

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 17, 2023- -5:45 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:49 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Vella arrived at 6:01 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(23-585) Public Employee Performance Evaluation (Pursuant to Government Code Section 54957); Position Evaluated: City Manager – Jennifer Ott

Following the Closed Session, the meeting was reconvened and the Mayor announced that regarding Performance Evaluation, Council conducted the performance evaluation and no vote was taken.

Adjournment

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 6:46 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- - OCTOBER 17, 2023- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:02 p.m. Councilmember Herrera Spencer led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Jensen, Vella, and Mayor Ezzy Ashcraft – 5.
Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(23-586) Proclamation Declaring October 2023 as Disability Awareness and Acceptance Month.

Councilmember Jensen read the proclamation.

(23-587) Proclamation Declaring October 22 through 28, 2023 as National Lead Poisoning Prevention Week.

Councilmember Vella read the proclamation.

ORAL COMMUNICATIONS, NON-AGENDA

(23-588) Brian Kennedy, Alameda, discussed angel families and sanctuary cities.

(23-589) Ginger Gerrish, Alameda, discussed Coast Guard families and Alameda being a Coast Guard City, requested the City's commitment to Coast Guard families.

(23-590) Tod Hickman discussed meeting processes and rules.

CONSENT CALENDAR

Councilmember Herrera Spencer requested the Port Chicago Resolution [paragraph no. 23-607] be removed from the Consent Calendar for discussion.

Mayor Ezzy Ashcraft requested the FAAS lease [paragraph no. 23-595] be removed from the Consent Calendar for discussion.

Councilmember Vella noted that she would recuse herself on the vote for the ASPA lease [paragraph no. 23-597].

Councilmember Herrera Spencer inquired about the guaranteed income grant resolution [paragraph no. 23-596].

The City Manager responded the grant is for the guaranteed income pilot program from the

Soda Foundation to offset some costs related to the program.

Expressed criticism over Port Chicago, which should be a proclamation; expressed support for the Consent Calendar: Tod Hickman.

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

Councilmember Jensen seconded the motion.

Under discussion, Vice Mayor Daysog noted that he recorded a no vote on the guaranteed income program.

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

(*23-591) Minutes of the Special and Regular City Council Meetings Held on September 19, 2023. Approved.

(*23-592) Ratified bills in the amount of \$4,598,208.62

(*23-593) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Clark Services for Additional Maintenance Services for the Harbor Bay Ferry Terminal for an Amount Not-to-Exceed \$584,585. Accepted.

(*23-594) Recommendation to Consent to the Public Utilities Board's Request to Solicit Bids and Sell Surplus Equipment and Trucks. Accepted.

(*23-595) Recommendation to Clarify that the Previously Approved Animal Shelter Operator Agreement with Friends of the Alameda Animal Shelter Includes an Annual Increase Based on the Percentage Change in the Consumer Price Index for a Total 10-Year Compensation Estimate of \$11,574,639. Accepted.

(23-596) Resolution No. 16105, "Amending Fiscal Year 2023-24 Budget Increasing Revenue and Expenditure Appropriations in the Grants Fund (Fund 222) by \$25,000 for a Grant Received for the Guaranteed Income Pilot Program, Rise Up Alameda." Adopted.

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

(23-597) Ordinance No. 3356, "Authorizing the City Manager to Execute a Lease Agreement for Four Years and Eleven Months with the Alameda Swimming Pool Association for Operation and Maintenance of the Pools at Franklin Park and Lincoln Park." Finally passed.

Councilmember Vella recused herself, so the matter carried by the following vote: Ayes: Councilmembers Daysog, Herrera Spencer, Jensen and Mayor Ezzy Ashcraft – 4. [Absent: Councilmember Vella – 1.]

CONTINUED AGENDA ITEMS

None.

REGULAR AGENDA ITEMS

(23-598) Recommendation to Receive an Update on the 2018 Zero Waste Implementation Plan Update; Authorize the City Manager to Execute an Agreement with HF&H Consultants, LLC in an Amount Not-to-Exceed \$280,210 to Update the Zero Waste Implementation Plan; and

(23-598A) Resolution No. 16106, "Amending the Fiscal Year 2023-24 Budget to Appropriate an Additional \$140,105 from the City Waste Management Fund (Fund 261) and \$140,105 from the Integrated Waste Fund (Fund 262) Fund Balances for Completion of the Zero Waste Implementation Plan Update." Adopted.

The Public Works Coordinator and Program Specialist II gave a Power Point presentation.

Mayor Ezzy Ashcraft requested clarification on increasing diversion rates; inquired whether the increase from 79% in 2021 to 81% in 2022 signals recovery from the pandemic.

The Public Works Coordinator responded staff has seen an increase in participation in the recycling and the organics program from commercial and food service sectors and residents; stated there was a dip in participation during the pandemic but there is now a positive trend.

Mayor Ezzy Ashcraft stated there are seven participating independent coffee shops in Alameda using OKAPI, a reusable cup app; inquired whether staff has reached out to companies such as Starbucks, to which the Program Specialist II responded staff is working on it, but it is not easy to get national companies to participate.

Stated OKAPI is working to include more cafes and would appreciate help; inquired if diversion numbers account for contamination in recyclables and compost: Laria Phippen, OKAPI.

Stated Alameda Reusable To Go Project have been working through a StopWaste grant; staff are trying to work with other cafes and boba shops as many are not compliant with the food ware ordinance; Community Action for a Sustainable Alameda is offering assistance and would love to partner with the City: Ruth Abbe, OKAPI

The Program Specialist II stated the diversion rate is determined by Cal Recycle and does not take contamination into account; staff is working to clean streams; residents are required to properly separate items; there could be enforcement if bins are not correctly used.

Mayor Ezzy Ashcraft inquired whether staff could reach out to business associations and talk up the use of reusables in local businesses, to which the City Manager responded in the affirmative.

Councilmember Herrera Spencer inquired about penalizing residents and businesses for placing items in the incorrect bins and how one can control the use of their trash cans when non-residents sometimes throw away items in the incorrect bins.

The Program Specialist II responded penalization is for continued contamination; stated there is no easy solution since regulations are imposed by the State; people can use locked bins.

Councilmember Herrera Spencer inquired what the penalties are, to which the Program Specialist II responded it is a non-collection fee, meaning one could either remove the contamination or pay a small fee to have it dumped by Alameda County Industries (ACI).

Councilmember Herrera Spencer inquired when someone would remove the contamination, to which the Program Specialist II responded it would begin with a courtesy notice and, if continued, a non-collection fee would be charged and residents must contact ACI.

Councilmember Herrera Spencer inquired whether or not trash would be picked up, to which the Program Specialist II responded it would not be the trash, rather it is the recycling and organics.

Councilmember Herrera Spencer inquired whether there are locks one could use for bins, to which the Program Specialist II responded in the affirmative.

Councilmember Herrera Spencer inquired whether staff sells the locks, to which the Program Specialist II responded ACI provides locks.

Councilmember Herrera Spencer inquired how one could get locks, to which the Program Specialist II responded residents can contact ACI customer service to request for a bin with a clasp and lock.

In response to Councilmember Herrera Spencer's inquiry about residents being able to get locks for compost and recycle bins, the Program Specialist II responded in the affirmative.

Mayor Ezzy Ashcraft inquired how the process works during collection day, to which the Program Specialist II responded truck drivers would have keys to bins.

Councilmember Jensen inquired whether staff could comment on the impact of the food ware ordinance and the ability to reach targets.

The Program Specialist II responded staff has recently sent letters to food establishments reminding them about the ordinance; stated there have been about nine straws reports in the past two months; staff is beginning the enforcement process; staff hopes enforcement will help reduce items making their way to the waste stream.

Councilmember Jensen inquired whether staff could remind everybody of the enforcement provisions and penalties which have not yet been imposed.

The Program Specialist II responded staff will issue a notice of violation when a report is received; stated the establishment will have 45 days to demonstrate they are getting into compliance; failure to do so would result in another notice of violation and another 45 days to comply; failure to respond again would trigger the first fine of \$250 and establishments will have another 45 days to comply; afterwards, fines go up to \$500 and \$1,000 in perpetuity until compliance is achieved.

In response to Councilmember Jensen's request for clarification about eight accounts without organic services, the Program Specialist II stated Stop Waste is currently enforcing that aspect; staff anticipates everyone will comply.

Councilmember Jensen inquired if the City identifies organizations not in compliance and if staff

is doing outreach and providing support to said organizations, to which the Program Specialist II responded in the affirmative; stated data is transferred over to Stop Waste for enforcement.

Councilmember Jensen inquired about the largest employers, such as Alameda Unified School District (AUSD) and Alameda Hospital, and if they are in compliance, if oversight is being done, or if they are independently overseen.

The Program Specialist II clarified whether this was in regards to the compliance with having organic service to which Councilmember Jensen responded in the affirmative.

The Program Specialist II stated both AUSD and Alameda Hospital are in compliance with the food ware ordinance, but being in compliance with organics collection is a little dicey since some material come from outside of Alameda.

In response to Councilmember Jensen's inquiry about food ware, the Program Specialist II stated restaurants in the City are required to comply with the ordinance, however, food from Oakland and going to schools staff does not have oversight.

Councilmember Jensen stated that she would appreciate staff including Alameda Hospital and AUSD in the outreach; further inquired whether staff is anticipating targets will be reached, in terms of diversion rate, by the next report.

The Program Specialist II responded staff is going to have to change the way business is done in the City; stated reusables are the way to go, but recycling and organic composting is a good fallback.

Councilmember Jensen stated the project has a way to go, but staff should keep it up; she represents the City on the Stop Waste board.

Councilmember Herrera Spencer inquired if the City or ACI has discretion in regards to fines or if it is due to the legislature, to which the Program Specialist II responded issuing the fines is State legislation; stated staff has to enforce separating items; it is not an option.

Councilmember Herrera Spencer inquired what the fine is and whether it is spelled out to residents, to which the Program Specialist II responded in the affirmative.

Councilmember Herrera Spencer inquired whether the amount of the fine and warnings are specified in the law or whether there is discretion.

The Program Specialist II responded there is some discretion; stated staff uses courtesy notices to begin with and notify a resident or business of non-compliance; after two courtesy notices, a non-collection notice is sent and people have a chance to either clean out the bin, have it picked up or a contamination kit would be used.

Councilmember Herrera Spencer inquired whether everything is discretionary and not itemized in the law, to which the Program Specialist II responded in the affirmative.

Mayor Ezzy Ashcraft stated several Councilmembers were recently on the Green Ribbon Schools tour; two schools were recognized by the U.S. Department of Education for green practices.

Councilmember Vella stated Alameda schools have been leading the nation in sorting waste on campuses and were early implementers before the State law went into effect.

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

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

(23-599) Introduction of Ordinance Authorizing the City Manager to Execute a Lease for Building 11 with Science Corp., Located at 1190 West Tower Avenue, at Alameda Point, Alameda California, for a Term of 10 Years with Two Extension Options (for Five Years Each). Not introduced.

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

Councilmember Herrera Spencer inquired how many mammals would be at the new location, to which the Base Reuse and Economic Development responded that is a question for Science Corp.

The City Manager stated the Food and Drug Administration (FDA) determination is still being discussed; Science Corp may not have the answer to the question.

Councilmember Herrera Spencer inquired whether the lease limits the maximum number of animals, to which the City Manager responded in the negative; stated the intent is to eventually bring the product to humans; staff is unsure since the FDA has not made a determination.

Councilmember Herrera Spencer inquired if Science Corp had the strongest financials of all the companies interested in the building, to which the City Manager responded in the affirmative.

Councilmember Herrera Spencer stated an email indicated a different company had stronger financials in comparison to Science Corp; inquired why staff is recommending Science Corp when it is not the strongest contender.

The City Manager stated goals are also taken into consideration; stated Science Corp would bring a lot of jobs, is an existing business the City could help expand, and has a product that will help humanity.

Councilmember Herrera Spencer stated the company with stronger financials is srmERNST (SRM), who has previously done good work in the City; inquired why staff did not recommend the strong financials of SRM over Science Corp.

The City Manager responded SRM would have purchased the building, invested in it and later leased it; stated the exact use of the building would not be known; knowing the exact use of the building is more favorable.

Councilmember Herrera Spencer inquired if the City has any other buildings rented to business that experiment on animals, to which the City Manager responded in the negative.

Councilmember Herrera Spencer inquired whether the City knows of any other businesses in Alameda that perform experiments on animals, to which the City Manager responded although she does not have names, there are other vivariums in the City.

Expressed support for Science Corp; stated it seems unfair to block Science Corp while simultaneously allowing new restaurants to open as more animals are killed in one week in said restaurants than in the medical research proposed; stated lifesaving cures are animal tested: David Phoenix.

Expressed concern over primate testing; provided examples of animal testing and repercussions: Philip.

Expressed support for Science Corp; stated the goal of pre-clinical program is to demonstrate the safety and efficacy of gene therapy for confidence when delivering the first therapies to human patients; the FDA requires some degree of animal testing for safety reasons before therapy is used on humans; Science Corp takes planning, design, and conduct of animal research extremely seriously and pursues the work with the highest integrity: Jennifer B, Science Corp.

Expressed support for Science Corp; stated it is her duty to ensure the animals have the best life possible by providing high value enrichment and socialization time with humans and other animals, as well as minimizing the amount of pain or distress; there is a team of veterinary technicians, behaviorists, and animal care specialists to ensure animals are cared for at the highest standard: Ashley L, Science Corp.

Expressed support for Science Corp; stated Science Corp aims to restore vision to patients suffering from blindness due to losing cells that normally sense light; Science Corp has a strong commitment to ethical practices surrounding animal research: Beth C, Science Corp.

Stated that she does not support Science Corp; many people suffering from diseases do not want animals to be maimed before potential treatments are tried on humans; although research and science are vital, Science Corp does outdated and harmful research; animals are confined in unnatural and stressful settings, which harms the animals and human workers who suffer psychological distress from having to witness and cause harm to animals: Crystal Heath, Our Honor.

Stated that he does not support Science Corp; Neuralink employees have told reporters about the company's work resulting in animal suffering and unnecessary deaths; some deaths were gruesome; quoted scientists and workers who previously worked for the company: Ryan Merkley, Physicians Committee for Responsible Medicine.

Expressed concern over animal testing; stated over 90% of experiments done on other species fail in human trials; animals are treated very poorly; the ends do not justify the means: Carla Cabral.

Stated that he does not support Science Corp; over 1,500 animals have suffered and died at Neuralink since 2018; records have shown monkeys have been subjected to invasive brain experiments, infections, internal bleeding, and death; stated it is wasteful, archaic, and unnecessary: Curtis Vollmar, Compassionate Bay.

Stated animals have been used across many fields in many types of research; saying no simply means the business will locate elsewhere, possibly to states or regions with less regard for ethical practices, which then loses the opportunity to have meaningful influence that comes from engagement; science is not at a point where test on is not done on animals yet: Joe Ernst, Alameda.

Provided examples of how some historic medical breakthroughs were made thanks to animal testing: Pouyun, Science Corp.

Stated there is a lot to be excited about when working on cures for blindness: Terence R, Science Corp.

Stated the mission of Science Corp drew her in because of the impact they can have on the advancements in medical technology and human lives: Kylie A, Science Corp.

Expressed support for Science Corp; stated the use of animals in some forms of biomedical research remains essential to the discovery of causes, diagnosis, and treatments; everyone in the room has been affected by the advancement of health science animal research: Chris Baker.

Stated that she does not support Science Corp; expressed concern over using Alameda land to expand animal research when society should be reducing the use; stated the United States Department of Agriculture regulates treatment of animals in labs, but are doing a poor job: Geralyn Gu, Alameda.

Stated that she does not support Science Corp; animals in labs do not consent to be there, are harmed in the experiments, and are all killed at the end of the experiments; it is up to the City to stand up for animals: Almira Tanner.

Expressed support for Science Corp; stated he is excited to work at Science Corp because of the opportunity to make a positive impact on humanity; he hopes the solution is developed in Alameda: Seton Schiraga, Science Corp.

Stated by the time the device is developed, millions will have gone blind from lack of basic healthcare; human, relevant methodologies will move forward human healthcare: Janet Davis.

Stated that she does not support Science Corp; discussed what monkeys are subjected to during experiments; stated the company often fails to follow its own research protocols; there is no need to develop invasive devices that kill animals; the company should opt for a more progressive focus, such as improving non-invasive devices; researchers around the world have a long-term focus on phasing out animal testing: Bonnie Carlson, Alameda.

Stated that she and the East Bay Animal PAC do not support Science Corp; she did not hear anything in the proposal saying the City will be holding Science Corp to any higher standard than what the FDA requires: Nara Dahlbacka, East Bay Animal PAC.

Expressed support for Science Corp; stated renting the building is not only a business move, but signifies a deep commitment to the community he has grown to cherish and a mission he wholeheartedly believes in: Jose, Science Corp.

Stated that she does not support Science Corp; Alameda has a no-kill shelter and should not have a facility that kills over 1,500 animals in a month; expressed deep concern and disappointment: Teresa Guarino, Alameda.

Stated that she does not support Science Corp; stated the City should not be leasing property to a highly controversial company and issue; she does not agree with how monkeys will be used: Rayla Graber, Alameda.

Stated that she does not support Science Corp: Carole Lohr, Alameda.

Expressed support for Science Corp; stated in the hiring process, there is an emphasis on skill and a deep sense of compassion towards others and animals; stated Science Corp prioritizes ethical practices: Robert Uimy, Science Corp.

Stated that he does not support Science Corp; he does not want to see animal testing at all; he does not want to consider an unfair thing to do as normal: Alexander Taylor.

Stated that she supports Science Corp as she continues to support the life science industry and its growth in Alameda; the Chamber encourages scientific research, encourages emerging changes and wants to make sure every business that contributes to Alameda's employment and local economy is welcome: Madlen Saddik, Chamber of Commerce.

Stated that he does not support Science Corp; he is disturbed by animal testing images: Tod Hickman.

Stated that she does not support Science Corp; animals do not have a voice; she would never allow such businesses around her kids: Susana Chavez.

Stated that he does not support Science Corp; a majority of products tested on primates never come to market for humans; it would be irresponsible to grant the lease: Paul Darwin Picklesimer.

Stated that he supports Science Corp; he previously worked for another company where that did not have animals on site and had to go to a third-party contract research organization, meaning there is a higher chance to do poorer, longer experiments: Umer, Science Corp.

Stated that he supports Science Corp; animals are biologically very similar to humans; the economic impact makes it an intelligent business decision; many jobs will become available: Warner Bonner, Innovation Properties Group.

Stated that he does not support Science Corp; there is a need for medical advancements, however, an incredible amount of animal testing is unnecessary; the lease is inconsistent with Bay Area values as a community engaged with a holistic view of our environment and society: John Bauters, Emeryville.

Stated that she does not support Science Corp, which is against the values of the community and will be protested regularly: Cathy King, Alameda County resident.

Mayor Ezzy Ashcraft closed public comment.

(23-600) Councilmember Vella moved approval of allowing 5 minutes for a Science Corp speaker.

Councilmember Herrera Spencer inquired if there was a reason why Mr. Hodak did not speak earlier; stated the order is typically staff followed by the lead of the company; inquired why he is last; stated that she does not support speakers to speak after him because they should have the right to respond to his comments.

Councilmember Vella stated that she takes the blame; she wanted to hear from members of the public.

Councilmember Herrera Spencer stated the public posed questions; public comment should be kept open to allow response if speakers have not already commented.

Councilmember Vella stated that she is fine with keeping public comment open if there are additional comments from those who have not spoken.

Councilmember Herrera Spencer seconded the motion.

Under discussion, Councilmember Vella inquired whether Council could ask clarifying questions, to which Mayor Ezzy Ashcraft responded questions could be asked when she calls on Council as to not interrupt the speaker.

Councilmember Herrera Spencer requested clarification about asking questions during the presentation, to which Mayor Ezzy Ashcraft responded questions are not allowed to prevent interrupting someone midsentence.

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

Max Hodak, Science Corp, gave a brief presentation regarding Science Corp.

Councilmember Herrera Spencer inquired whether Science Corp is currently in Alameda, to which Mr. Hodak, Science Corp, answered in the affirmative.

Councilmember Herrera Spencer inquired how long the company has been in Alameda, to which Mr. Hodak responded about two years.

Councilmember Herrera Spencer inquired whether Science Corp does not currently have, but has rabbits, to which Mr. Hodak responded in the affirmative.

Councilmember Herrera Spencer inquired whether there are rodents, to which Mr. Hodak responded in the affirmative.

Councilmember Herrera Spencer stated that she went to tour the facility because she wanted to see the vivarium; she was unable to see the animals; inquired where the animals are, to which

Mr. Hodak responded medical screening is required to enter the vivarium; stated if Councilmembers would like to visit, it could be arranged.

Councilmember Herrera Spencer inquired if any staff members saw animals.

Mr. Hodak responded that he does not think any staff members have seen animals; stated animals are in biotech labs throughout Alameda; there are fewer large animals, but there are rodents; if large animals are at the site, there would be public records, making it easy for the City to follow animal use.

Councilmember Herrera Spencer inquired what happens to animals when they die.

Mr. Hodak stated tissue is examined to understand how the drug worked.

Councilmember Herrera Spencer inquired what happens to the bodies after the tissue needed has been taken, to which Mr. Hodak responded it is turned into data in large part.

Mayor Ezzy Ashcraft clarified Councilmember Herrera Spencer's question is what happens to the physical body of the animal.

Mr. Hodak stated if interested in how the gene therapy reaches different tissues, one has to look at the tissue under a microscope and try to understand what happened in that animal.

Councilmember Herrera Spencer inquired how the tissue is disposed of, to which Mr. Hodak responded it is sliced into thin sections and imaged.

Mayor Ezzy Ashcraft inquired what happens when the specimen is no longer needed, to which Mr. Hodak responded it is biohazard waste, which is a dedicated waste stream.

Councilmember Herrera Spencer requested clarification and asked where the body goes. to which Mr. Hodak responded a vendor picks up biohazard waste.

Councilmember Herrera Spencer inquired whether or not what happens to the remains is known, to which Mr. Hodak responded that he would be happy to get more information.

Mayor Ezzy Ashcraft inquired if another member of Science Corp could answer Councilmember Herrera Spencer's question.

Kylie A., Science Corp, responded Science Corp works with Veolia, a waste management company for biome chemical waste; stated waste is picked up weekly; Science Corp follows all practices required by the State to ensure all waste is disposed of properly and in the correct waste streams; a very specific program is required for biome chemical waste, which staff is welcome to see.

Councilmember Herrera Spencer stated that she asked for pictures or anything that describes what the vivariums look like since she was unable to see it or the experiments done; videos she was sent were from Neuralink, which Mr. Hodak is trying to distance himself from; expressed concern over using a public building; stated the public should have the opportunity to know what is going on; inquired if anyone brought any visuals of experiments.

Mr. Hodak responded pictures of the current space could be provided; stated a public tour could be done in the new building as Science Corp intends to be transparent.

Councilmember Herrera Spencer stated that she asked Science Corp and staff in advance to be able to make a decision tonight; inquired whether staff has any pictures, to which the City Manager responded in the negative.

Councilmember Vella stated BioCom California might be taking a stand; inquired whether or not Science Corp is joining in the call for the federal government to modernize standards for life sciences testing, to which Mr. Hodak responded in the affirmative.

Councilmember Vella inquired if he was going to be a signatory, to which Mr. Hodak responded he has not seen the specific letter.

Mayor Ezzy Ashcraft requested clarification about what Mr. Hodak meant when he responded in the affirmative to Councilmember Vella's question about joining the call for federal government to modernize standards for life sciences.

Mr. Hodak stated that he believes going to human studies waits too long and there are too many upfront animals; more would be learned if human subjects were used earlier in the right settings; Science Corp would love to be part of a reform process.

Mayor Ezzy Ashcraft inquired if Councilmember Vella could share what the movement is for those not familiar.

Councilmember Vella stated a number of people have been working on a forthcoming public call to the federal government to modernize standards for life sciences testing to reduce and eliminate federally mandated animal testing requirements; she is curious if Science Corp would be a signatory.

Kylie A. stated Science Corp is a member of and works with BioCom to have necessary, current information; Science Corp has not yet read or seen the letter.

Mayor Ezzy Ashcraft inquired what is BioCom, to which Kylie A. responded it is an organization that supports the continuance of life sciences across California; stated BioCom has many platforms, including public policy practices.

In response to Mayor Ezzy Ashcraft's inquiry, Councilmember Vella stated a letter that is going to become public already has a number of signatories; her question is whether or not Science Corp is currently involved in the effort or if they will be eventually joining.

Kylie A. responded Science Corp is not currently a part of that effort.

Mayor Ezzy Ashcraft requested clarification on whether or not Science Corp would commit to signing on to the letter.

Mr. Hodak stated Science Corp is not familiar with the letter, but is conceptually very aligned with reform and the role of animals.

Vice Mayor Daysog stated Council must carefully read the lease and understand the terms; he

found various parts confusing; inquired tenant affiliates could be explained; stated what confused him is the part where the tenant affiliate could suddenly become the controller of the tenant.

Mr. Hodak responded the City expressed concerned about subleasing because of previous experiences; stated subleasing flexibility was removed; a subsidiary would not count as a sublease.

The City Manager stated in development and real estate transactions, assignment is typically prohibited the lease cannot be signed over to a different lessee; a transfer to another entity might be needed tax reasons or other business reasons; having carve outs is common to allow tenants to change corporate structures while remaining a majority owner.

The City Attorney the language in Section 13.5; stated it is a carve out that, in short, allows tenant affiliates to assume the lease with minimal or no consent from the City; stated Council could ask staff to strike the provision if it grants too much control.

Vice Mayor Daysog stated the sublease provision indicates the City has limited say on who Science Corp subleases to; inquired if permitted use means the use consistent with the zoning of the area.

The City Attorney responded the City's control in assignments can be briefly characterized as anything 40% or more.

Mayor Ezzy Ashcraft requested clarification about what the 40% was in reference to, to which the City Attorney responded 40% of the space.

In response to Mayor Ezzy Ashcraft's inquiry, the City Attorney stated if Science Corp chooses to sublease 40% or more of its space, the City has a right to say no and can take back the building; stated under 40% is reasonable and the City does not have a refusal right.

The Base Reuse and Economic Development Director stated notification is required prior to any sublease; the City cannot unreasonably withhold approval; if the notification states greater than 40% of the building would be sublet, the City could refuse and take back the building.

Councilmember Vella inquired what the timeline would be and if it is spelled out; inquired what constitutes notice and how much time the City would have; inquired if City would be allowed to put the building out to lease once it is taken back or if the City would end up in a legal conflict that may not get resolved for a certain period of time.

The Base Reuse and Economic Development Director responded that she does not recall if a specific number of days is in the language.

The City Manager stated there is usually a default, which must be noticed; afterwards, there is usually a number of days to cure.

Mayor Ezzy Ashcraft called a recess at 9:51 p.m. and reconvened the meeting at 10:05 p.m.

Councilmember Vella inquired about the timeline and whether the number of days could be listed; expressed concern about potential notification issues relative to Council review.

The City Manager responded Section 13.3 states 30 days and another time frame is under the landlord capture; stated Councilmember Vella wants to make sure staff has sufficient time to process the review; the question is whether or not it could be extended to 90 days or more; Science Corp is willing to work with staff on time frames if necessary.

Councilmember Vella stated staff provided several options, including a provision that would potentially limit having a vivarium or prohibiting animal testing as part of the lease; inquired if options had been put forward and what is Science Corp's position.

Mr. Hodak responded it would not be feasible for Science Corp to have the building with no animals at all; stated Science Corp could agree to not have any primates at Alameda Point.

Councilmember Herrera Spencer inquired if there are any limitations about what research can be done at the lab.

The Base Reuse and Economic Development Director responded permitted uses are under the Guided Use Section on page 4, which is currently broad and states research and development, clean manufacturing and production, administration, assembly, machining, warehousing and office use, and related ancillary uses.

Councilmember Herrera Spencer requested clarification about experimenting on animals, to which the Base Reuse and Economic Development Director responded the definition is wide ranging.

Councilmember Herrera Spencer stated on April 4, 2021, Mr. Hodak tweeted Science Corp could: "build Jurassic Park if we wanted to..."

Mr. Hodak stated the tweet was not a serious proposal; primates are used because they are similar to people; thinking about future technologies, there are opportunities to use biotechnology tools to develop and engineer simpler systems and figure out how to not use animals and make it more humane and kind, which is at the heart of what Science Corp does.

Mayor Ezzy Ashcraft inquired what it would look like if tools in nature could help us figure out how not to use animals, to which Mr. Hodak responded organoids is an example of technology.

Councilmember Jensen stated Science Corp's recent scientific paper regarding research on rabbits stated: "there is proof of concept that an implanted optogenetic retinal display can work with no clinically relevant inflammation;" inquired about the treatment of animals used in the research.

Jennifer B., Science Corp, responded the key was to make the eye and its cells sensitive to light by injecting a bit of the virus into the eye to infect the cells; stated the procedure is non-invasive and commonly done in human clinics; there are minor side effects; the most extreme is acute inflammation on top of the eye which subsides after a day or two with no treatment.

Councilmember Jensen inquired if animals were sacrificed or killed for this procedure, to which Jennifer B. responded in the negative.

Councilmember Jensen inquired whether the paper was published and peer reviewed, to which Jennifer B. responded in the affirmative.

Councilmember Jensen inquired whether Science Corp would be getting questions if the publication identified issues with the humane treatment of animals, to which Jennifer B. responded in the affirmative.

Councilmember Jensen expressed concerns raised by advocacy groups related to experiments on the brain; inquired about Science Corp's current schedule to use and experiment on primate brains.

Mr. Hodak stated Science Corp is currently in discussion with FDA about whether only rabbit data is accepted or if primate studies are required; stated there is a high chance primate testing will be required for the eye and gene therapy since primate immune systems are closer to humans; the work can be done outside of Alameda Point.

In response to Councilmember Jensen's inquiry, Mr. Hodak stated Science Corp is working on a project involving brain implants, which can be done outside of Alameda Point; every primate is a very high value animal that is worked with for years and later retired to sanctuary whenever possible; stated the interaction differs from a rabbit or rodent.

Councilmember Jensen inquired whether the work is not currently scheduled, however it is possible a primate will have to be used for the retinol research depending on FDA feedback, to which Mr. Hodak responded in the affirmative.

Councilmember Jensen inquired how many times Science Corp has been fined or disciplined by federal oversight agencies for compliance issues relating to animal experimentations, to which Mr. Hodak responded never.

Councilmember Jensen inquired whether the subletting provision is unique to the lease with Science Corp.

The Base Reuse and Economic Development Director responded a standard lease would include greater than 20% of the space being subleased; stated the percentage increased to 40% through the negotiations because of the scale, configuration, and unique physical aspects of the warehouse.

Councilmember Jensen inquired whether leases for Alameda sites and buildings specifically prohibit subletting buildings of this size, to which the City Manager responded in the negative.

Councilmember Jensen inquired whether Alameda could adopt an ordinance to prohibit any animal experimentation on private property, to which the City Attorney stated Council may do so through zoning.

Councilmember Jensen asked whether it would be a zoning ordinance amendment, to which the City Attorney responded in the affirmative.

Councilmember Jensen inquired whether there are any regulations for pet breeders in Alameda, in regards to humane treatment.

The Strategic Advisor stated there are regulations related to the keeping of chickens, cows, and horses.

Councilmember Jensen inquired whether there were any for pets or primates, to which the Strategic Advisor responded in the negative; stated there are a large number of vivariums of various scales in Alameda business parks today.

Councilmember Jensen inquired if there are more than 100, to which the Strategic Advisor responded in the negative; stated he is unsure of the exact number.

Councilmember Jensen stated Council recently cut the ribbon for a new business in Harbor Bay Business Park, which is about 17 clean rooms; stated clean rooms can be used for animal experiments.

Stated that she does not support Science Corp; animals are sentient individuals that deserve love, kindness, and respect, not being tormented and experimented on: Katya Gaidaeva, Alameda County resident.

Stated that she does not support Science Corp; the City should welcome science companies that embrace non-animal research models: Antonia Moore, San Mateo.

Stated that she does not support Science Corp; being a subject for human experimentation is not a life worth living; a world should be created where animals are seen as people, not property: Priya Sawhney, Alameda County resident.

Stated that he does not support Science Corp; using animals for testing is ineffective; questioned how many monkeys actually go to sanctuaries: Joe Allman.

Stated that she does not support Science Corp; it is not a good idea to put the use in a tourist corridor; expressed concern over procedures: Shelby Sheehan, Alameda.

Stated that she does not support Science Corp; expressed concern over animal viruses that will be introduced: Carol Gottstein, Alameda.

Expressed support for Science Corp; stated for humanity's sake, animal testing is still needed until a better way is introduced: Joe LoParo, Alameda.

Mayor Ezzy Ashcraft stated this is a tough topic; Alameda believes in and values science and education; she would like to see Science Corp commit to following the BioCom effort; the world is not yet in a place where animal testing cannot happen.

Councilmember Vella stated that she supports science; Alameda has an opportunity to push to make the industry better; Science Corp should support and sign the BioCom letter; many other places in the world do far less testing on sentient beings; she is not comfortable moving forward with the lease as it stands; it is not in line with her values.

Mayor Ezzy Ashcraft inquired if there is nothing Science Corp could do to make Councilmember Vella consider the lease.

Councilmember Vella expressed concern about Science Corp still conducting experiments elsewhere; stated other competitors are very active in trying to change regulatory standards; once a tenant is in place, it is difficult to take control back if there were violations; expressed concern over lease terms as past bad experiences that have been costly and difficult.

Mayor Ezzy Ashcraft inquired whether her mind would change if there were no animal testing, to which Councilmember Vella responded it is still problematic since Science Corp would still conduct animal testing experiments elsewhere.

(23-601) Councilmember Vella moved approval of hearing the two leases [paragraph nos. 23-597 and 23-599] and the two pulled Consent Calendar items [paragraph nos. 23-595 and 23-607] and continuing until midnight.

Mayor Ezzy Ashcraft requested the Referral [paragraph no. 23-608] also be included in the motion.

Councilmember Vella concurred with the amendment to the motion.

Councilmember Herrera Spencer requested an amendment to the motion to only hear the two leases and end the meeting at 11:30 p.m.

Councilmember Vella did not accept the amendment to the motion.

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

Councilmember Herrera Spencer stated the Physicians Committee for Responsible Medicine was able to get over 600 pages of information from Neuralink because work was done with UC Davis, a public institution; inquired if veterinary records are public information when the company does not work with a public institution.

The City Attorney stated anything submitted to the City would be public information; stated if not submitted, he cannot speak to whether or not it is public information as it would be up to the company.

Councilmember Herrera Spencer requested clarification on if it would be public information, to which the City Attorney responded probably not.

Councilmember Herrera Spencer stated that she disagrees with this way of doing business; she does not believe it is the highest and most ethical way of doing business because there is no oversight from a public institution and the public cannot make public information requests; inquired about viral vector and if staff knows whether or not it is used, to which the City Manager responded that she does not know.

Councilmember Jensen stated viral vector is used and it is cited in the research paper provided to Councilmembers.

Councilmember Herrera Spencer stated that she would like an answer from staff; expressed concern about the title, which should have included animal research; stated staff is being transparent is critical.

Vice Mayor Daysog stated the matter comes down to what Council values for public space; Alameda values a public space that does not kill animals or allow vivisection; stated he will not be supporting the item tonight.

Councilmember Herrera Spencer stated when staff brings a contract that deviates from standard practice, it must be highlighted so everyone is aware.

Councilmember Jensen stated that she eats animal products; she relies on State and local regulatory agencies to make sure animals are treated humanely; Science Corp is meeting guidelines and requirements of oversight organizations; she does not condone the cruel treatment of animals; if there is any evidence of Science Corp doing so, she would not be in support; inquired if the lease agreement could include conditions expressly addressing humane care.

Mayor Ezzy Ashcraft inquired Science Corp could continue leasing space on private property and conduct research there so Alameda Point public property does not involve any animal experiments.

Mr. Hodak responded he is not sure whether that could happen tonight, but Science Corp would love to discuss the matter if a concession would convince the City; he is sure conditions, transparency, or reporting could be added; it does not have to be just primates; rodent use is widespread in Alameda and is inseparable from biotech research; there could be a conversation about different species.

Mayor Ezzy Ashcraft stated that she is hearing an objection from her colleagues to any animal testing in Alameda Point; it would be a bifurcation of the operation; she is unsure what would convince Councilmembers.

Councilmember Vella states Mr. Hodak has made it clear what is needed in terms of their model and the plan for Science Corp; it may not be worth discussing.

Vice Mayor Daysog stated public facilities should commit to no kill and no vivisection.

Councilmember Herrera Spencer moved approval of rejecting the tenant and directing staff to issue a new Request for Proposals (RFP).

Vice Mayor Daysog seconded the motion.

Under discussion, the City Manager stated an RFP is very broad; it would be helpful to have some direction; as the decision will have an impact on economic development at the Base.

Councilmember Vella stated it would be helpful for Council to go to Alameda Point and take stock of properties before an RFP is done; a plan and clearer direction on how to proceed should be provided to staff.

Vice Mayor Daysog requested clarification if the absence of 4 votes is a denial or if Council

have to affirmatively vote to deny the lease, to which the City Attorney stated the lease does not stand without 4 votes.

Councilmember Vella stated that she prefers Council does not reject, but rather gives clear direction for staff to come back with a plan to establish what Council wants.

On the call for the question, the motion failed by the following voice vote: Ayes: Councilmembers Daysog and Herrera Spencer– 2. Noes: Mayor Ezzy Ashcraft – 1. Abstentions: Councilmember Jensen and Vella – 2.

Councilmember Jensen moved approval of the lease with Science Corp for Building 11 [introduction of the ordinance].

The motion failed for a lack of second.

(23-602) Councilmember Herrera Spencer moved approval of giving Councilmember Vella and Mayor Ezzy Ashcraft an additional 1 minute speaking time.

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

Councilmember Vella moved approval of not taking action on lease, but rather coming back to Council with study session for Alameda Point leases.

Councilmember Herrera Spencer seconded the motion.

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

Councilmember Jensen inquired if the motion was to not enter into a lease with Science Corp.

Councilmember Vella responded in the affirmative; stated staff would come back with a study session.

Mayor Ezzy Ashcraft requested clarification of the motion.

Councilmember Vella stated that she is not comfortable with moving forward with Science Corp; stated her motion is to not move forward with the lease and come back with an agendaized study session for Alameda Point leases and plans.

Councilmember Herrera Spencer seconded the clarified motion.

Following clarification of the motion, the Mayor called the question again and the motion carried by the following voice vote: Ayes: Mayor Ezzy Ashcraft and Councilmembers Daysog, Herrera Spencer, Vella – 4. Noes: Councilmember Jensen – 1.

(23-603) Introduction of Ordinance Authorizing the City Manager to Execute a Second Amendment to the Lease with Park Street Wine Cellars, Inc. for Approximately 700 Square Feet

of Retail Space in the Historic Alameda Theatre Located at 2315 Central Avenue, Suite 122, to Modify Lease Term and Accelerated Rent Deferral Repayment Schedule. Introduced.

The Acting Management Analyst gave a Power Point presentation.

Councilmember Vella moved introduction of the ordinance.

Councilmember Herrera Spencer seconded the motion.

Under the discussion, Councilmember Herrera Spencer stated that she appreciates staff and Council's efforts to work with the tenant; encouraged residents to visit the shop before it closes.

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

(23-604) Introduction of Ordinance Authorizing the City Manager to Execute a First Amendment to the Lease with Play House, LLC, Doing Business as Director's Cut (Project Burger), for Approximately 1,850 Square Feet of Retail Space in the Historic Alameda Theatre Complex, Located at 2319 Central Avenue, to Modify Monthly Rent and Lease Term, Establish Operating Provisions, and Relieve Outstanding Rent. Introduced.

The Acting Management Analyst gave a Power Point presentation.

Councilmember Herrera Spencer inquired why the City is forgiving \$238,000 in past due rent.

Mayor Ezzy Ashcraft responded it is because the City has overcharged the tenant for a while.

The Strategic Advisor stated Mayor Ezzy Ashcraft's comment is correct; the current rent is above market rate; one option would be to terminate the lease now or go after the money, but he does not believe it is worth the time, effort, or money; the strategy is to help the tenant build back the business for two years with a six and 12 month check-in.

The City Manager stated COVID-19 relief was provided to surrounding tenants, but Project Burger did not receive assistance.

Mayor Ezzy Ashcraft stated the tenant's request for COVID-19 relief was never brought to Council; stated tenant was being charged 25% more than market rate.

Councilmember Herrera Spencer stated COVID-19 relief, to her understanding, required having employees and that is why the tenant was not eligible.

The Strategic Advisor stated the tenant does not currently have any staff.

Councilmember Herrera Spencer stated, to her understanding, COVID-19 relief was offered to companies with employees; inquired if staff is unaware of the requirement.

The Strategic Advisor stated that he is unaware, but he is not currently focused on the issue since it is clear the tenant has no assets.

Councilmember Herrera Spencer inquired how staff would check in to ensure the space should not go to a viable business.

The Strategic Advisor responded an option would be to direct staff to terminate the lease immediately, but the storefront would be vacant for about two years; stated staff thought it would be worth giving the tenant an opportunity to build his business since it gets great reviews.

Councilmember Herrera Spencer inquired if the tenant would be required to hire more staff, to which the Strategic Advisor responded in the affirmative.

Councilmember Herrera Spencer inquired about the extended hours.

The Strategic Advisor responded the tenant has six months to hire new staff and must expand hours by month 12; stated the business currently offers 36 hours of service.

Mayor Ezzy Ashcraft stated the tenant will be required to maintain a regular lunch service at least 5 days per week and dinner service at least 4 days a week.

The Strategic Advisor stated the recommended amendment is to give the business a chance to rebuild over two years; if the business fails to do so at six or 12 months, the lease will terminate; another option is to terminate immediately.

Councilmember Herrera Spencer inquired how staff would monitor the tenant to ensure employees are hired and the business is open more hours.

The Strategic Advisor responded the tenant must submit monthly reports.

Councilmember Herrera Spencer inquired whether or not staff would be checking in, to which the City Manager responded there would be spot checks, which has been done before with other tenants.

Councilmember Herrera Spencer stated that she would appreciate staff doing spot checks from time to time.

Councilmember Vella inquired if there was a reason the lease is not ending at 12 months and why there is an option for a second year.

The City Manager stated if the tenant does not hire staff and is unable to work more hours after 12 months, the lease would be in default and another year would not be given.

Councilmember Vella inquired about the wording of the lease; stated it seems as though tenant is being given an option on the 12 months; suggesting changing the language to staff is giving tenant a 12 month lease with an option if conditions are met; stated that she is okay with forgiving the rent.

The City Manager stated that she is okay with wording the lease as suggested; there was some direction about giving the tenant two years, but it is up to Council; the lease would have to be return to Council.

Mayor Ezzy Ashcraft suggested going through with the two-year term; stated it takes time to get up to speed; the tenant has been doing well despite the City not being a good landlord; the tenant was being overcharged for rent and the request for COVID-19 relief funds never came to

Council; COVID-19 funds were to help businesses stay in business.

Councilmember Jensen moved introduction of the ordinance.

Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Herrera Spencer requested a friendly amendment; stated the term should be one year with an extension, as opposed to two years.

Councilmember Jensen stated that she made a motion to approve the staff recommendation; stated if the motion does not pass, another motion can be made.

Vice Mayor Daysog stated his decision is based upon the analysis and recommendations of staff; \$230,000 is a high number to forgo, but he is okay with helping a self-employed business whose rent was higher than it should have been and because the tenant missed out on the COVID-19 relief.

Vice Mayor Daysog seconded the motion, which required four affirmative votes and failed by the following voice vote: Ayes: Councilmembers Daysog, Jensen and Mayor Ezzy Ashcraft – 3. [Noes were not called].

Councilmember Vella stated that she would prefer the option since the City required there be employees in order for COVID-19 funds.

Mayor Ezzy Ashcraft stated she is unsure whether or not there were employees at some point.

Councilmember Vella inquired when the request came in and who was in charge of the lease.

Mayor Ezzy Ashcraft responded there is no documentation; stated the City definitely overcharged the tenant.

Councilmember Vella expressed concern about Council giving tenant a two-year lease and later having a default; stated there will be an empty storefront for a few months if there is a new tenant; she would rather do the one year with an option to renew; stated having an option is stronger.

The Strategic Advisor clarified the option would be up to the discretion of the City; stated if tenant has not met the same provisions, it would be up to the City to say the tenant will not receive a second year as criteria set has not been met.

The City Manager inquired if Councilmember Vella would like it to be an automatic extension based on staff confirming monthly reports show the tenant is in compliance.

Councilmember Vella responded in the negative; stated that she would like it to be as standardized as possible since there are many critiques about what is done with City property and funds; staff should come back to Council and recommend moving forward with the lease if all criteria is met; if it comes back and conditions are not met, she would rather be in a place to be able to say the City will not be moving forward with the option.

In response to the City Manager's inquiry about the option coming back to Council,

Councilmember Vella stated Council's sole discretion, but she would like to hear from the City Attorney [about how to formulate the motion].

The City Attorney stated Subsection 2, in the terms provision, would change to determine the lease is amended to terminate on October 31, 2024, the City shall have an option in its sole and complete discretion to extend the lease by an additional year upon the affirmative vote of 4 Councilmembers; stated Subsection D would be deleted as it deals with the termination at 12 months; stated Section 3 remains to provide the rent if Council exercises the option.

Mayor Ezzy Ashcraft expressed concern about the tenant meeting all of the criteria at the end of a year, coming back for an affirmative vote of 4 Councilmembers, and a Councilmember deciding they do not like the tenant even if he has met all the criteria; inquired why not let staff make the determination.

Councilmember Vella stated staff did not come to Council when the rent was over market; expressed concern over there being a lack of documentation of oversight.

Mayor Ezzy Ashcraft stated staff sitting here today is not the same staff as before; she would like to be as fair as possible to tenants; inquired even if tenant meets every criteria set, they would still have to come back as it would not be enough for staff to report back to Council, to which Councilmember Vella responded in the affirmative; stated that she would like to ensure language is clean and there are oversights.

Mayor Ezzy Ashcraft inquired if language is as clear as possible and tenant meets criteria or not, if staff could report back; she would prefer to be able to question staff.

Councilmember Vella stated she would like to have a public vote on the public property.

Mayor Ezzy Ashcraft stated that she feels as though Council is holding some tenants to a higher standard than others.

Councilmember Herrera Spencer seconded the motion outlined by the City Attorney.

Under discussion, Councilmember Herrera Spencer stated \$280,000 is a lot of money; COVID-19 money, to her understanding, was for businesses with employees; the tenant decided to enter into the lease; inquired whether this was an arm's length agreement, to which the City Attorney responded in the affirmative.

Councilmember Herrera Spencer stated the City is being generous in waiving \$280,000, which was not offered to every tenant; inquired whether there have been any incidents where tenants have left Alameda because rent was too high.

The City Attorney responded he is not aware of any.

Councilmember Herrera Spencer stated there have been; an 8 p.m. closing time is too early and she would like to see the business close at 9 p.m. Monday through Thursday and 10 p.m. on weekends; Yelp reviews mention wait-times; she agrees with the one year agreement and circling back, as well as spot checks.

Mayor Ezzy Ashcraft stated that she would not call it generous to have overcharged the tenant

by 25%; there was on oversight on City's part, which is being corrected; she would like to think people doing business with the City could reasonably expect to be treated fairly.

Vice Mayor Daysog stated that he recalls the tenant had a business partner; someone had to have been an employee.

The City Manager stated the tenant originally had a partner who left, making it difficult since the tenant is a chef.

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

(23-605) Councilmember Vella moved approval of hearing the Port Chicago 50 resolution [paragraph no. 23-607] under Continued Items on November 7, 2023, as well as the Friends of the Animal Shelter (FAAS) agreement [paragraph no. 23-595].

Councilmember Jensen seconded the motion.

Councilmember Herrera Spencer stated that she would prefer to hear the FAAS item tonight.

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

CONSENT CALENDAR - ITEMS REMOVED FOR DISCUSSION

(23-606) Recommendation to Clarify that the Previously Approved Animal Shelter Operator Agreement with Friends of the Alameda Animal Shelter Includes an Annual Increase Based on the Percentage Change in the Consumer Price Index for a Total 10-Year Compensation Estimate of \$11,574,639. Continued to November 7, 2023.

(23-607) Adoption of Resolution Supporting Local, State, and Federal Efforts to Exonerate the Port Chicago 50. Continued to November 7, 2023. Continued to November 7, 2023.

CITY MANAGER COMMUNICATIONS

Not heard.

ORAL COMMUNICATIONS, NON-AGENDA

Not heard.

COUNCIL REFERRALS

(23-608) Consider Directing Staff to Draft an Ordinance Amending the Sunshine Ordinance to Move to a Hearing Officer Model to Hear Sunshine Ordinance Complaints. (Mayor Ezzy Ashcraft and Councilmember Jensen) Not heard.

COUNCIL COMMUNICATIONS

Not heard.

ADJOURNMENT

(23-609) There being no further business, Mayor Ezzy Ashcraft made a statement about Palestine; stated Alameda has many Israeli, Jewish, Palestinian, and Muslim communities; urged residents to reach out to neighbors and friends who may need extra support at the time; 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.