



City of Oakland

Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza,
Room 201
Oakland, California 94612

Meeting Minutes - FINAL

*** Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council**

Tuesday, July 14, 2020

1:30 PM

Tele-Conference

Please See The Agenda To Participate In The Meeting

Pursuant to the Governor's Executive Order N-29-20, all members of the City Council as well as the City Administrator, City Attorney and City Clerk will join the meeting via phone/video conference and no teleconference locations are required.

PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting online from the City’s Agenda Meeting Calendar, at the noticed meeting time, please click on <https://oakland.legistar.com/calendar.aspx> and click on the “In Progress” link under “Video” for the corresponding meeting.
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/83620507498> at the noticed meeting time.
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 Webinar ID: 836 2050 7498
If asked for a participant ID or code, press #.

COMMENT:

DUE TO THE SUSPENSION OF THE SUNSHINE ORDINANCE AND COUNCIL'S RULES OF PROCEDURES ALL PUBLIC COMMENT ON ACTION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE MEETING UNDER ITEM 1. COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN FORUM AT THE END OF THE MEETING

There are three ways to submit public comments.

- eComment. To send your comment directly to Council members and staff BEFORE the meeting starts please click on <https://oakland.legistar.com/calendar.aspx> and click on the “eComment” link for the corresponding meeting. Please note that eComment submission closes five (5) minutes before posted meeting time.
- To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “*9” to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute your self by pressing *6.

If you have any questions, please email Asha Reed, Assistant City Clerk at AReed@oaklandca.gov.

- Office of the City Clerk

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. The meeting was convened at 1:34 p.m.

ROLL CALL / CITY COUNCIL

Present 8 - Nikki Bas, Noel Gallo, Dan Kalb, Lynette McElhaney, Laurence E. Reid, Loren Taylor, Sheng Thao, and Rebecca Kaplan

1 PUBLIC COMMENT

**COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT AT THIS TIME.
COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING
OPEN FORUM.**

101 speakers spoke during Public Comment.

2 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

A motion was made by McElhaney, seconded by Gallo, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

- 2.1** Subject: Multipurpose Senior Service Program (MSSP) FY 2020-2021
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City To: 1. Apply For And Enter Into An Agreement With The California Department Of Aging (CDA) For, And Accept And Appropriate, Standard Agreement Funds In The Amount Of \$1,756,834 For The Multipurpose Senior Services Program (MSSP) For Fiscal Year (FY) 2020-2021; And 2. Accept And Appropriate Additional Funds That Become Available From The CDA For The MSSP Within FY 2020-2021, And To Authorize Amendments Of The Aforementioned FY 2020-2021 Agreement For The City To Receive Those Funds, Without Returning To Council; And 3. Waive The City's Competitive Procurement Process For Purchasing Goods And Services For MSSP Participants, And To Authorize The City Administrator To Procure MSSP-Related Goods From And Award Professional Services Agreements To Private Entities, For FY 2020-2021, Without Returning To Council; And 4. Contribute An Estimated \$293,002 From The City's General Purpose Fund To Cover The Central Services Overhead Charges Related To The Above Agreement

[20-0465](#)

Attachments: [View Report](#)
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[88209 CMS](#)

This City Resolution was Adopted.

- 2.2** Subject: U.S. Dept. Of Housing And Urban Development's Continuum Of Care Grant
From: Human Services Department
Recommendation: Adopt A Resolution Amending Resolution No. 87631 C.M.S. To: 1. Consolidate, And Align With HUD's Continuum Of Care (COC) Grant Term Of July 1, 2020 To August 31, 2021, The HUD Families In Transition Grant And The HUD Matilda Cleveland Grant In An Estimated Total Amount Of \$546,980; And 2. Award Said Consolidated HUD COC Grant To East Oakland Community Project (EOCP) In The Estimated Consolidated Not To Exceed Amount Of \$546,980 For A Term Of July 1, 2020 To August 31, 2021; And 3. Authorize The City To Accept And Appropriate Additional Grant Funds From HUD For The Same Purposes During The Same Term, And Authorize Related Amendment Of The EOCP Grant Agreement, Without Returning To Council
[20-0495](#)

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[88210 CMS](#)

This City Resolution was Adopted.

- 2.3** Subject: Affordable And Supportive Housing Rental Subsidy Program
From: Housing And Community Development Department
Recommendation: Adopt A Resolution: 1. Authorizing The City Administrator Or His Or Her Designee To Negotiate And Enter Into A Legally Binding Agreement With Alameda County To Participate In The Affordable And Supportive Housing Operating Subsidy Program For People Experiencing Homelessness, That Delegates To Alameda County The Authority To: (A) Apply For State Of California Permanent Local Housing Allocation Funds; (B) Accept Said Funds On Behalf Of The City Of Oakland; And (C) Administer The Affordable And Supportive Housing Operating Subsidy Program For People Experiencing Homelessness On Behalf Of The City; And 2. Adopting The Five-Year Plan For The Affordable And Supportive Housing Operating Subsidy Program For People Experiencing Homelessness, For The Permanent Local Housing Allocation Program
[20-0497](#)

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[88211 CMS](#)

This City Resolution was Adopted.

- 2.5** Subject: Centro Legal De La Raza To Provide Anti-Displacement Program
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Enter Into The Following One-Year Professional Services Agreements For Anti-Displacement Program Activities: 1. A One Year Contract With Centro Legal De La Raza ("CLR") To Provide Anti-Displacement Program Services To Low-Income Tenants In The Amount Of \$1,275,000 From August 1, 2020 Through September 30, 2021; And 2. Waiving The Competitive Procurement Process For Fair Chance Access To Housing Ordinance Outreach Services So That These Services May Be Included In The One Year Contract With CLR; And 3. A One Year Contract With Housing And Economic Rights Advocates ("Hera") To Provide Anti-Displacement Program Services To Low Income Homeowners In The Amount Of \$525,000 From October 1, 2020 Through September 30, 2021

[20-0502](#)

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[88212 CMS](#)

This City Resolution was Adopted.

- 2.6** Subject: Affordable Housing Preservation And Production Programs
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Or Her Designee To Apply For, Accept, And Appropriate Up To \$5 Million In Funds From The California Department Of Housing And Community Development Under The Local Housing Trust Fund Program And Allocate Up To \$5 Million For Affordable Housing Preservation And Production Programs

[20-0503](#)

Attachments: [View Report](#)
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[88213 CMS](#)

This City Resolution was Adopted.

- 2.7** Subject: MOU With The Pacific Coast Collaborative
From: Oakland Public Works Department
Recommendation: Adopt A Resolution To Authorize The City Administrator, Or His Designee, To Enter Into A Memorandum Of Understanding With The Pacific Coast Collaborative In The Amount Of Twenty-Five Thousand Dollars (\$25,000) Per Year For Three Years In A Total Amount Not To Exceed Seventy-Five Thousand Dollars (\$75,000) Beginning In Fiscal Year 2020-2021 And Ending In Fiscal Year 2022-2023 To Participate In The West Coast Regional Food Waste Reduction Project
[20-0504](#)

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[88214 CMS](#)

This City Resolution was Adopted.

- 2.8** Subject: Edgewater Drive Replacement Bridge Projects
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Federal Grants In The Amount Of One Million Four Hundred Sixteen Thousand Four Hundred Eighty Dollars (\$1,416,480.00) Under Federal Aid Projects Of Highway Bridge Program (HBP) For Preparation Of Plans, Specification And Cost Estimate (PS&E) And Environmental Studies For The Edgewater Drive Bridge Left And The Edgewater Drive Bridge Right Replacement Projects
[20-0505](#)

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[88215 CMS](#)

This City Resolution was Adopted.

- 2.9** Subject: Encroachment Permit To American Federation Of State
From: Transportation Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To American Federation Of State, County And Municipal Employees, Local 3299, To Allow Portions Of An Existing Basement At 425 15th Street To Encroach Into The Public Right-Of-Way Along 15th Street, Major Encroachment Permit ENMJ19052
[20-0507](#)

Attachments: [View Report](#)
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[88216 CMS](#)

This City Resolution was Adopted.

- 2.10** Subject: Encroachment Permit To 584 14th Street
From: Transportation Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 584 14th Street, LLC, To Allow Portions Of Basement And Sidewalk Vaults At 584 14th Street To Encroach Into The Public Right-Of-Way Along 14th Street And Jefferson Street, Major Encroachment Permit ENMJ20052
[20-0506](#)

Attachments: [View Report](#)
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[88216 CMS](#)

This City Resolution was Adopted.

- 2.11** Subject: Emergency Response To Interpersonal Violence - 2020 Pandemic Grant Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate The Emergency Response To Interpersonal Violence - 2020 Pandemic Grant Funds Administered By The Children's Advocacy Centers Of California (CACC), In The Amount Of Sixty Thousand Dollars (\$60,000), For The Period Of February 24, 2020 Through July 31, 2020, To Purchase Computers For The Oakland Police Department (OPD) Special Victims Section (SVS), Purchase Temporary Shelter For Victims Of Child Abuse And Their Families, And Fund Miscellaneous Expenses Incurred By SVS In Support Of Child Abuse Victims Impacted By The Corona Virus Pandemic
[20-0508](#)

Attachments: [View Report](#)
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[88218 CMS](#)

This City Resolution was Adopted.

- 2.12** Subject: California Governor's Office Of Emergency Services
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds In An Amount Not To Exceed Sixty-Three Thousand Nine Hundred Fifty-Nine Dollars (\$63,959) From The California Governor's Office Of Emergency Services (CalOES), For The Fiscal Year 2019-20 Paul Coverdell Forensic Science Improvement Program During The Grant Period Of January 1 - December 31, 2020, To Support The Oakland Police Department (OPD) Crime Laboratory Improve The Quality, Timeliness, And Credibility Of Forensic Science Services, By Investing In Staff Training, Operational Expenses, And Equipment
[20-0509](#)

Attachments: [View Report](#)
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[88219 CMS](#)

This City Resolution was Adopted.

2.13 Subject: Property BID Annual Reports And Assessment Payment Approval
From: Economic And Workforce Development Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution (1) Approving The Fiscal Year 2019-20 Annual Reports Of The Fruitvale Property Business Improvement District Of 2011, The Lakeshore/Lake Park Business Improvement Management District Of 2012, The Jack London Improvement District, The Temescal/Telegraph Business Improvement District 2015, The Laurel Business Improvement District 2016, And The Koreatown/Northgate Community Benefit District 2017, The Downtown Oakland Community Benefit District 2018, And The Lake Merritt-Uptown Community Benefit District 2018 Advisory Boards; (2) Confirming The Continuing Annual Assessment For Each Said District For Fiscal Year 2020-21 And Levying Said Assessments; (3) Authorizing Payment Of The City's Cumulative Fiscal Year 2020-21 Fair Share Assessment In An Approximate Amount Of \$293,642.48 For City-Owned Properties In The Fruitvale District, The Jack London District, The Temescal District, The Koreatown District, The Downtown Oakland District And The Lake Merritt Uptown District; And (4) Renewing The Agreements With The Districts For Administration And Disbursement Of Funds; And

[18-0676](#)

Attachments: [View Report](#)
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[88220 CMS](#)

This City Resolution was Adopted.

2) An Oakland Successor Agency Resolution Authorizing Payment Of The Oakland Redevelopment Successor Agency's Cumulative Fiscal Year 2020-2021 Fair Share Assessment In An Approximate Amount Of \$2,734.48 For One Oakland Redevelopment Successor Agency-Owned Property In The Downtown Oakland Community Benefit District 2018

[18-0677](#)

Attachments: [View ORSA Legislation](#)
[2020-004 CMS](#)

This ORSA Resolution was Adopted.

- 2.14** Subject: New License Agreement For Gondola Services On Lake Merritt
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance (1) Authorizing The City Administrator To Negotiate And Execute A Five-Year License With One Five-Year Option To Renew, At The Below Market Rate Of \$1000 Per Month, Increasing By \$100 In Each Year Including The Option Term, For Use Of Space By Gondola Servizio L.L.C. At Lake Chalet, 1520 Lakeside Drive, And Lake Merritt Boating Center, 568 Bellevue Avenue, Both Properties On The Same Parcel (APN 10-764-3), For Gondola Services On Lake Merritt And (2) Making Findings That The License For Below Fair Market Value Is In The Best Interests Of The City [TITLE CHANGE]

[20-0522](#)

Attachments: [View Report](#)
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[View Revised Report - 7/17/2020](#)
[View Revised Legislation - 7/17/2020](#)

A motion was made that this matter be * Withdrawn and Rescheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 7/21/2020. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

- 2.15** Subject: 2019 California State Fire Marshal Mandated Inspections Report
From: Oakland Fire Department
Recommendation: Adopt A Resolution Acknowledging Receipt Of A Report Made By The Oakland Fire Department Regarding Annual Inspections Of Certain Building Occupancies As Required By Sections 13146.2, 13146.3, And 13146.4 Of The California Health And Safety Code

[20-0523](#)

Attachments: [View Report](#)
[View Legislation](#)
[88221 CMS](#)

This City Resolution was Adopted.

2.16 Subject: Appointment To Oakland Housing Authority
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Janny Castillo For A Four-Year Term, And Barbara Montgomery And Betty Lou-Wright For Two-Year Tenant Terms To The Oakland Housing Authority Board
[20-0499](#)

Attachments: [View Report](#)
[88222 CMS](#)

This City Resolution was Adopted.

2.17 Subject: Appointment To Budget Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Travis George To The Budget Advisory Commission
[20-0524](#)

Attachments: [View Report](#)
[88223 CMS](#)

This City Resolution was Adopted.

2.18 Subject: Appointment To Privacy Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Reappointment Of Heather M. Patterson As A Member Of The Privacy Advisory Commission
[20-0525](#)

Attachments: [View Report](#)
[88224 CMS](#)

This City Resolution was Adopted.

- 2.4 Subject: Adcock Joyner Apartments Loan Extension
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Or Her Designee To Extend The Term Of The Regulatory Agreement And The Existing Loan To 532 16th St. Inc. For The Adcock Joyner Apartments To The Earlier Of 15 Years From Tax Credit Rehabilitation Loan Conversion Or July 30, 2040
[20-0395](#)

Attachments: [View Report](#)
[View Legislation](#)

The Council accepted Staff's amendment to correct the title and 1st further resolved to read as follows;

"Adopt A Resolution Authorizing The City Administrator Or His Or Her Designee To Extend The Term Of The Regulatory Agreement And The Existing Loan To 532 16th St. Inc. For The Adcock Joyner Apartments for 15 years from the current maturity date to the newer maturity date."

Hearing no objections, the motion passed by with the following vote: 8 Ayes: Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Council President Kaplan

A motion was made by Lynette McElhaney, seconded by Noel Gallo, that this matter be Adopted as Amended. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

4 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

There were no final decisions made during Closed Session.

A motion was made by Larry Reid, seconded by Noel Gallo, that this matter be Accepted. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

6 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JULY 16, JULY 23,
AND JULY 30, 2020

[20-0514](#)

Attachments: [View Report - June 16, 2020](#)

[View Report - June 30, 2020](#)

The Council adopted the June 16, 2020 and July 30, 2020 Minutes.

A motion was made by Noel Gallo, seconded by Loren Taylor, that this matter be Accepted. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

7 Subject: Hospitality Worker Right To Recall Ordinance
From: Councilmember Thao, President Pro Tem Kalb & Councilmember Gallo
Recommendation: Adopt A Ordinance (1) Establishing A Travel And Hospitality Worker
Right To Recall; (2) Amending Chapter 2.44 Of The Oakland Municipal Code To Include
Enforcement Of Right To Recall As Part Of The Duties Of The Department Of Workplace
And Employment Standards

[20-0369](#)

Attachments: [View Report](#)

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[View Amended Legislation -7/9/2020](#)

[13607 CMS](#)

A motion was made by Sheng Thao, seconded by Noel Gallo, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 7/21/2020. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

- 8 Subject: Tenant Protection, Just Cause, & Rent Ordinance Amendments
From: City Attorney Parker, Councilmember Bas And Pro Tempore Kalb
Recommendation: Adopt An Ordinance Amending Chapter 8.22 Of The Oakland Municipal Code (Residential Rent Adjustments And Evictions) To (1) Limit The Maximum Rent Increase In Any One Year To Conform To State Law; (2) Make Failure To Pay Required Relocation Benefits An Affirmative Defense To Eviction; (3) Limit Late Fees; (4) Prohibit Unilaterally Imposed Changes To Terms Of Tenancy; (5) Add One-For-One Replacement Of Roommates To The Definition Of Housing Services; (6) Prohibit Eviction Based On Additional Occupants If Landlord Unreasonably Refused Tenant's Written Request To Add Occupant(S); And (7) Strengthen Tenants' Rights And Enforcement Of Tenants' Rights Under The Tenant Protection Ordinance [TITLE CHANGE]
[20-0228](#)

Attachments: [View Report](#)

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[View Supplemental Report 6/26/2020](#)

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[View Amended Legislation 7/9/2020](#)

[View Supplemental City Attorney Report & PowerPoint - 7/13/2020](#)

[View Supplemental Legislation - 7/17/2020](#)

[13608 CMS](#)

President Pro Tem Kalb made a motion, seconded by Councilmember Bas, to amend the following sections;

- Section 8.22.640.G, Part (4) striking "of a storage space, deck, patio, and/or garden" and adding "not of a garage facility, parking facility, or driveway more than one-half mile from a designated transit hub or a laundry room"

- Section 8.22.360.A (2)b, adding " However, for units restricted as affordable housing as defined by O.M.C. Section 15.72.030, a written resident request to add an occupant shall be deemed incomplete and inadequate until such resident has provided all documentation required for qualification of such additional occupant and the household after the addition of such occupant under the rules restricting the housing."

Hearing no objections, the motion passed by with the following vote: 7 Ayes: Bas, Gallo, Kalb, Reid, Taylor, Thao, and Council President Kaplan 1 Absent : McElhaney

A motion was made by Dan Kalb, seconded by Nikki Bas, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 7/21/2020. The motion carried by the following vote:

Aye: 7 - Bas, Gallo, Kalb, Reid, Taylor, Thao, and Kaplan

Absent: 1 - McElhaney

NO VOTE: 0

- 9** Subject: COVID-19 CARES Act Fund
From: Vice Mayor Reid, Councilmembers Gallo, McElhaney And Taylor
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Authorize Contracts And/Or Grant Agreements With Community Partners To Deliver On The Highest Priority COVID-19 Cares Act Fund Allocations From The FY 2020-2021 Budget
[20-0518](#)

Attachments: [View Report](#)
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[88229 CMS](#)

A motion was made by Loren Taylor, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

- 11** Subject: Support Of California State Senate Bill 776
From: President Pro Tem Kalb
Recommendation: Adopt A Resolution In Support Of California State Senate Bill 776 (Skinner) To Expand And Strengthen Police Transparency By Expanding Public Access To Police Records Regarding Use Of Force, Wrongful Arrests Or Wrongful Searches And Records That Show An Officer Has Engaged In Biased Or Discriminatory Behavior
[20-0516](#)

Attachments: [View Report](#)
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[88226 CMS](#)

A motion was made by Dan Kalb, seconded by Larry Reid, that this matter be Adopted. The motion carried by the following vote:

Aye: 7 - Bas, Gallo, Kalb, Reid, Taylor, Thao, and Kaplan

Absent: 1 - McElhaney

NO VOTE: 0

- 13** Subject: Transportation Network Companies Trip Tax Ballot Measure
From: Council President Kaplan
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The General Municipal Election On November 3, 2020, A Proposed Ordinance To Impose A General Tax On Users Of Transportation Network Companies At A Rate Of 50 Cents For Private Trips And 25 Cents For Pool Trips; And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 3, 2020 General Municipal Election
[20-0494](#)

Attachments: [View Report](#)
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[View Supplemental Report - 7/16/2020](#)
[View Supplemental Legislation - 7/16/2020](#)
[View Supplemental Legislation 7/23/2020](#)

A motion was made by Sheng Thao, seconded by Nikki Bas, that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 7/21/2020. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

- 12 Subject: Equitable Business Tax Update
From: Councilmember Bas, Thao And President Pro Tem Kalb
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 3, 2020 General Municipal Election, An Ordinance Repealing And Replacing Chapter 5.04 Of The Oakland Municipal Code To Create An Progressive, Modern, And Equitable Business Tax Structure; And Directing The City Clerk To Take All Actions Necessary To Prepare For And Conduct A November 3, 2020 General Municipal Election.

[20-0445](#)

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[View Supplemental Report - McElhaney 7/9/2020](#)

[View Supplemental Report - Bas, Thao, Kalb 7/9/2020](#)

[View Supplemental Report - Beacon Report 7/9/2020](#)

[View Supplemental Report - Oakland Chamber of Commerce 7/9/2020](#)

[View Supplemental Report - Finance Department 7/10/2020](#)

[View Supplemental Report - Kaplan 7/10/2020](#)

[View Supplemental Report - Bas, Thao, Kalb, Kaplan 7/13/2020](#)

[View Supplemental Report - Taylor, Gallo & Reid 7/13/2020](#)

[View Supplemental Report - Taylor, Gallo & Reid 7/13/2020](#)

[View Supplemental Report - City Attorney 7/13/2020](#)

[View Supplemental Report-Kalb](#)

[88227 CMS](#)

Councilmember Bas made a motion, seconded by Councilmember Taylor to Amend the legislation by accepting the following;

City Attorney's amendment changing the Recommendation to read "Adopt A Resolution on the city councils own motion, submitting to the voters at the November 8, 2022 General Municipal Election An ordinance repealing and replacing Chapter 5.04 of the Oakland Municipal Code to create a progressive, modern an equitable business tax structure"

City Attorney's amendment deleting two further resolved clauses on page 44 that reads;

"FURTHER RESOLVED: That the City Council of City of Oakland requests that the Board of Supervisors of Alameda County order the consolidation of the Oakland municipal election with the statewide general election of November 3, 2020, consistent with provisions of state law; and be it,

FURTHER RESOLVED: That in accordance with applicable law, the City Clerk shall fix and determine a date for submission of arguments for or against the proposed ordinance, and post such dates in accordance with legal requirements; and be it,"

City Attorney's amendment deleting on page 45;

"FURTHER RESOLVED: That the City Clerk and City Administrator are authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2020 state general election and appropriate all monies necessary for the City Administrator and City Clerk to prepare and conduct the November 3, 2020 general municipal election, consistent with law; and be it"

Councilmember Bas' Amendment No. 1: Part 2 - Sunset of New Building Exemption, Section 5.04.430 - Rental of commercial/industrial property-Exemption-Gross Receipts, subsection C to read;

"6. Notwithstanding any other terms of this Section, the exemption created by this Section 5.04.430(C) shall not apply to any new buildings completed after December 31, 2023 or buildings on which major renovations are completed after December 31, 2023"

Councilmember Bas' Amendment No. 2: Part 3 - Business Tax Code Amendments, Section 5.04.130 Business Activity Classifications reclassifies automobile sales from Class C to Class A;

Councilmember Bas' Amendment No. 3: Part 3. Business Tax Code Amendments, 5.04.210 Class K: Residential Rental, Non-Residential Rental, subsection C(6) to read;

"6. Notwithstanding any other terms of this Section, the exemption described in this subpart applies only to persons engaged in the business of renting or letting a building, structure, or other property for commercial/industrial purposes, or a portion of such building, structure, or property within the city for a purpose other than dwelling, sleeping, or lodging to a tenant. Notwithstanding any other terms of this Section, the exemption created by this Section 5.04.210(C) shall not apply to any new buildings completed after December 31, 2023 or buildings on which major renovations are completed after December 31, 2023."

***Councilmember Bas' Amendment No. 4: Part 3. Business Tax Code Amendments
Title to read
"5.04.260. Lost Certificate"***

City Attorney's Amendment No. 1: Adding Additional Further Resolved Clause to read;

"That, if at the meeting during which the City Council votes to introduce the Ordinance, the Council amends provisions of the Ordinance published with the meeting notice, then the City Attorney is authorized to edit the Ordinance as necessary to ensure that all provisions of the Ordinance are consistent and in conformity with the amendment adopted by City Council."

City Attorney's Amendment No. 2: Striking and Replacing The Ballot Question to

read;

“Measure __. Shall a measure amending Oakland’s business tax to create a progressive rate structure imposing the highest rates on the highest grossing businesses, increasing Oakland’s annual tax revenue by an estimated \$27,500,000, and generating approximately \$105,000,000 in total annual revenue for municipal services by imposing business tax rates of .06% to .75% of gross receipts, and other rates as stated, be adopted?”

Councilmember Bas’ Amendment No. 5: Adding A “Part 4” to the Ordinance to read;

PART 4. Blue Ribbon Commission to Oakland Business Tax Ordinance

SECTION 1. ESTABLISHMENT

Pursuant to Section 601 of the Charter of the City of Oakland, there is hereby created an Oakland Business Tax Blue Ribbon Advisory Commission (hereinafter referred to as the “Blue Ribbon Commission” or “Commission”).

SECTION 2. DUTIES AND FUNCTIONS

It shall be the duty and function of the Blue Ribbon Commission to:

- a. Provide advice and recommendations to the City of Oakland on how the City Council should establish business tax rates within the ranges described in Section 5.04.205 Tax Rates for Class A Through Class J - Progressive Rates to ensure the economic vitality of the business ecosystem in Oakland and to advance the goals of this ballot measure, including supporting small businesses and increasing annual revenue. The items for consideration by the Commission may include identifying businesses that should be considered “regulated industries” in order to make recommendations and reviewing the rates of the smallest businesses across all classifications in order to make recommendations.*
- b. Conduct meetings and use other public forums to collect and receive public input on the above subject matter.*
- c. Review, draft and submit in writing for City Council consideration, recommended business tax rates relevant to the above subject matter, by June 30, 2021.*
- d. Provide analyses to the City Council of the economic impacts of the recommended business tax rates relevant to the above subject matter, in consultation with the City’s Departments of Economic and Workforce Development and Finance, by June 30, 2021.*
- e. Submit additional policy recommendations to the City Council regarding business taxes and economic development for the City of Oakland, within one year of the passage of the ballot measure.*
- f. Provide recommendations to the City Council about budget allocations to support small businesses and contribute towards a thriving business community in the City of Oakland, within one year of the passage of the ballot measure.*

SECTION 3. MEMBERSHIP AND QUORUM

- a. The Commission shall consist of nine (9) members, at least six (6) of whom are*

- Oakland residents. Members of the Commission shall be appointed by the Mayor and confirmed by Council in accordance with Section 601 of the Charter.*
- b. The Mayor and each Councilperson shall nominate one Commission member to be appointed and confirmed in accordance with Section 601 of the City Charter.*
- b. Five (5) members shall constitute a quorum.*
- c. Each commission member shall serve as a volunteer without pay.*
- d. All members shall be appointed to a one (1) year term beginning on December 1, 2020 and ending on November 30, 2021. Upon expiration of the one-year term, the Blue Ribbon Commission shall be deemed dissolved unless the one-year term is extended by appropriate Council action.*
- f. All members of the Blue Ribbon Commission shall be persons who have an interest in the economic development and vitality of the City of Oakland as demonstrated by work experience, civic participation, and/or political advocacy. No member may be an elected official. Members of the Blue Ribbon Commission may represent the following criteria, with no more than two (2) members representing any one criteria and at least one from each criteria to the extent possible:*
- 1. members representing the very small business community (those businesses with gross receipts below \$2.5M);*
 - 2. members representing the small to mid-sized business community (those businesses with gross receipts below \$10M)*
 - 3. members representing large businesses (those businesses with gross receipts above \$25M);*
 - 4. a member of an organization which focuses on economic development, entrepreneurship, or business development, with experience working in the City of Oakland;*
 - 5. an economic expert or tax professional who has experience analyzing economic trends and business tax structures; and*
 - 6. A member of a community organization or labor union who has experience with City budgets and/or City services.*

SECTION 4. VACANCY AND REMOVAL

- a. A vacancy on the Blue Ribbon Commission will exist whenever a member dies, resigns, or is*
- b. Pursuant to Charter Section 601, a member may be removed for cause, after a hearing, by the affirmative vote of at least six (6) Council members.*
- c. Vacancies shall be filled in accordance with Section 601 of the Charter.*

SECTION 5. COMMISSION GOVERNANCE

a. OFFICERS AND ELECTIONS

At the first regular meeting, members of the Blue Ribbon Commission shall elect a chairperson and a vice chairperson

b. MEETINGS AND VOTING

The Blue Ribbon Commission shall meet at an established regular interval, day of the week, time and location suitable for its purpose. Such meetings shall be

designated regular meetings. Other meetings scheduled for a time or place other than the regular day, time and location shall be designated special meetings. Written notice of special meetings shall be provided to the Blue Ribbon Commission members and all meetings of the Commission shall comport with the Ralph M. Brown Act and the City's "Sunshine Ordinance" (Chapter 2.20 of the Oakland Municipal Code).

No later than the third regular meeting of the Commission, the Commission shall, in consultation with the City Administrator, establish bylaws, rules and procedures for the conduct of its business by a majority vote of the members present. Voting shall be required for the adoption of any motion or resolution. Any action by the Commission shall be approved by a majority of members present provided a quorum exists.

c. STAFF AND BUDGET

Staff assistance may be provided to the Blue Ribbon Commission as determined by the City Administrator pursuant to his or her authority under the Charter to administer all affairs of the City under his or her jurisdiction. The City shall allocate up to one-hundred thousand dollars (\$100,000) towards an economic consultant to provide technical assistance to the Commission.

Accepting 2 additions from Councilmember Taylor "add into section describing duties and functions of the blue ribbon commission. B conduct analysis to inform business tax structure including but not limited too:

- *Review possible changes to the trucking and transportation industry tax rates*
- *Consider allowing the City Council to adjust taxes by Ordinance*

A motion was made by Nikki Bas, seconded by Loren Taylor, that this matter be Adopted as Amended. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

14 Subject: Charter Amendment To Remove Limit On Fines
From: President Pro Tem Kalb
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters For The November 3, 2020 General Municipal Election Proposed Amendment To City Charter Section 217 To Remove The \$1,000 Limit On Fines For Ordinance Violations And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 3, 2020 General Municipal Election
[20-0493](#)

Sponsors: Kalb

Attachments: [View Legislation](#)
[View Report - Kalb 7/6/2020](#)
[88228 CMS](#)

A motion was made by Dan Kalb, seconded by Sheng Thao, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

5 DETERMINATION OF SCHEDULE OF OUTSTANDING COUNCIL ITEMS

[20-0513](#)

Attachments: [View Report - To Be Scheduled](#)

Councilmember Thao Made A Scheduling Motion To Move The Following Item From The Meeting Of July 21, 2020 To The Meeting Of July 28, 2020;

- ***A Resolution Amending Council Rules Of Procedure To (1) Restrict Action On Items Not Submitted Into The Public Agenda Packet And (2) To Clarify The Interim Rule 28 Procedure To Authorize And Encourage Planning Further Ahead For Items 20-0500***

Council President Kaplan Made A Motion To Schedule The Following Items To The Meeting Of July 21, 2020;

- ***An Ordinance Adding Oakland Municipal Code (OMC) Chapter 5.72 To Establish A Pilot Program To Permit Occupancy Of A Recreational Vehicle On Undeveloped Property; Making Conforming Changes To The Omc And Oakland Planning Code; And Making California Environmental Quality Act Findings***
- ***An Ordinance Amending Ordinance No. 13599 C.M.S., Which Adopted The Fy 2020-2021 Master Fee Schedule, To Add A New Fee For Administration Of A Pilot Program To Permit Occupancy Of A Recreational Vehicle On Undeveloped Property.***
- ***A Resolution Proposing To Amend City Charter Section 604 To Strengthen The Independence Of The Oakland Police Commission, Directing The City Administrator To Give Written Notice To Employee Organizations That May Be Affected, And Directing The City Administrator To Meet And Confer, As Appropriate Subject To Further Council Instruction***

Council President Kaplan Made A Motion To Schedule The Following Items To The Meeting Of July 28, 2020;

- ***A Ceremonial Resolution Recognizing The Month Of August 2020 As American Muslim Appreciation And Awareness Month In The City Of Oakland And Acknowledging The 5th Anniversary Of American Muslim Appreciation And Awareness Month By The Council On American-Islamic Relations***
- ***A Resolution Confirming The Appointment Of Art Douglas Blacksher As A Member Of The Community Policing Advisory Board***
- ***A Resolution Confirming The Appointment Of Mary L. Going As A Member Of Library Advisory Commission***
- ***A Resolution Confirming The Appointment Of Beth Hodess As A Member Of Public Safety And Services Violence Prevention Oversight Commission***
- ***A Resolution Confirming The Appointment Of Francesca Berlow As A Member Of The Youth Advisory Commission***

- *A Resolution Confirming The Appointment Of Harper Valentine As A Member Of Youth Advisory Commission*
- *A Resolution Confirming The Appointment Of Jessica Ramos As A Member Of Youth Advisory Commission*

Councilmember Bas Made A Scheduling Motion To Hear An “Ordinance Establishing The Blue Ribbon Commission For The Equitable Business Tax” And “An Emergency Ordinance Amending Ordinances 13589 Cms And 13594 Cms To Extend The Moratorium On Residential Eviction During The Local Emergency Proclaimed In Response To The Novel Coronavirus Covid-19 Pandemic” At The July 21, 200 City Council Meeting.

Vice Mayor Reid Made A Scheduling Motion To Hear An “Update On Equal Pay For Equal Work And Potential Corrective Action” At The July 28, 2020 City Council Meeting.

President Pro Tem Kalb Made A Scheduling Motion To Hear An “ Resolution In Support Of Ab1550 (Bonta) To End Discriminatory 911 Calls Based On A Persons Race, Religion, Sex, Or Any Other Protected Class Make Such Calls Hate Crimes, And Establishing Civil Liability” At The July 21, 2020 City Council Meeting.

Councilmember Taylor Made A Scheduling Motion To Hear An “ Adopt A Resolution Creating The Re-Imagining Public Safety Task Force To Create A Plan To Dramatically Shift Resources From Enforcement And Punishment To Prevention And Wellness For Integration In The Fiscal Year (Fy) 2021-23 Budget Using A Robust Engagement Process With Community Stakeholders Rooted In Transparency And Accountability Including Those Who Have Not Been Included In The Conversation” At The July 21, 2020 City Council Meeting.

A motion was made by Dan Kalb, seconded by Larry Reid, that this matter be Approve with the following amendments. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and Kaplan

NO VOTE: 0

- 10** Subject: 2020 Budgeted Priorities, Initiatives And Programs
From: Councilmember McElhaney
Recommendation: Oral Report And Discussion With The City Administrator On The Implementation Framework, Process And Timeline(S) For The June 23, 2020 Budgeted Priorities, Initiatives And Programs

[20-0515](#)

Attachments: [NO WRITTEN MATERIALS SUBMITTED](#)

COUNCILMEMBER ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Councilmember McElhaneey took a point of personal privilege and requested that the meeting be adjourned in memory of Clayton Monroe Bell Jr

Councilmember Taylor took a point of personal privilege and requested that the meeting be adjourned in memory of Emelio Meijela

OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

7 speakers spoke during Open Forum.

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 6:30 P.M., Unless Extended By Majority Vote Of The Council)

There being no further business, and upon the motion duly made, the Council adjourned the meeting in memory of Clayton Monroe Bell Jr. and Emelio Meijela at 8:56 p.m.

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