishes if martial arts studios are included as youth centers.

Councilmember Oddie inquired if any buildings are available in the miniscule areas left outside the buffer zones, to which the Economic Development Manager responded she does not know; stated the building she is aware of are within the buffer zones.

In response to Councilmember Oddie's inquiry about the State law regarding youth centers, the Economic Development Manager stated the State allows each City to make the determination.

Councilmember Oddie inquired if a State law mandates a buffer zone around youth centers, to which the Economic Development Manager responded in the negative.

Councilmember Oddie inquired if State law defines youth centers, to which the Economic Development Manager responded State law has a definition cities may use, but also gives the option to change the definition to become more or less stringent.

In response to Councilmember Ezzy Ashcraft's inquiry, the Assistant City Attorney stated the State Law definition is in the Health and Safety Code and is the current definition the City has, which reads: "any public or private facility that is primarily used to host recreational or social activities for minors including but not limited to private youth membership organizations or clubs, social service teenage club facilities, video arcades or similar amusement park facilities."

Vice Mayor Vella stated there is ambiguity in the State definition.

The Assistant City Attorney concurred; stated the State is aware; the reason behind the ambiguity is to allow cities to make the decision.

In response to Mayor Spencer's inquiry regarding ambiguous language, the Assistant City Attorney stated many cities are struggling over how to specifically quantify

“primarily” in “primarily used to host.”

Councilmember Ezzy Ashcraft inquired why the Council would not treat the definition of youth center the same for Alameda Recreation and Park Department (ARPD) recreation centers and a martial arts studio on Webster Street.

The Assistant City Attorney responded there is more clarity surrounding the definition of parks than a martial arts studio.

Councilmember Ezzy Ashcraft inquired if ARPD requested their centers be left out of the definition, to which the Assistant City Attorney responded in the negative.

Councilmember Ezzy Ashcraft inquired if ARPD’s protection would be removed by teaching martial arts, to which the Assistant City Attorney responded in the negative.

Councilmember Oddie inquired if staff modified the State definition of youth center to include ARPD centers, to which the Assistant City Attorney responded in the affirmative.

Councilmember Oddie inquired if Council could eliminate youth center as a sensitive use and keep the ARPD centers.

The Assistant City Attorney responded doing so is an option; stated the City would want to ensure certain federal enforcement priorities are effectuated.

Councilmember Oddie stated the definition could instead read: “a youth center is a facility determined by the ARPD to be a recreation center”.

Mayor Spencer inquired what the State’s recommendation is regarding distance from schools, to which the Economic Development Manager responded the State’s recommendation is at 600 feet.

Mayor Spencer inquired what is the City’s proposed distance, to which the Economic Development Manager responded 1000 feet.

Vice Mayor Vella inquired whether having the language read: “a facility exclusively used to host recreational or social activities for minors” would apply to ARPD, to which the Assistant City Attorney responded in the affirmative.

Councilmember Ezzy Ashcraft stated almost all recreation facilities, park events and classes are offered to minors and adults; inquired if the criteria is a facility exclusively used by youth.

The Assistant City Attorney responded in the affirmative, stated ARPD centers would be carved out as protected.

Councilmember Ezzy Ashcraft inquired whether there was discussion at a previous

meeting addressing minor enrollment percentages when listing a business as a youth center.

The Base Reuse and Community Development Director responded the ordinance definition states if ARPD makes the determination that a City facility is a recreation center, the City has control over determining whether the facility should be construed as a youth center; it is not a requirement; the City controls the discretionary decision; expressed concern over private businesses documenting youth participation and how to enforce documentation; stated the City has no way of controlling how private businesses keep records; expressed further concern over the City's staffing capacity to undertake such significant enforcement.

Mayor Spencer moved approval of lowering the speaker's time from 90 seconds to one minute.

Vice Mayor Vella seconded the motion, which carried by unanimous voice vote – 5.

Urged Council to adopt the least restrictive language possible: Carrie Tillman, Cannabis Health Advocates.

Outlined cannabis regulations and requirements which protect children: Mark Hirsman, Portman Enterprises.

Urged the Council to move forward: Linda Asbury, West Alameda Business Association.

Urged dispensaries be away from children: Anita Ng, Alameda.

Expressed concern over dispensaries being near youth: Barry Parker, Alameda.

Stated cannabis should not be near youth centers: John Montgomery, Alameda.

Expressed support for safe access to cannabis; urged martial arts businesses not be considered youth centers: Elizabeth Henry, Alameda.

Expressed support for safe access to cannabis: April Alvarez, Alameda.

Expressed support for small business owners; stated not changing the definition is a ban; urged approval of the revision: Michael McDonough, Chamber of Commerce.

Urged Council to consider the amendment: Jennifer Tran, Alameda.

Discussed dispensary operations: Terry Miller, Alameda.

Outlined dispensary good neighbor policy requirements: John Ngu, Alameda.

Urged approval; discussed a University of California, Los Angeles study and provided

statistics: Ryan Agabao, Alameda Safe Cannabis Access.

Discussed benefits of cannabis, which should be sold in grocery stores: Howard Harawitz, Alameda.

Submitted petitions; expressed concern over cannabis being near youth: Joanna Lau, International Chi Institute.

Expressed support for the ordinance: Christina Ramirez, Alameda.

Discussed an online petition to support cannabis businesses and the importance of educating youth: Vivian Vu, Alameda.

Stated that he opposes cannabis businesses near youth centers; suggested the dispensary be delivery only: Wally Beaver, Alameda.

Discussed giving out free cannabis: Phillip Redd, Alameda.

Stated that he opposes the ordinance; dispensaries should not be next to students: Don Sharrat, Alameda.

Expressed support for cannabis: John F. Sikes, Alameda.

Stated cities that have embraced cannabis are now stepping back buffer zones: Serena Chen, Alameda.

Stated businesses can co-exist: Josh Von Trap, Alameda.

Discussed the ages of his students and other uses near the institute: Yangting Ding, International Chi Institute.

Stated that he opposes the ordinance; suggested considering mixed use zones: Ben Mickus, Alameda.

Expressed concern over smoking and protecting youth from addiction: Mohammad Alekozai, Quba Mosque.

Stated that he opposes the dispensary location: Maaz Khan, Quba Mosque.

Expressed concern over placing cannabis businesses near youth: Amanda Naprawa, Public Health Institute.

Stated that he opposes the definition change: Shanon Lee, Alameda.

Stated that he supports cannabis businesses; urged the City should to follow the State definition: Aaron Kraw, Alameda.

Stated that he supports cannabis businesses, which are safe: Miguel Rodriguez, The Green Door.

Expressed concern over allowing cannabis businesses in Alameda: Adnan, Quba Mosque.

Expressed concern over kids being affected by smelling cannabis: Nagi Mohson, Quba Mosque.

Stated the proposal does not provide a consideration of compromise; expressed concerns: Cross Creason, Alameda.

Expressed concern over the proposed cannabis store location: Michelle Wong, Alameda.

Stated that she opposes opening a cannabis store next to the martial arts center: Qiao Feng Chen, Alameda.

Expressed support for cannabis businesses: Nick Portolese, Portman Enterprises.

Expressed support for the ordinance: Tyler Champlin, CN Holdings.

Stated that he opposes opening a cannabis store on Webster Street: Vincent Wu, Alameda.

Expressed concern over targeting the International Chi Center: Rasheed Shabaaz, Alameda.

Urged the Council to move forward: Rich Moskowitz, Alameda.

Councilmember Oddie stated there is a permit application in process based on the ordinance originally passed; once that permit was made public, the location became known; the item being discussed is not directly related to a particular business application; the application will go through the standard process; members of the public can speak at the Planning Board meeting; Council stopping a specific applicant from continuing through the permit process is not on the agenda; discussed a back-door attempt to ban cannabis businesses based on additional buffer zones; expressed concern over a de facto ban.

Vice Mayor Vella stated that she does not believe in spot zoning; no child is going to be entering a dispensary as it is strictly prohibited; discussed the good neighbor policies that can work with the Planning Board processes; safe access is being looked into on the East End and Park Street Business District; the difference between schools and youth centers is a place that solely serves youth; expressed concern over delivery only dispensary options; outlined the benefits of adult use in addition to medicinal use.

Councilmember Ezzy Ashcraft disagreed with Councilmember Oddie's statement related to the discussion at hand not being about the current permit application for a cannabis dispensary on Webster Street; expressed concern over modifying the definition of youth centers to the carve out process to allow the dispensary applicant to proceed on Webster Street; discussed ways to audit businesses in order to prove youth enrollment; stated changing the definition of youth centers is effectively spot zoning.

Councilmember Matarrese stated calling out martial arts studios specifically in the definition of youth centers makes the issue about the Webster Street application; cannabis is still illegal from a federal standpoint and has not been cleared by the Food and Drug Administration (FDA); expressed concern over spot zoning to allow two cannabis permit applications to move forward.

Vice Mayor Vella inquired if the current agenda item will legally impact the application on Webster Street, to which The Assistant City Attorney responded in the affirmative.

Vice Mayor Vella inquired if there would be liability for the City if the language is changed after the fact, to which the Assistant City Attorney responded it is hard to say what an individual party will do, but it is a possibility.

The Base Reuse and Community Development Director stated the application was deemed to be in an eligible location under the current definition and will continue to move through the process, which prompted the discussion about whether or not adjacent uses are primarily serving youth; the amendment will provide clarity for City staff and ensure the regulation and implementation of the ordinance is clear; the item presented is not solely about the proposed dispensary at Haight Street and Webster Street; there are a number of martial arts studios on Park Street as well; staff wants to know the Council's direction to be clear for future Requests For Proposals (RFP) and proper execution of the ordinance.

Vice Mayor Vella inquired whether the 100% youth service requirement would still stand if Council strikes the caveat for martial arts and dance studios, to which the Base Reuse and Community Development Director responded in the affirmative.

Vice Mayor Vella inquired if there is evidence that facilities serve 100% youth, to which the Base Reuse and Community Development Director responded there are two businesses believed to only serve youths; stated that neither of the businesses mentioned are martial arts or dance studios.

; Vice Mayor Vella inquired whether ARPD carve-out could be removed from the language as well and instead state the location must exclusively provide services to youths, to which the Base Reuse and Community Development Director responded in the affirmative; stated it is possible to remove the recreation centers under the youth center definition; documenting whether martial arts studios, which are the most numerous, would pose a challenge for staff to document and verify whether or not youth

are primarily and exclusively served.

In response to Mayor Spencer's inquiry whether or not martial arts would fall under the cultural education definition, the Assistant City Attorney stated the only caveat is some martial arts uses are not considered cultural, such as modern mixed martial arts, which would qualify as a martial arts studio, but not a cultural education center.

Councilmember Matarrese stated when the Planning Board conditional use permit hearing occurs, members of the public will be able to convey how they truly feel.

Councilmember Oddie stated the definition is currently subject to interpretation; he appreciates the inquiry posed by Mayor Spencer.

Mayor Spencer inquired if it is possible to strike the language causing a double standard for ARPD recreation centers, to which the Assistant City Attorney responded in the affirmative.

Mayor Spencer stated the fastest growing demographic for cannabis use is senior citizens; the current status quo is not working; illegal sales are currently happening; urged access to safe, legal, lab-tested cannabis.

Councilmember Oddie moved introduction of the ordinance.

Vice Mayor Vella seconded the motion, with a friendly amendment directing staff to look at the good neighbor policy and work with all of the public who expressed concerns, as well as those who support the item, to see if good guidelines can be created to ensure operators have guidance.

Under discussion, Councilmember Oddie moved approval of giving Councilmembers an additional 30 seconds time.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 5.

Vice Mayor Vella outlined policies which stipulate people cannot smoke outside of a dispensary; stated, different penalties can occur, including license revocation; license revocation through the conditional use permit process can be expedited in the instance of certain violations, which gives the neighbors next door to dispensary facilities an opportunity to weigh-in and express concerns.

In response to Councilmember Ezzy Ashcraft's inquiry if the good neighbor policy is something Council can work on crafting, Vice Mayor Vella stated the direction would be to have staff look into the policy and come back to Council.

Mayor Spencer inquired if there is interest in striking the language referencing ARPD in the definition of youth centers, to which Councilmember Oddie stated not at this time.

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

CITY MANAGER COMMUNICATIONS

(18-646) The Interim City Manager made an announcement regarding a recent fire at a Alameda Housing Authority projects; stated the State of California has allocated several million dollars to California counties to help with homelessness; Alameda County will allocating \$16 million to cities; based on a formula Alameda will receive \$756,524 in one-time funds to help with homeless issues; options will return to Council in January; acknowledged the work and donations from the community relative to protecting citizens from the harmful air the past several days due to the Butte County fires; read a statement related to the fires and air quality and provided information for donations.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(18-647) Consideration of Mayor's Nomination for Appointment to the Library Board and Rent Review Advisory Committee. Not heard.

(18-648) Vice Mayor Vella expressed her appreciation for staff's response; discussed a lead abatement litigation award; stated the City should be aware and might want to join the fight.

Councilmember Ezzy Ashcraft stated the litigation took nine years and cities are only being given five years to spend the settlement; discussed staff's response to the air quality; noted United Way was also accepting donations.

Councilmember Oddie added his appreciation of staff's response.

Councilmember Matarrese expressed his appreciation of staff's response.

(18-649) Mayor Spencer thanked the City Manager for working to ensure the City receives its share of homeless funding; announced the upcoming art in City Hall reception and Midway Shelter run.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 11:59 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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